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National Disability Policy Review: Additional Materials: SEC [U.S. Securities and Exchange
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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. form	Notification Form; National Disability Policy Review Group; RE: Personally Identifiable Information [partial] (1 page)	00/00/0000	b(6)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Diana Fortuna
OA/Box Number: 12028

FOLDER TITLE:

National Disability Policy Review: Additional Materials: SEC [U.S. Securities and
Exchange Commission] Comments

2007-0143-F
db4505

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Washington, D.C. 20201

NOV 18 1994

TO: Jeremy Ben-Ami
Chief of Staff, Domestic Policy Council

FROM: David Ellwood *DE*
Assistant Secretary for Planning and Evaluation

Bob Williams *Bob Williams*
Commissioner, Administration on Developmental
Disabilities

SUBJECT: National Disability Policy Review

We greatly appreciate the opportunity to participate in your policy review of national, state, and community responsibilities for providing assistance to and protecting the rights of individuals with disabilities. The Americans with Disabilities Act provides the basic framework for this historic effort. We shall do everything in our power to help the President honor his commitment to furthering the independence, inclusion, and productivity of persons with disabilities.

You have asked that we comment on the charge you have given to the task force and the work plan for accomplishing our mission. We hope the comments below will be useful in helping to organize and focus our work.

1. Concrete, Short Term Objectives. We need several concrete and short term objectives for the policy review that could be implemented over the next year. We suggest charging a subgroup of the Task Force with coming up with a short term research and policy agenda in a few key areas. For example, employment, consumer directed personal assistance services and assistive technology, and access to health care and rehabilitation services. The subgroup would focus on:
 - New experiments and demonstrations (including the use of the various waiver authorities at our disposal). The purpose is to develop new demonstration initiatives which encourage employment opportunities for people with disabilities, increase access to personal assistance services and assistive technology and improve health care delivery. For example, we may want to conduct a joint initiative with Social Security to train AFDC recipients in providing personal assistance services. We may also want to experiment with new forms of managed care that are more responsive to the needs of people with disabilities. Where possible we should emphasize opportunities for public-private

partnerships and express a willingness to work with states undertaking similar efforts.

- Improved program coordination strategies. In this case we will identify technical changes to improve program linkages (for example, the coordination of EPSDT services under Medicaid with IDEA, or exploring housing and transportation linkages with Medicaid).
 - Regulatory and statutory changes which can be achieved with modest increases in program costs. Here we might look at such things as a proposal for allowing vouchers and cash payments under Medicaid home and community based waivers; developing a stronger system of information and referral for disability services, clarifying the tax code to make it easier for people with disabilities to hire independent providers.
2. Developing a Disability Blueprint. We agree with Judy Heumann's observation that the task force could try to forge consensus about the goals of national disability policy and the values underlying them. We especially need to take time to debate the role of the federal government in achieving disability policy goals and the responsibilities of states, communities, schools, business and individuals. Many aspects of this task are iterative and long term.

We will not get there in a year or even two. But we can start. We have many mechanisms in place to help us begin...The National Council on Disability, The White House Conference on Aging, The President's Council on Employment of People with Disabilities, The President's Commission on Mental Retardation, The Federal Council on Aging.

We suggest the work group consider developing a blueprint for future disability policy, created from a sustained discussion with all interest groups and stakeholders. It should lay out: the values upon which disability policy should be constructed; disability related long term goals and objectives for all sectors of society; needed economic, political and social changes which must occur to achieve specified goals; and a road map for beginning our journey. The development of the blueprint would have a two year time frame.

3. Coordination with Other Efforts. It is critical that this group coordinate with and respect other related efforts. In particular, we must work closely with the Childhood Disability Commission. The Congress created the Commission to examine childhood disability policy. Its scope includes a review of some of the most important disability issues facing the administration. For example, it will address the explosive political issues surrounding the growth of SSI and

the need to identify options for establishing SSI eligibility for disabled children.

The Secretary will appoint the chair person and Commission members, and she will be closely involved in the ongoing deliberations. The Administration's ability to influence the debate around SSI eligibility issues will be strengthened by the development of a close working relationship between the Commission and the working group. We recommend that the working group commit to the following activities:

- coordinate the provision of data, research, and analysis to inform the deliberations of Commission members; and,
- review and comment on their recommendations to the Congress.

4. Caution: Let's Not Overpromise. Finally, we want to sound a word of caution. We cannot overpromise in this time of constrained resources and political change, especially given the sensitive political nature of disability issues.

The disability community is already deeply disappointed at the failure to achieve significant national reform of our nation's health care system. No group had more to gain by universal coverage, insurance reform and long term care expansions. We must be realistic about our ability to meet their expectations now. We must be very clear that this policy review will focus on being more creative, more responsive, more efficient, and more productive with current resources. We are not talking about policy development that increases federal spending overall.

Do not mistake my word of caution as an excuse for less than aggressive movement around the President's goals. We think there are many important things that we can accomplish...but only if we do not promise more than we can deliver.

* * *

We hope that some of the above observations are helpful to you. Again thank you for the opportunity to participate in your very important work. Working together we will make a valuable contribution to the President's policy agenda.



U. S. Department of Housing and Urban Development
Washington, D.C. 20410-2000

November 8, 1994

OFFICE OF THE ASSISTANT SECRETARY
FOR FAIR HOUSING AND EQUAL OPPORTUNITY

MEMORANDUM FOR: Jeremy Ben-Ami, Chief of Staff, DPC
Stan Herr, Consultant, Public Policy Fellow, DPC

FROM: *Roberta Achtenberg*
Roberta Achtenberg, Assistant Secretary
Fair Housing and Equal Opportunity, E

SUBJECT: Some Observations Regarding the Draft Proposal
Outlining the National Disability Policy Review

I. Proposed Agenda

The agenda is very broad. As a result, it would be difficult to develop a credible report of the breadth described unless someone has already produced a "Heritage Report"-like document on all of the issues that are supposed to be covered. In addition, asking people already inside the government the listed questions is not likely to produce very exciting answers, unless the agencies devote sufficient time and resources to exploring each of the questions with the recipients and beneficiaries of their programs.

Another way of proceeding would be to adopt two or more issues and follow them through all of the relevant government programs. Education, employment and housing would be good possibilities; so would personal assistant services and technology. In fact, if just employment policies in federally conducted and federally assisted programs throughout the government were rationalized and refocused so as to promote independence and integration, the Clinton Administration could capitalize on well-deserved credit. Limiting the focus would also make it possible for agencies to produce specific statutory proposals in time for the '95 Legislative Session.

II. Task Force Composition

It is essential that people with disabilities participate, at a level equal to Assistant Secretaries, in the conduct of this Task Force. This is not simply a "politically correct" action to take. It is basic to the Task Force's credibility and ability to accomplish the task. Without people with disabilities setting the agenda, engaging in the work, and producing the report, it will not reflect the kinds of changes in policies and practices that will benefit the President's standing with the disability community. Consulting with the various President's Committees will be insufficient.

I have attached some information which describes the Departments' programs which provide assistance to people with disabilities and people who are homeless.

Attachments

Office of the Secretary of Defense

Office of the Under Secretary
(Personnel and Readiness)
(Equal Opportunity)

**Message for Jeremy Ben-Ami
Office of Domestic Policy
The White House**

Fax Number: (202) 456-7028

Voice: (202) 456-5584

From Judith C. Gilliom

Manager of the DoD Program for People with Disabilities
The Pentagon, Room 3A272
Washington, D.C. 20301-4000

Voice: (703) 697-8661

Fax: (703) 695-4619

Number of Pages: 4 + Header

Remarks:

Paper copy follows with the rest of the attachments.
Please call when you receive this fax.

FORCE
MANAGEMENTASSISTANT SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, DC 20301-4000

07 NOV 1994

MEMORANDUM FOR STAN HERR
JEREMY BEN-AMI
LISA FAIRHALL
RICHARD GREEN

SUBJECT: Initial Input for National Disability Policy Review

As requested in your memorandum of October 27, enclosed are materials for use in preparing the presentation of plans for the National Disability Policy Review to the Domestic Policy Council. A table of contents is attached.

The comments at Tab 1 are categorized in accordance with your memorandum of October 28 to Ms. Rasco and Ms. Rivlin. Also in the package are a collection of items prepared for other purposes that are relevant to the review.

As an employer, the Federal government can play a major role in the national effort to decrease dependency and empower people with disabilities to reach their full potential. The Department of Defense and the President's Committee on Employment of People with Disabilities are co-sponsoring a new initiative to improve Federal recruitment and employment of people with disabilities. Samples of correspondence are enclosed at Tab 2.

We believe there is a need for centrally funded resources to accommodate Federal employees with disabilities and disabled members of the public who are entitled to participate in Federal programs and activities. We offer our DoD Computer/Electronic Accommodations Program as a model of what can be done. An information packet is enclosed at Tab 3.

We also offer a proposal we prepared in 1991 to establish a program that would cover a more comprehensive range of unmet needs. This proposal (Tab 4) describes the high cost of current policies and some of the savings to be realized by changing them.

Organizational changes and the sunset of the *Federal Personnel Manual* have left gaps in the support structure for Federal employment of people with disabilities. We therefore propose a disability agenda for the Office of Personnel Management (Tab 5).

It is important that disability rights in the Federal sector be fully understood and that Federal agencies lead by example in making people with disabilities full participants in the mainstream of our endeavors. The Department of Defense is one of four Federal agencies that set standards under the Architectural Barriers Act. We are working with the



Architectural and Transportation Barriers Compliance Board to update standards for Federal facilities. This process should be coordinated and unified with enforcement of access requirements under Sections 501 and 504 of the Rehabilitation Act.

In addition, Section 504 deserves detailed attention as the Federal equivalent of the Americans with Disabilities Act of 1990. The rights and expectations of people with disabilities have increased since 1978 when Section 504 was amended to apply to programs and activities conducted by Federal agencies internally as well as externally. Compliance programs should be reexamined in light of new laws and strengthened public consensus.

In all aspects of the disability policy review, we should be careful to involve people with disabilities and their advocates. There is concern in some quarters that the review may realign priorities and change rights and benefits without consulting the people who are in the best position to know what is needed and what will be fair and effective.

I look forward to working with you in the months ahead. Any questions may be directed to me at (703) 697-2121 or to Ms. Judith C. Gilliom in the Office of the Deputy Assistant Secretary of Defense (Equal Opportunity) at (703) 697-8661.


Frederick F.Y. Pang

Enclosures:
As stated

DEPARTMENT OF DEFENSE INPUT NATIONAL DISABILITY POLICY REVIEW

November 7, 1994

Contents

- Tab 1** Initial Comments from the Office of the Assistant Secretary of Defense (Force Management)
- Tab 2** Sample of July 15, 1994, Letter Co-signed by the Under Secretary of Defense (Personnel and Readiness) and Tony Coelho, Announcing a Joint Initiative by DoD and the President's Committee on Employment of People with Disabilities to Improve Federal Employment of People with Disabilities
- Tab 3** Information on the DoD Computer/Electronic Accommodations Program
- Tab 4** 1991 Proposal to Improve Federal Employment of People with Disabilities
- Tab 5** Draft of Proposed Disability Agenda for the Office of Personnel Management

INITIAL COMMENTS ON NATIONAL DISABILITY POLICY REVIEW

November 7, 1994

*Headings correspond to those in the memorandum for Carol Rasco and Alice Rivlin from Jeremy Ben-Ami, Stan Herr, Lisa Fairhall, and Richard Green:
"Draft Proposal for National Disability Policy Review," September 30, 1994*

employment services

- The Federal government should *in fact* become a model employer.
 - The President should take action to address the gap between the 5.95% availability of people with severe disabilities who are able to work and the approximately 1.0% representation in the Federal work force.
 - The new Federal recruitment program we are sponsoring with the President's Committee on Employment of People with Disabilities should be institutionalized to create a genuine pipeline into the Federal work force by providing summer jobs for students with disabilities.
 - Adaptive technology and services should be easily available instead of negotiated if the employee is able.
 - The guidance lost when the Federal Personnel Manual (FPM) was abolished should be replaced.

civil rights enforcement

- Administrative and/or legislative steps should be taken to assure that disability rights in the Federal sector equal or exceed disability rights in the private sector. The hodgepodge of laws is creating unintended loopholes -- sometimes simply because guidance is so dispersed that no one knows what to do.
- The Federal government should issue unified understandable guidance. In particular, the Uniform Federal Accessibility Standards should be updated to reflect not only the requirements of the Architectural Barriers Act, but also the requirements of Sections 501 and 504 of the Rehabilitation Act.
- The Federal government should lead compliance initiatives by example. In particular, there should be better compliance with Section 504 of the Rehabilitation Act as it applies to Federally conducted programs (i.e., to Federal departments and agencies internally).

technology-related assistance

- The Federal government should establish a governmentwide resource similar to the DoD Computer/Electronic Accommodations Program (CAP) but broader in scope.



FORCE
MANAGEMENT

ASSISTANT SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, DC 20301-4000



17 NOV 1991

MEMORANDUM FOR STAN HERR

JEREMY BEN-AMI

LISA FAIRHALL

RICHARD GREEN

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Frederick F.Y. Pang

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**DEPARTMENT OF DEFENSE INPUT
NATIONAL DISABILITY POLICY REVIEW**

November 7, 1994

Contents

- | | |
|-------|---|
| Tab 1 | Initial Comments from the Office of the Assistant Secretary of Defense (Force Management) |
| Tab 2 | Sample of July 15, 1994, Letter Co-signed by the Under Secretary of Defense (Personnel and Readiness) and Tony Coelho, Announcing a Joint Initiative by DoD and the President's Committee on Employment of People with Disabilities to Improve Federal Employment of People with Disabilities |
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UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT
WASHINGTON, D.C. 20415

OFFICE OF THE DIRECTOR

November 4, 1994

TO: STAN HERR

FROM: Michael Grant

SUBJECT: Thoughts for the National Disability Policy Review

Attached is a brief overview of the OPM areas of involvement to date, and a staff view of areas of possible improvement and concentration.

From my perspective I'd like to stress a couple of specific items:

1. My sense is that we could attain better results with federal agency hiring of individuals with disabilities if we did a better job of marketing of programs like the Selective Placement Program. My understanding is that with the possible exception of the Veterans Administration, few if any agencies are reaching their potential.

2. I would second some of the comments made at our meeting. The review would bear greatest dividends if it:

- A) Led to a coordination of federal efforts concerning individuals with disabilities
- B) Led to demonstrable cost savings in federal efforts
- C) Caused our administration's policy be focused on empowerment more than entitlement
- D) Resulted in clear priorities simply stated enough for the Congress, the constituencies, and the public to have a clear picture of what we have and hope to accomplish

3. The policy should be matched with equal vigor by a communications effort both inside the federal government, and on the political front. Both could be accomplished with a relatively modest resource commitment.

I dug up what I assume to be the Coast Guard questionnaire you asked about, and can review it at your convenience.

I'll be out of town on election day, so I'll miss the next task force meeting, but I look forward to the results of your presentation to the Domestic Policy Council on the 14th.

Thoughts for National Disability Policy Review

Federal Government as a Model: How well does the Federal Government serve as a model, in both employment policies and practices, and customer service? How can this be improved for the benefit of job applicants, employees, customers, and members of the general public with disabilities?

MODEL POLICIES AND PRACTICES:

Model Appointment Procedures. The Federal Government serves well as a model in employment policies. We provide processes that allow individuals to compete either through competitive examinations or through direct excepted appointments (without examination).

Competitive examination. When an individual competes on a competitive examination, we make modifications for the individual to insure that the person is not unfairly evaluated on his/her abilities and skills because of sensory or motor disabilities. OPM helped write the regulations on testing for people with disabilities. We have been on the forefront of test modifications for people with disabilities.

Excepted Service Appointments. When an individual seeks a non-competitive excepted service appointment, a job offer can be made on the spot. The individual needs certification that he/she can do the work from a State or Department of Veterans Affairs rehabilitation counselor. Often, the next day after a rehabilitation counselor certifies a person for employment, the person can begin work.

Direct excepted appointments for people with physical disabilities can be converted to competitive appointments after two years of successful, satisfactory employment. (This two year probationary period is common in other civil service examination programs such as for Veterans Readjustment Act direct appointments and the Presidential Management Intern Program.) Employees can be promoted while in the excepted service. Also, they are eligible for full civil service benefits, such as health insurance, life insurance, and retirement benefits.

Veterans Preference for Disabled Veterans. The Veterans Preference Act gives special consideration to disabled veterans. For some of these veterans, they must be hired if they are qualified, regardless of whether there are better qualified people available. Also, veterans have special appeal rights adjudicated at OPM for them, if they are turned down for employment because of a medical condition.

We do NOT need improvements in our hiring procedures for people with physical disabilities, the procedures work well for both competitive and excepted appointments. (The only criticism that we have received is that we do not let private companies certify individuals for employment. We have concluded that State and Veterans' Affairs Rehabilitation Counselors are effective and insure a quality standard which we might not have from private firms.)

Agency Coordinators. In each Federal agency, there are one or more Selective Placement Coordinators who work with agency supervisors and managers to place individuals with disabilities. They are the customer service representatives for applicants and employees with disabilities. These selective placement coordinators are usually at each installation for larger agencies. They orient new employees with disabilities and they follow-up on their progress.

The selective placement coordinators work closely with state rehabilitation programs and with the Department of Veterans Affairs rehabilitation counselors. We also work with State and Local governments to assist them in their employment efforts for people with disabilities.

OPM Training Courses. OPM modifies training courses for individuals with disabilities so that they can attend any class. The students are not charged extra for these accommodations. Also, OPM has many courses directly aimed at supervisors and managers of people with disabilities. These classroom accommodations were put in place last year. We have an excellent handbook for instructor use to assist them in the necessary accommodations. We pay for interpreters and other necessary assistants.

Cooperation with Other Agencies. EEOC, the President's Committee on the Employment of People with Disabilities, and OPM work together on many issues relating to individuals with disabilities and their fair employment.

No Preexisting Condition Exclusion for Health Insurance. Unlike many employers, anyone hired in the Federal government is immediately covered by health insurance, if they so elect. This includes the coverage of preexisting conditions. This makes the Federal government an employer of choice for people with disabilities.

Job Information. How to find information on job vacancies and their qualifications has been difficult for people with disabilities in the past. We have made major improvements in our systems. Currently, individuals may call the Career American Connection and receive information on vacancies. This is available on TDD. It also is available by voice. All materials on job information are currently being prepared in assessable formats, braille, large type, standard type, and tape cassette. (This is new, but will be ready within a month for all job information documents.)

Also, the decision to eliminate the SF 171, the standard application blank, has been a boon for people with disabilities. Rehabilitation counselors have told us it was very difficult to complete. Our vacancy lists for throughout the Federal government are updated every 24 hours and are kept current. All Federal agencies announce their competitive vacancies through our system and many announce their merit promotion vacancies through this system. Federal job information listings are also available on the Internet. We are negotiating with

the excepted service agencies, such as the Central Intelligence Agency and the U.S. Postal Service to include their vacancies.

Disability Retirements. We have a very progressive system in the Federal Government. People who have degenerative conditions can remain on the job as they become progressively more disabled or they can apply for disability retirement.

NEGATIVES AND CHANGES NEEDED:

Need for Program Publicity. The one sad thing is that we do not hire large numbers of disabled people. This is an attitudinal problem through the nation. (The Department of Veterans Affairs is an exception; it is one of the best employers.) We do need changes in awareness of the employability of people with disabilities in most agencies. We need to marshal a major publicity campaign for the employment of people with disabilities to help supervisors and managers become aware of this group of potential employees. (An Executive Order may be very useful.)

Also, we may want to prepare new instructions for agency staff use with the demise of the Federal Personnel Manual. However, we do not want to be prescriptive and dictate how individual agencies will implement and manage their programs. OPM and the EEOC have adequate regulations to protect applicants and employees in the area of disability employment. Likewise, the instructions and assistance on accommodations from the President's Committee on the Employment of People with Disabilities and accommodation guides from the Civil Rights Division, Department of Justice, provide excellent information and assistance in this area.

People with a History of Mental Illness. While we do NOT need improvements in our hiring procedures for people with physical disabilities, for people with a history of mental illness, we may want to consider a change in our regulations. We now require that they compete for employment when they are ready for entry into the competitive service. Perhaps the conversion provision for mental illness should be the same as for physical illness. After a person has successfully completed two years of satisfactory work, he or she should be converted to competitive employment. (As a further precaution, a health specialist could certify the person to be recovered from the mental illness before this conversion to the competitive service could take place.)

Title of Program. Currently the title of this program area is Selective Placement Program. We should change it to something like: Federal Employment Programs for People with Disabilities (FEPPD).

Deaf Employees. We may want to look at the current employment picture of employees who are deaf. Some deaf employees have told us that they feel underutilized. They also have expressed concern for adequate training and development programs. Working with our local union, AFGE 32, Director King certified a professional chapter of deaf employees in OPM to help insure that their concerns are heard. The union also has included a deaf employee as a union steward.

Employer Incentives. The Federal Government has many incentives for private corporations to hire people with disabilities. We have no incentives for supervisors and managers to hire people with disabilities in Federal employment. We may want to look at incentives. Some of the ideas we have considered are as follows: (1) Ceiling exemptions for people with disabilities, at least for one year. (2) A central fund to pay part of the first year's salary of an employee with disabilities. (3) Awards for supervisors and managers who are successful in hiring or developing employees with disabilities.

Worker Compensation. The Federal Government spends billions of dollars each year in this program. We may want to look at our programs and encouraging employees who are injured on the job to return to work within a set period of time. Many could combine work-at-home, or flexipace, programs with work in the office or plant.

Program/Issue Areas: Program areas to be reviewed might include:

1. Services to Infants and Toddlers. The Family Leave Act provides program opportunities. Also, Federally chartered employee day care centers are staffed by trained professionals who can be of assistance. The GSA childcare and eldercare programs as well as OPM's Work and Family Center provide services in this area.
2. Education Programs. The Employee Training Act provides benefits for the training and development of Federal employees. This includes returning to school on a part-time or full-time basis. Also, we accept student volunteers to gain work experience. Our stay-in-school programs provide for the hiring of any disabled student without a means test. COOP programs also work well with disabled students (high school through graduate school).
3. Cost Benefit Programs (Insurance, Income Assistance, and Retirement.) The Federal Government's insurance and retirement programs provide well for the employee. We do not provide income assistance, except for worker's compensation.
4. Medical and Other Health Benefits. These are among the best in the nation. Each organization has a health unit, either on the premises or by contract. Occupational safety and health are emphasized.
5. Social Services and Family Support. The Federal Government utilizes the services of Employee Assistance Specialists throughout the system. Also, other health specialists are commonly available, as needed.
6. School-to-work Transitional Services. These are provided. We may need ceiling exemptions, however, if we want to expand their use.

7. Rehabilitation Services and Training. These are provided as needed.
8. Employment Services. These are available through agency selective placement coordinators.
9. Transportation Services. These are available through agency selective placement coordinators.
10. Housing. No designated program is available. However, selective placement coordinators are encouraged to use local community resources in finding housing assistance for people with disabilities. Also, State, Veterans Affairs, and private rehabilitation counselors provide services in this area.
11. Advocacy Services, Information, and Referral. These are carried out through the agency selective placement coordinators. The OPM Office of Diversity coordinates programs on a national basis.
12. Personal Assistance. Agencies are authorized to offer these services.
13. Civil Rights Enforcement. The agency level informal dispute resolution process helps employees file complaints. Formal complaints are adjudicated at the agency level and then go to the EEOC and finally the U.S. Courts. We have had no complaints concerning this process.
14. Services of Older Persons. The Family Leave Act provides for family members to be off work, as needed and within certain limitations, to meet the needs of their elderly family members. No financial assistance is available.
15. Technology Related Services. These services are available through the General Services Administration and individual Federal agencies.
16. Programs of Prevention and Minimization of Disability Severity. Programs of occupational health, work and family programs, Employee Assistance Programs, and so on, all are of assistance in this area. OPM's Work and Family Center issues a regular newsletter which includes a section on occupational health concerns. It also includes a section on HIV/AIDS. The staff of this program regularly hold seminars and workshops for agency staff in order to keep them up to date on the latest findings on occupational health, Employee Assistance Programs, and on issues relating to the care of children, children with disabilities, and older family members.

MICHAEL A. GRANT, OPM, November 4, 1994

FAX TO STAN HERR
FROM JUDY HEUMANN
FAX # 456-7028

STAN -

KATE SEELMAN RECOMMENDS THESE AREAS BE
INTEGRATED INTO DISABILITY POLICY.
THANKS, JUDY

As per your request, I recommend the addition of the following Science and Technology policy issue areas to those on the memo distributed by Stan Herr at the White House.

These issue areas include the following: disability-related research and linkages to federal laboratories, technology transfer, disability statistics, the national information infrastructure, educational technology and university-based research (disability studies).

These issue areas involve science and technology policy and are of considerable importance to OSERS constituencies.

Office of Congressional Affairs



Department of Veterans Affairs

To:Elizabeth Cohen
White House**From:** Dennis Duffy
Dept. of Veterans Affairs, Congressional Liaison
Phone: (202) 273-**Fax:** (202) 273-6791**Remarks:**

As requested

Number of pages
including cover: 2**Date:**

11/14/94

Fax to number: 456-7028

o We have reviewed the draft proposal for a National Disability Policy Review. VA would strongly support such a review. We believe, however, that it is extremely important to emphasize the President's guiding principles of "supporting public and private initiatives to enhance independence, inclusion and productivity of persons with disabilities" as the foundation for such a review. This is particularly important to external stakeholders, particularly national advocacy groups, who may perceive such a review to be nothing more than a veiled attempt to reduce services and cut government costs.

o VA can support the Working Group by providing subject matter experts (VA staff and clinicians) to serve on individual support teams. We believe we have in-depth expertise in all of the program/issue areas identified with the exception of services to infants and toddlers.

o We suggest the following Congressional staff be consulted:

Staff Director/Chief Counsel (Majority and Minority)
Senate Veterans' Affairs Committee

Staff Director/Chief Counsel (Majority and Minority)
House Veterans' Affairs Committee

Staff Director
Senate Appropriations Subcommittee on VA, HUD and Independent Agencies

Staff Director
House Appropriations Subcommittee on VA, HUD and Independent Agencies

o We suggest the Task Force consult also with the following leaders in the advocacy community:

Gordan Mansfield
Executive Director
Paralyzed Veterans of America
801 18th Street, NW
Washington, DC 20006
(202) 872-1300

Arthur (Art) Wilson
Executive Director
Disabled American Veterans
807 Maine Avenue, SW
Washington, DC 20024
(202) 554-3501



DEPARTMENT OF HEALTH & HUMAN SERVICES

Social Security Administration

Refer to

NOV 14 1994

Memorandum

Date: Carolyn W. Colvin *Carolyn W. Colvin 14th*
 From: Deputy Commissioner
 for Policy and External Affairs

Subject: Proposed Agenda for National Disability Policy Review--INFORMATION

To: Jeremy Ben-Ami
 Stan Herr

I am responding for myself and Susan M. Daniels concerning next steps for the National Disability Policy Review. Our reaction to the initial outline and discussions concerning the review is that the undertaking is too broad. We would like to see a narrower project scope and a focus on younger persons. We would like to see those persons in transition who have the most potential for securing or returning to employment, ages 16-35, be the major target population for this effort.

We would also recommend that we inventory the number of congressionally mandated studies of various aspects of Social Security's disability program, either being conducted or planned, and take advantage of these efforts and avoid duplication. Certainly for us at SSA the issues are dealing with our pending disability claims load, completing the work of the Commissioner's Employment Strategy Workgroup, and ensuring fairness in evaluating disability in children who apply for Supplemental Security Income.

We appreciate this opportunity to comment on the initial planning, and look forward to the followup discussions. We have no additional names to suggest at this time but may ask to offer some suggestions during the next meeting. If you have questions please call. Susan can be reached at 410/965-3424. I can be reached at 410/965-4512.

cc:

Susan M. Daniels

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages 1

To <i>Elizabeth Cohen</i>	From <i>Carolyn Colvin</i>
Dept./Agency	Phone # <i>965-4512</i>
Fax # <i>202 456-7028</i>	Fax #

NSN 7540-01-317 7368

5098-101

GENERAL SERVICES ADMINISTRATION

November 16, 1994

MEMORANDUM TO JEREMY BEN-AMI AND STAN HERR

FROM Elisabeth Cohen

SUBJECT DOJ Comments on National Disability Policy Review

I spoke with Liz Savage on 11/16 and the points below summarize Deval Patrick and Liz Savage's comments on possible directions for the review.

- * The civil rights working group is taking up disability issues -- their work will be relevant to the review process;
- * Let's consider a work-related review -- starting from school to work and moving through the life cycle but eliminating a specific focus on children and elderly issues;
- * We need to focus on where policy is inconsistent with the President's rhetoric; the review should locate programmatic barriers to employment and address the issues of income maintenance and disincentives to employment.

Attached are the names of additional advocacy groups. Savage explained that, historically, the American Council of the Blind and the National Federation of the Blind have had different perspectives; also, the hard-of-hearing are not represented by the National Association of the Deaf.



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

November 16, 1994

TO: Elizabeth Cohen
Domestic Policy Council

FROM: Liz Savage ^u
Special Assistant to the
Assistant Attorney General

SUBJECT: National Disability Policy Review

Per our conversation, we suggest that the following be added to the Appendix of Disability Advocacy Groups:

Jim Gashel
Government Affairs Director
National Federation of the Blind
1800 Johnson Street
Baltimore, MD 21230
410/659-9314
410/685-5653 fax

Donna Sorkin
Executive Director
Self-Help for Hard of Hearing People
7800 Wisconsin Avenue
Bethesda, MD 20814
301/657-2248
301/913-9413 fax

(Donna is hard of hearing - you may want to use the relay service or a TDD to communicate - ask her what her preference is)

John Kemp or Michael Morris
Executive Director/Policy Director
United Cerebral Palsy Associations
1522 K Street, NW
Suite 1112
Washington, D.C. 20005
292/842-1266
202/842-3519 fax

Note that Oral Miller (American Council of the Blind), Scott Marshall (American Foundation for the Blind) and Jim Gashel (National Federation of the Blind) need alternative formats. When you send them anything in writing, send a hard copy as well as a WordPerfect 5.1 file on disc.

Please feel free to call me if you have any questions.

Elizabeth Cohen
456-2846
7028

November 10, 1994

MEMORANDUM FOR STAN HERR
Domestic Policy Council

FROM: BERNARD E. ANDERSON
Assistant Secretary

SUBJECT: Preliminary Comments on the National Disability Policy Review:
Initial Work Papers

We have reviewed the subject material and plan of action and find them both to be thorough and thoughtful. The following is our preliminary response to your specific inquiries.

Reactions to the initial memoranda outlining the review

The Task Force is guided by the President's credo of supporting public and private initiatives to enhance the independence, inclusion, and productivity of persons with disabilities. The Task Force's mission is to organize a review of the direction of, and the next steps for, a national disability policy. We acknowledge the interest of the public in the role of the Federal Government in addressing the needs of individuals with disabilities. This is an imperative. However, the Task Force needs to be cognizant of laws that already exist. Arguably, Title I of the Americans with Disabilities Act (ADA) defines the national policy. If the purpose of the review is to assess the impact of the ADA, then our reaction is that the review may be premature, since the ADA has only been in effect since 1992 and the Federal enforcement agencies have had little experience enforcing it.

If the focus will be primarily on whether the Federal Government has fulfilled its enforcement obligations in the private sector, our reaction is that there has not been enough time to address enforcement under the ADA.

In addition, given the broad variations in needs and disabilities, it would be difficult to articulate a national policy more comprehensive than the ADA that would be useful as a guide.

Another issue noted in the September 30 memo is whether we can gauge whether all individuals are being served. In terms of assessing whether we are identifying and reaching those individuals in need of the services, it may be difficult to gauge the effectiveness

because the persons who are not being adequately served are likely to be the ones who are not in the system already. There is no means to measure those who are not already included. Additionally, it may be difficult to agree upon a national set of eligibility criteria for the various programs. What criteria are there to guide us in such a review?

Another aspect addressed by the September 30 memorandum, at page 2, is "How well does the Federal Government serve as a model, in both employment policies and practices?" The Department of Labor may be useful in this regard as a model indicator. Many of the innovations that the Department has in place could serve as a model for other agencies. In addition, the Department's rehabilitation, training and employment services and programs could be useful.

Suggested modifications, additions, deletions of issues to be examined (from September 30 memorandum)

One suggested modification is that there should be a clear delineation of responsibility in terms of direction. The September 30 memorandum, at page 3, states "the Task Force would be jointly directed by the White House and the OMB, but would rely heavily on agency participation." If that is the case, it would be useful to define the issues and identify the "driver" for each of the assignments. In addition, to the extent that an agency is identified as a "key agency with an interest in disability issues", that interest needs to be stated and coordinated with the other interested agencies. In the long run, this might avoid duplication.

In addition, the scope of the task and the approach could ideally be tailored to the new law, the Americans with Disabilities Act. If the task were more focused, an adequate review could be undertaken.

On page 3 of the September 30 memorandum, it states "The Task Force should be charged to make recommendations that are 'budget neutral.'" We recommend that the Task Force agree upon a definition of the term "budget neutral".

Another issue that should be addressed is whether there are any gaps in the applicability of the Americans with Disabilities Act. For example, as enacted, the ADA did not apply to federal workers. None of the laws that the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces, such as Executive Order 11246, Section 503 of the Rehabilitation Act, or the Vietnam Era Veterans Readjustment Act, apply to discrimination against Federal employees on the basis of disability. The Executive Order bans discrimination on the basis of race, color, religion, sex, or national origin. Section 503 regulations also apply to Federal contractors. Section 501 applies to federal employees and is enforced by the Equal Employment Opportunity Commission. However, the

comprehensiveness of Section 501 should be considered in light of the Americans with Disabilities Act and other civil rights protections. Are there gaps? Is there a need for additional legislation to fill these gaps?

Suggestions about Congressional staff, leaders in the advocacy community, other outside experts who should be consulted in the early Review

This is a significant undertaking of great importance. To the extent feasible, the Task Force should continue to be fully inclusive. As is already noted in the memorandum, it is recommended that the Chairman of the Equal Employment Opportunity Commission be included in the process. The Task Force should draw on the expertise of the three Presidential advisory councils for the design of the agenda and work plan. As mentioned in the memorandum, those three councils are the President's Committee on Employment of People with Disabilities, the National Council on Disability, and the President's Committee on Mental Retardation. In view of the likely changes in the membership of the congressional committees and their staffs, we could not recommend any congressional staff consultants at this time. This list of advocacy representatives appears to be comprehensive.

Thoughts about the work plan outlined above for the next six months

The plan calls for the assembling of the staff level support team in December to discuss and synthesize the Task Force members' comments. In addressing the magnitude of the project and its importance, it may be useful to consider how many staff hours or Full Time Equivalents (FTEs) will be committed to this project. It would also be helpful to provide a long range calendar, identifying the projected milestone dates.

With regard to the law compliance sub-group, the Department of Labor's OFCCP is prepared to provide and coordinate factual information regarding the disability-related laws that the Department enforces and its enforcement experience.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. form	Notification Form; National Disability Policy Review Group; RE: Personally Identifiable Information [partial] (1 page)	00/00/0000	b(6)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Diana Fortuna
OA/Box Number: 12028

FOLDER TITLE:

National Disability Policy Review: Additional Materials: SEC [U.S. Securities and
Exchange Commission] Comments

2007-0143-F
db4505

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

NOTIFICATION FORM

Subject: Natl'l Disability Policy Review Group

Date of Event:

Time:

Place:

Poc: Stan Lee

DATE OF EVENT	BD	NAME	ORG:	PHONE	CONTACT
		W. Scott			Elizabeth Rhodes
	✓ NA	Scott Gould	Treas	622-2400	Alex Rodriguez / alternate
	✓ (1)	Dennis Duffy	VA	273-5615	VERONICA + Gwen Atkins
	✓ ✓ ✓	Gloria Gutierrez	Comm	482-5691	482-4951 - Diane
	✓ ✓ ✓	Roberta Achtenberg	HU D	708-4252	Maureen Johnson / Rita
	✓ ✓	Frank Kruesi	Iron	482-366-4544	Julie
	✓ ✓	Fred Parg	Defense	703 697-2121	703 2086-2086 - Debbie
	✓	AS Secy for Armpm	Justice	514-2151	- Denise Jones
	○	Deval Patrick	HTS	- Coolie - in	cr-office mail
	✓	Bernard Anderson	Labar	219-6191	alicia cook
	②	Howard Maier	DOE	401-3389	Judy Wenzel + Dianne
	* ✓	Judy Heumann	SS	205-5465	401-3281
	need to	Carolyn Colvin	Term	410-965-2440	(Ann Scheppach)
	✓	Susan Donick	OPM	410-965-3423	Brenda
	✓	Michael Grant	USDA	606-2086	SUSAN P.
	✓	Wordell Townsend		720-3291	3110-
	✓	Jim Lyons 720-7173		410-965-54512	1-965-3425 - Tina
		4 marginet.			
		USDA			
		54514			
		4279			

★ send
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★ to
Debbie
when
ready

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Notes:

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W. W. B.

⚡ / all mon

445

~~David~~ David Ellwood

~~Bob~~ Bob Williams

(b)(6)

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Kim
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C19-0527
Q257

November 21, 1994

MEMORANDUM TO JEREMY BEN-AMI

FROM Elisabeth Cohen

SUBJECT **National Disability Policy Review Comments**

Below please find status of requested comments:

HUD	Achtenberg	received
Defense	Pang	received
OPM	Grant	received
Education	Heumann	received initial comments called re: additional comments
Transportation	Gould	no written comments
VA	Duffy	received
Social Security	Colvin Daneils	received
Commerce	Gutierrez	called no comments
Trans	Kruesi	not planning to make comments at this time
Justice	Patrick/ Savage	received
HHS	Williams Ellwood	requested ✓ received "
Labor	Anderson	received
USDA	Lyons	memo faxed/ comments requested

November 14, 1994

MEMORANDUM TO JEREMY BEN-AMI

FROM Elisabeth Cohen

SUBJECT National Disability Policy Review Comments

Below please find status of requested comments:

HUD	Achtenberg	received
Defense	Pang	received
OPM	Grant	received
Education	Heumann	received initial comments called re: additional comments
Transportation	Gould	no written comments
VA	Duffy	sending today <i>received</i>
Social Security	Colvin Daneils	sending today <i>received</i>
Commerce	Gutierrez	called <i>forwarding - back and to mty?</i>
Trans	Kruesi	travelling -- assistant requested comments
Justice	Patrick/ Savage	Liz called Stan -- left <i>call for names!</i> message requesting
HHS	Williams Ellwood	requested <i>-moving on it -</i> "
Labor	Anderson	requested <i>→ received</i>
USDA	Lyons	call placed re: meeting -should we send memo?

* Liz Savage
input -
additional
advocates
balanced group
reiterate what deval
5144279 said

*memo forwarded/
comments
requested*

• HUD
• Def
• EWOC
• GPM

Anderson - Alicia will request

Kruezi - Julie will request - ^{traveling} call week

✓ Pang - received
will send today

Duffy & Owen will request - ~~Bradley~~

Gutierrez & Diane & ~~also John to call~~

✓ Auerberg & Maureen faxing.

Colvin & **all inclusive** - will talk to

Susan & will

submit quickly -

think most on

will receive mon

✓ Gould & Eliza reminding oral

Patrick: Liz & Denise calling (Liz now calling stem)

Williams: Ellen will fax!

spoke to Ben & re: sec's reminder
group

November 9, 1994

MEMORANDUM TO JEREMY BEN-AMI, LISA FAIRHALL & RICHARD GREEN

FROM Stan Herr & Elisabeth Cohen

SUBJECT Minutes from 10/31/94 National Disability Policy Review meeting with:

Carolyn W. Colvin, Deputy Commissioner for Policy and External Affairs, (SSA)
Susan M. Daniels, Associate Commissioner for the Office of Disability, (SSA)
W. Scott Gould, Deputy Assistant Secretary, (Treas.)
Deval Patrick, Assistant Attorney General, (Justice)
Elizabeth Savage, (Justice)
Stan Herr, (DPC)
Jeremy Ben-Ami, (DPC)
Elisabeth Cohen, (DPC)

- * need to evaluate where programs merely maintain people in dependency and where they encourage individuals to move forward;
- * Patrick: civil rights working group is taking up disability issues -- their work would be relevant to review process/ looking at how to encourage maximum independence & self-reliance - (should DPC rep. sit in on an initial meeting?); *all civil rights*
- * Savage: transportation is swamped with ADA & 504 -- they have exponentially more compliance cases;
- * Gould: mentioned John Kemp, Walter Reich, Paul Herne and Susan Parker (all republicans) as possible contacts in bipartisan effort -- later mentioned Fernando Torres-Gil;
- * Gould: need to build a fence around expectations --
 - if programmatically based, it may be easier to get others to the table
 - timing of work plan seems aggressive
 - will find that many of us know more than others (mentioned his relative lack of experience with disability issues);
- * Herr: varying bodies of knowledge are often related to specific areas, and we need to ask if we have the expertise within the departments or if we will need to pull in consultants;
- * Colvin: importance of studying what's been done and defining who we will focus on -- children/ older Americans/ transition to work force -- very different issue areas;
- * Daniels: identifying points of conflict now - identify major incoherences in policy -- income maintenance vs.

programmatic barriers:

3. Deval - focusing on

where policy

inconsists & where

*it: school to work of h. elderly
elim. ch. / elderly.
barriers to work*

disincentives to employment (this issue has a civil rights component);

- * if we can link review to high-level policy choices already made, we can actually do something;
- * most conflicts exist at statutory level - not at administrative level; (ex: is drug addiction a disability?);
- * Daniels: we should make a decision re: is this across the age range -- seniors/ children/ prevention -- argued for emphasis on working-age population;
- * Savage: could consider a work-related review -- but is there principled reason to not look at movement through the life cycle?;
- * Daniels: we're confused in the middle -- we know what we want for children and seniors; greatest potential to do something good lies in the area of bringing people to the workplace;
- * National Academy of Social Insurance (842-1266) - independent think tank -- disability policy panel/ could do literature review/ sampling from other countries;
- * hold November 14 - 5:30 p.m.