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Collection/Record Group: Clinton Presidential Records

Subgroup/Office of Origin: Domestic Policy Council

Series/Staff Member: Eric Gould

Subseries:

OA/ID Number: 20348

FolderID:

Folder Title:

ADA [Americans with Disabilities] Anniversary Events

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. fax	Sample Cases Filed with the U.S. Department of Housing and Urban Development; RE: Personal (32 pages)	07/13/2000	b(6)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Eric Gould
OA/Box Number: 20348

FOLDER TITLE:

ADA [Americans with Disabilities] Anniversary Events

2007-0143-F

db4510

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]

Talk to Jeanne & Chris

MEMORANDUM

TO: Becky Ogle and Marsha Scott

FROM: Bob Williams (ASPE), Henry Claypool (HCFA), Sheila Foran (OCR) and Lorinda Daniel (SAMHSA)

RE: Possible Directives/Announcements from the White House Regarding Actions HHS Will Take to Aid States' Compliance with the ADA and the Olmstead Decision

DATE: July 10, 2000

The purpose of this memorandum is to outline our collective thoughts regarding possible directives/announcements the White House could make regarding actions HHS will take to help states comply with the ADA and the Olmstead decision. This memo incorporates thoughts and ideas from all four HHS components involved in implementing the Olmstead decision and in planning ADA anniversary events (HCFA, OCR, ASPE and SAMHSA).

1. DIRECT HHS TO DEVELOP AND PUBLISH A REGULATION ALLOWING STATES TO USE SECTION 1902(R)(2) TO EXPAND MEDICAID ELIGIBILITY BY PROVIDING MORE LIBERAL INCOME DISREGARDS THAN WOULD OTHERWISE BE ALLOWED. This would help level the playing field between institutional and community services by allowing States to offer community services to those with low to moderate incomes. States already cover those with similar incomes, if they go into a nursing home.

STATUS: Discussion between HCFA and OMB (Tim and Jeanne) are taking place and there is said to be a desire to move ahead. Cost estimate: \$785(?) million over 5.

IMPORTANCE FOR PEOPLE AND STATES: States that take this up would be able to offer people more of a real choice between going into an institution and living in their own homes and communities with needed supports. States like Connecticut and North Carolina have pushed for this change to be made. Absent legislation this is the most this Administration can do to afford States the tools they need and want to offer more people with disabilities of all ages the choice and supports to live meaningful lives in their communities.

2. ANNOUNCE \$50 MILLION TO FUND SYSTEM CHANGE/CAPACITY BUILDING GRANTS TO HELP STATES WORK WITH THEIR DISABILITY/AGING COMMUNITIES TO PURSUE AFFORDABLE STRATEGIES FOR IMPLEMENTING OLMSTEAD. These grants would be the same as those called for in part of MiCASSA.

STATUS: After meeting with ADAPT Nancy Ann forwarded this proposal to Chris and Jeanne. New Spending: \$250 million/5 years. Resources not identified.

IMPORTANCE: These grants would fund States to enhance their capacity to provide by working in close coordination with its disability community to develop and implement a

comprehensive, effectively working plan as encouraged by Olmstead. The disability community recognize that to be effective the grants need to be funded and awarded in FY2001.

*East
Brown
Hansen*

3. ANNOUNCE INCREASED FUNDING FOR HHS OFFICE FOR CIVIL RIGHTS ACTIVITIES RELATED TO THE AMERICANS WITH DISABILITIES ACT, INCLUDING THOSE PERTAINING TO THE OLMSTEAD DECISION.

STATUS: OCR's FY 2000 budget is \$22 million, which is the same as OCR's budget was in 1980, when HHS was created, and the same as OCR's budget in 1993, when President Clinton entered office. The FY 1980 budget supported 550 employees nationwide, while today's budget supports 225.

IMPORTANCE: OCR's enforcement responsibilities have increased substantially over the past ten years, with passage of the Americans with Disabilities Act. The Supreme Court's decision in Olmstead has increased OCR's ADA workload exponentially, not only due to a large volume of complaints but because of the comprehensive manner in which OCR is seeking to resolve the complaints. OCR has received more than 120 complaints alleging that states and other public entities have failed to provide services to people with disabilities in most integrated settings. OCR is attempting to resolve these complaints by working with all parties in the states to build comprehensive, effectively working plans for placing qualified persons with disabilities in the most integrated setting appropriate.

The Department has played a key role in the development of Olmstead planning coalitions across the nation. In some states, special governor's commissions have been established to head these coalitions. In others, particular disability groups have taken up the challenge of coalition building. In all, some twenty states are engaged in various stages of Olmstead planning.

\$1 million

4. ANNOUNCE CREATION OF A NATIONAL MENTAL HEALTH COALITION TO PROMOTE COMMUNITY-BASED CARE.

Witt/for Witt

STATUS: SAMHSA will support creation of this coalition. Key organizations and constituencies will come together to work in partnership with the States to develop a plan for the coalition, working with consumers.

IMPORTANCE: This technical assistance effort will link with the Private Industry Councils (PICs), looking at employability, housing authorities, case managers, professional organizations, social security services and others to ensure wrap-around, integrated, community-based services. Particular attention will be paid to including organizations that address the two most critical issues consumers face in trying to live in the community -- finding adequate and affordable housing and identifying employment opportunities.

5. GIVE HIGH VISIBILITY TO THE CHANGES MADE IN MEDICAID POLICY TO BETTER ENABLE STATES TO HELP PEOPLE MAKE A SUCCESSFUL TRANSITION FROM NURSING HOMES AND OTHER INSTITUTIONS INTO THE COMMUNITY.

. STATUS: Changes will be announced in a State Medicaid Director letter. See attached.

. IMPORTANCE: People with disabilities who want to and are able to move out of nursing homes and other institutions often face tremendous barriers to making such a transition. State Medicaid programs face similar barriers of their own. The guidance and policy clarifications in the State Medicaid Directors letters HHS will issue to State Medicaid Director on July xx will help eliminate many of these barriers.

6. GIVE HIGH VISIBILITY TO THE CHANGES MADE IN MEDICAID POLICY TO BETTER ENABLE STATES TO MAXIMIZE THE PERSONAL DIGNITY AND AUTONOMY OF PERSONS WITH DISABILITIES THROUGH SELF DETERMINATION AND CONSUMER DIRECTED SERVICES.

. STATUS: Changes will be announced in a State Medicaid Director letter. See attached.

. IMPORTANCE: Approaches for increasing consumer choice and control over their Medicaid services and supports are having a significant impact on people with developmental disabilities, physical disabilities, and serious mental illness of all ages, including elderly individuals. The new guidance clarifies how all States can use Medicaid to design and implement strategies for enabling people with disabilities to have a say in how the services they support on most to live their lives get provided. THIS IS ALSO LINKED TO THE TASK FORCE'S PROPOSED INITIATIVE ON PEOPLE WITH SIGNIFICANT DISABILITIES AS WELL AS THE PROPOSED ACCESSHOUSING 2000 INITIATIVE.

NOT FOR DISTRIBUTION:

CHANGES AND CLARIFICATIONS HHS IS MAKING IN MEDICAID POLICIES TO HELP STATES CARRY OUT THE SUPREME COURT'S OLMSTEAD DECISION:

In its January letter to States on the Olmstead decision, HHS pledged to begin to review and modify, where necessary, relevant federal Medicaid regulations, policies and previous guidance to assure that they are compatible with requirements of the ADA and facilitate States' efforts to comply with the law.

Toward this end, HHS is issuing two additional letters and related guidance to State Medicaid Directors which provide needed policy clarifications and in some instances, reflect significant changes in policy to support community integration. These letters are responsive to specific issues that have been identified as barriers by both States and the disability community. The letters will support States' efforts:

- . expanding access to home and community based services;
- . assisting people with disabilities make a successful transition from nursing homes and other institutions into the community; and,
- . maximizing the personal dignity and autonomy of persons with disabilities.

Along with the letters, the Department is releasing a set of Questions and Answers regarding the ruling. The Q&A's like the policy clarifications HCFA is issuing are responsive to the questions and concerns that States and the disability community brought to HHS as a result of our invitation to do so in the January letter.

EXPANDING ACCESS TO HOME AND COMMUNITY BASED SERVICES: This letter describes the ways in which States can use the Medicaid program to work toward achieving the following 4 goals:

1. HELPING PEOPLE WITH DISABILITIES MAKE A SUCCESSFUL TRANSITION FROM NURSING HOMES AND OTHER INSTITUTIONS INTO THE COMMUNITY:

People with disabilities who want to and are able to move out of nursing homes and other institutions often face tremendous barriers to making such a transition. State Medicaid programs face similar barriers of their own. The guidance and policy clarifications in the first letter HHS just issued to State Medicaid Director on July xx, will help eliminate many of these barriers.

Accessing Waiver Services: HCFA explains the quickest way a State can begin using Medicaid waiver funds to help a person move out of a nursing home or institution back into their community;

thus cutting down on undue delays.

Community Transition Expenses: HCFA details how Medicaid can be used to pay for services and one-time expenses related to assisting a person to move from institution to the community. This can include paying for up to 6 months of case management to identify and obtain needed services for the person by the time he or she leaves the facility; accessibility assessments and modifications to the home or apartment the person is moving into; and a security deposit on an apartment and other typical moving costs.

Avoiding Reinstitutionalization: HCFA will now allow States to use Medicaid to continue to pay for personal care for a period of up to two weeks, while a person with a disability is hospitalized or absent from his or her home. This will enable a State to help individuals avoid losing their attendants and risk unnecessary institutionalization. Doing this extends the policy of making similar payments to retain the bed of a Medicaid nursing home resident who is hospitalized or otherwise absent to those receiving community services.

2. EXPANDING THE AVAILABILITY AND QUALITY OF HOME AND COMMUNITY BASED SERVICES:

The first letter HCFA recently sent to State Medicaid Director also addresses some of the fiscal and programmatic challenges State face in increasing the availability and quality of home and community based services for people with disabilities of all ages. Some of these can only be addressed over the long term by way of the issuance of new regulations and/or changes to the law itself. HHS is committed to working with States and others identifying and giving serious consideration to best way of effectuating such regulatory and statutory reforms. We believe, however, we have identified and made a series of immediate changes in existing guidance or HCFA's interpretation of the Medicaid statute that States and the disability community will find helpful.

Budget Neutrality: This new policy guidance offers States a more effective way of demonstrating the cost-neutrality of providing Medicaid waiver services to individuals with HIV-AIDS and other illnesses that can lead to episodic periods of institutionalization. It does this by allowing States to factor in costs incurred between institutional stays occurring in the same year.

Habilitation: HCFA makes clear that habilitation services can be provided to individuals with the full range of developmental, physical and mental disabilities under a HCBS waiver. This is important because habilitation services focus on assisting individuals to acquire, retain and improve skills important for living in the community. Traditionally, however, only people with developmental disabilities have been seen to be eligible for these very flexible and individualized services. This important clarification, therefore, opens the doors for many more to benefit from such services.

Out of State Services: HCFA explains how a Medicaid program can pay for services provided to one of its beneficiary in another state when it is in the person's best interest to do so. Examples of when a Medicaid program should consider paying for such services would be the need to access services in rural or other underserved areas, situations when an individual needs to be near their family and young people with disabilities attending college out of State.

3. REDUCING THE UNNECESSARY MEDICALIZATION OF HOME AND COMMUNITY BASED SERVICES:

Some States have traditionally administered home and community based services in ways that have been unnecessarily medicalized and restricted the personal autonomy of individuals with disabilities.

HCFA's guidance to State Medicaid Directors addresses these barriers to independence and community participation in two key areas:

Home Health: The guidance informs States that they may longer require that people be "homebound" in order to receive Medicaid home health services. State policies that impose the requirement that one must be homebound to receive Medicaid home health services create unfair barriers to such participation. States can set reasonable limits that do not arbitrarily deny or reduce the amount, duration, or scope of a required service solely because of a person's diagnosis, type of illness, or condition. However, the guidance will ensure that no one loses access to home health services simply by leaving their homes and spending time in their communities.

Nurse Delegation: This guidance makes clear that States may use Medicaid to pay for services provided by qualified individuals under the supervision of a nurse or its nurse delegation law. In other words, States are not required to use nurses to perform health related tasks (e.g., catheter care) which others can be trained to do just as well. The guidance codifies what HCFA has permitted many States to do for years. It is hoped that this can help other States to eliminate a layer of the unnecessary medicalization of people's lives which many find extremely intrusive.

MAXIMIZING THE PERSONAL DIGNITY AND AUTONOMY OF PERSONS WITH DISABILITIES:

The second letter addresses approaches aimed at increasing consumer choice and control in respect to Medicaid services and supports are having a significant impact on people with developmental disabilities, physical disabilities, and serious mental illness of all ages, including elderly individuals. The new guidance clarifies how all States can use Medicaid to design and implement what are alternatively known as self determination, consumer directed or participant driven approaches to enabling people with disabilities to have a say in how the services they support on most to live their lives get provided. This letter contains guidance and policy clarifications in the following 4 key areas:

Person centered planning: The guidance specifies how Medicaid programs can support and pay for person-centered planning, which focuses on identifying the strengths, capacities and needs of the individual, from the perspective of the person often with the assistance of family and friends.

Individual Budget: It clarifies ways in which permits the use of individual budgets controlled by the person with a disability or their representative. The budget is set by the State in consultation with the person and their team based on the cost of service to meet a documented need and must meet other safeguards.

Service Brokerage : The guidance describes how Medicaid can fund the use of support brokers in

consumer- directed service systems. A support broker is a personal agent freely chosen by the individual who provides assistance with person-centered planning and obtaining both Medicaid and non-Medicaid funded services.

Fiscal Intermediaries: The guidance describes how Medicaid programs can use fiscal intermediaries to foster self determination and consumer directed services. In a self-directed service delivery model, Medicaid beneficiaries may hire/fire, schedule, and supervise their providers to the extent permitted a State. Fiscal intermediaries help relieve individuals of a number of bookkeeping tasks which can be time consuming to perform and create unnecessary barriers to persons with disabilities controlling their services and thus their own lives as well.

Such tasks include Medicaid billing, check writing for provider-generated bills, administration of personnel issues (e.g., employer of record services, tax withholding, worker*s compensation, health insurance) and the management of other taxes and benefits. Some individuals may choose to perform these functions themselves (with the exception of making payments to providers) but the State cannot require them to do so.

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Directives

Divider Title: _____

President of the United States

Directives

Recommendation	Description	Format	Status	Announce
Tax Credit to Assist Adults with Disabilities with Expenses Related to Work (TF '99)		Budget Proposal	In Congress	Pending
Strong, Enforceable Patient's Bill of Rights (TF '99)		Legislation	In Congress	Pending
Create "Access America for People with Disabilities" Web Site – SSA/DOL (TF'99)		Announcement of Web	Done	July 26, 2000
Plan of Action to Address Transportation Services and Systems for People with Disabilities (TF '99)			Being Negotiated	July 26, 2000
✓ Encourage Federal Agencies with Customer Service Call Centers to Explore Ways to Hire People with Disabilities (TF '99)		Executive Order	DPC	
Raise SSI Earned Income Exclusion to Encourage Work Efforts – SSA (TF'99)		Regulatory Change	OMB	July 26, 2000
✓ OPM Hiring Goal	100,000 indiv	<u>Executive Order</u>	DPC	July 26, 2000
✓ Reasonable Accommodation		<u>Executive Order</u>	DPC	July 26, 2000
✓ Section 504	ensure that federal programs are free from disability based discrimination	Executive Order and Memorandum	DPC	July 26, 2000

Christine Stanek

Vice President Directives

Recommendation	Description	Format	Status	Announce
White House Conference on Employment of Adults with Disabilities (TF'99)		TBD	TBD	
Increased Funding for HHS/ OCR		Budget	Discussion – OMB	July 26, 2000
Technology: - Development/ Adoption of Information and Communication Technologies Used by People with Disabilities (TF '99) - Technology/ General - Technology/ Section 508		Budget proposal Pending – Curtis Pending – Curtis	Pending Pending – Curtis Pending – Curtis	? July 26, 2000 July 26, 2000
Olmstead/ Home and Community-Based Services: - Medicaid Income Disregards for HCBS - Systems Change Capacity Building Grants - Medicaid Technical Assistance Consortia		Regulation Grant - \$50 Million over 5 years Partnership – TF, Educ, SAMHSA, HHS/HCFA	Discussion: OMB/HCFA Discussion: Jeanne/ Chris Done	July 26, 2000 July 26, 2000 July 26, 2000

First Lady Directives

Recommendation	Description	Format	Status	Announce
Develop Youth to Work Initiative – DOL, Education, HHS, SSA, OPM, TF and Others (TF '99)		First Lady Initiative		
Develop Proposal to Allow MCH/ CSHN Healthy and Ready to Work Services to Cover Youth with Disabilities Age 16 and Older – HHS (TF '99)		Executive Order/ First Lady Initiative ???	DPC	
Guidance on Non-harassment of Students with Disabilities – Education		Dear Colleague Letter from Education	Done	July 26, 2000

HHS Secretary Donna Shalala Directives

Recommendation	Description	Format	Status	Announce
Olmstead/ Home and Community-Based Services: • Helping People with Disabilities Transition from Nursing Homes to Communities • Expanding Availability and Quality of Home and Community – based Services • Reducing Unnecessary Medicalization of Home and Community-based Services • Maximizing Personal Dignity and Autonomy of People with Disabilities		Letter to Medicaid Directors – Policy Guidance / clarification	Done	July 26, 2000

No Designation Directives

Recommendation	Description	Format	Status	Announce
Create Office of Disability Policy Headed by Assistant Secretary – DOL (TF'99)		Budget Proposal	Congress	
Strengthen Enforcement of Employment – related Nondiscrimination Provisions of ADA and Rehabilitation Act – DOJ, Labor, EEOC (TF '99)		OFCCP Regulation	OMB	
Direct Workforce Investment Board liaisons re: • Participation of youth with disabilities on youth councils • Need for states to be aggressive in ensuring that WIA structures address concerns of people with disabilities in their programs • Outreach to, and inclusion of, state MR/DD directors and state Medicaid directors on state WIBs		DOL Guidance (TIEN)		
15% set aside for technical assistance to workforce system promoting employment of people with disabilities at minimum wage or above		Letter from Secretary Herman		

DIRECTIVES

- Beckley - who how to
get these in agencies
to speed process
- Lisa Lay

RECOMMENDATION	FORMAT	STATUS	ANNOUNCE
President of the United States			
Tax Credit to Assist Adults with Disabilities with Expenses Related to Work (TF '99)	Budget Proposal	In Congress	Pending
Strong, Enforceable Patients' Bill of Rights (TF '99)	Legislation	In Congress	Pending
Create "Access America for People with Disabilities" Web Site - SSA/DOL (TF '99)	Announcement of Web Site	Done	July 26, 2000
Plan of Action to Address Transportation Services and Systems for People with Disabilities (TF '99)		Being Negotiated	July 26, 2000
Encourage Federal Agencies with Customer Service Call Centers to Explore Ways to Hire People with Disabilities (TF '99)	Executive Order	DPC	
Raise SSI Earned Income Exclusion to Encourage Work Efforts - SSA (TF '99)	Regulatory Change	OMB	July 26, 2000
OPM Hiring Goal	Executive Order	DPC	July 26, 2000
Reasonable Accommodation	Executive Order	DPC	July 26, 2000
Section 504	Executive Order and Memorandum	DPC	July 26, 2000

RECOMMENDATION	FORMAT	STATUS	ANNOUNCE
Vice President of the United States			
White House Conference on Employment of Adults with Disabilities (TF '99)	TBD	TBD	
Increased Funding for HHS/OCR <i>- Jeanne Brenda</i>	Budget	Discussion - OMB	July 26, 2000
Technology: * Development/Adoption of Information and Communication Technologies Used by People with Disabilities (TF '99) * Technology/General <i>Technology Transfer</i> * Technology/Section 508 <i>POSSIBLE</i> <i>* Technology Transfer ED</i>	Budget Proposal Pending - Curtis Pending - Curtis	Pending Pending - Curtis Pending - Curtis	? July 26, 2000 July 26, 2000
Olmstead/Home and Community-Based Services: * Medicaid Income Disregards for HCBS * Systems Change Capacity Building Grants * Medicaid Technical Assistance Consortia	Regulation Grant - \$50 Million over 5 Years Partnership - TF, Educ, SAMHSA, HHS/HCFA	Discussion: OMB/HCFA Discussion: Jeanne/Chris Done	July 26, 2000 July 26, 2000 July 26, 2000

RECOMMENDATION	FORMAT	STATUS	ANNOUNCE
<i>First Lady</i>			
Develop Youth to Work Initiative - DOL, Education, HHS, SSA, OPM, TF and Others (TF '99)	First Lady Initiative		
Develop Proposal to Allow MCH/CSHN Healthy and Ready to Work Services to Cover Youth with Disabilities Age 16 and Older - HHS (TF '99)	Executive Order/ First Lady Initiative ???	DPC	
Guidance on Non-harassment of Students with Disabilities - Education	Dear Colleague Letter from Education	Done	July 26, 2000
<i>HHS Secretary Donna Shalala</i>			
Olmstead/Home and Community-Based Services: * Helping People with Disabilities Transition from Nursing Homes to Communities * Expanding Availability and Quality of Home and Community-based Services * Reducing Unnecessary Medicalization of Home and Community-based Services * Maximizing Personal Dignity and Autonomy of People with Disabilities	Letter to Medicaid Directors - Policy Guidance/clarification	Done	July 26, 2000

RECOMMENDATION	FORMAT	STATUS	ANNOUNCE
<i>No Principal Designated Yet</i>			
Create Office of Disability Policy Headed by Assistant Secretary - DOL (TF '99)	Budget Proposal	Congress	
Strengthen Enforcement of Employment-related Nondiscrimination Provisions of ADA and Rehabilitation Act - DOJ, Labor, EEOC (TF '99)	OFCCP Regulation	OMB	
Direct Education, Labor, HUD, Interior, HHS, and SSA to develop inter-agency American Indian Disability Technical Assistance Center <i>and</i> utilized Internet tools for outreach, training and technical assistance (building on HUD's websites Native Edge and Code Talk)			July 26, 2000
Direct Interior to establish/develop Information Technology Center at the Southwestern Indian Polytechnic Institute to work on digital divide in Indian country	Part of VP's other technology announcements?		July 26, 2000

Michelle

RECOMMENDATION	FORMAT	STATUS	ANNOUNCE
<i>No Principal Designated Yet</i> (continued)			
Direct Workforce Investment Board liaisons re: * Participation of youth with disabilities on youth councils * Need for states to be aggressive in ensuring that WIA structures address concerns of people with disabilities in their programs * Outreach to, and inclusion of, state MR/DD directors and state Medicaid directors on state WIBs	DOL Guidance (TIEN)		
15% set aside for technical assistance to workforce system promoting employment of people with disabilities at minimum wage or above	Letter from Secretary Herman		
~~WIA - Competitive grant competition focusing on use of Individual Training Accounts by people with disabilities~~			

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CD

Divider Title: _____

COMMERCE DEPARTMENT

- ✓ Forming a committee to advise on accessibility.
- ✓ Establishing an accessibility page on the website.
- ✓ Aid bureaus with providing accessibility technology.
- ✓ Working with Stanford University to advance assistance technology.
- ✓ Working with the Bureau of Labor Statistics to establish the number of people with disabilities in the workforce.
- ✓ Assessing the needs of the assistance technology industry with the resources of the Federal laboratory system.
- ✓ Drafted a project to develop testing procedures to determine compliance with accessibility standards (explain what this means)
- ✓ Preparing a forecast of the growth of the market for assistive technology due to our aging society.
- ✓ Developed a Braille reader that can transform the text of e-books into Braille.

COMMERCE DEPARTMENT ACTIVITIES TO ASSIST PEOPLE WITH DISABILITIES

- Is establishing a committee of employees and another with customers to advise on accessibility.
- Will coordinate the Department's EIT standards to insure accessibility.
- Will establish an accessibility page on the Department's web site on which to publish research and activities
- Will establish a central capability to aid bureaus in providing accessible technology to individuals with disabilities.
- With Stanford University, has been successfully working on the "Archimedes Project" to develop assistive technology that more quickly returns injured or disabled workers to their work stations.
- With the Bureau of Labor Statistics, working to develop a methodology for accurately determining the number of people with disabilities in the workforce. This will include both those currently employed and those seeking employment
- Conducting an assessment to match the resources of the Federal laboratory system with the needs of the assistive technology industry and hopes to have a report on the subject and to begin matching activities by this Autumn.
- Drafted a project to develop testing procedures to determine compliance with accessibility standards.
- Developing statistics for a report that would highlight the size of the current market and labor force of people with disabilities, and forecast the growth of the market for assistive technology due to our aging society.
- Developed a Braille reader that can transform the text of e-books into Braille. NIST researchers developed the Braille prototype as a possible low-cost alternative to conventional electronic Braille readers. Spent about \$200 on materials for the machine. Braille readers typically carry price tags ranging from \$10,000 to \$15,000.
- Developed an electronic book project to implement new features in an electronic book reader ST has, and to construct a prototype to demonstrate these new features. This research led to the filing of a patent application, "Modular Electronic Book". Brought together all participants in the electronic book industry and under the Department's chairmanship, a standard specification was agreed upon.

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DOA

Divider Title: _____

Department of Agriculture

The Secretary's Advisory Committee for Employees with Disabilities (SACED) as a best practice that can be replicated at other agencies. The Secretary has approved a full-time staff for the SACED.

- ✓ Established quarterly data collection for SACED review on the amount USDA offices are spending on accommodations, to determine the feasibility of Department-wide central funding. The SACED supports processes to reduce costs and delivery time for employee accommodations.
- ✓ Established a mentor program targeted for USDA employees with disabilities to expand opportunities for employee development and career advancement.
- ✓ Launched a SACED home page as a communications vehicle for employees and applicants with disabilities with a contact list, calendar of events, and an extensive resource list for use by committee members, managers, and employees with links to disability information and Internet resources. The home page offers an easy, accessible method for employees and applicants to contact the committee with their comments and suggestions.
- ✓ Established Employment Subcommittee to develop recruitment strategic plan with Departmental employment goals for hiring of persons with disabilities at all levels in cooperation with the Presidential Task Force on Employment of Adults with Disabilities. Promoted alternative workplace, telecommuting, and work at home programs as a mechanism for accommodating employees with disabilities.
- ✓ Assessed statistical data on representation of employees with disabilities and disabled veterans in the USDA workforce so the SACED can ensure appropriate representation at all levels. Developed and implemented an all-employee survey on employment and service delivery issues that achieved a 30 percent response rate and published a report entitled *Employee Survey on Disability Issues* in January 2000.
- ✓ Held four SACED forums with employees throughout the country to listen to concerns, success stories, and suggestions from the disability community and prepared an action item memo that was signed by the Secretary and distributed to the Subcabinet for action. Periodic progress reports to the Secretary will serve to monitor progress.

Department of Agriculture Success Stories

In 1992, USDA established the Technology Accessible Resources Gives Employment Today (TARGET) Center to comply with Section 508 of the Rehabilitation Act. USDA's TARGET Center provides demonstrations of assistive technologies and ergonomic solutions, evaluation of accommodations, and individual and work site needs assessments. USDA has established three TARGET Centers and is preparing for three more nationwide to support the Federal sector as a model employer of people with disabilities.

- ✓ Cited as a best practice in the federal government by the Presidential Task Force on Employment of Adults with Disabilities.
- ✓ Provided services to employees with disabilities nationwide from the seven federal agencies who have provided support to the TARGET Center since 1996.
- ✓ Coordinated the annual Interagency Disability Educational Awareness Showcase (IDEAS) event for the federal government to highlight accessible and cutting-edge technology.
- ✓ Worked to re-accommodate employees whose disabilities change over time to ensure that they can maintain productivity and job performance to meet career goals.
- ✓ Loaned equipment to employees with disabilities nationwide for evaluation at their work site or to attend training.
- ✓ Provided assessments and ergonomic solutions to prevent secondary disabilities from developing due to poor work environment or incorrect positioning.
- ✓ Accommodated Workforce Recruitment Program (WRP) students on first day of employment with high tech, low tech, and low cost solutions to ensure a timely, comfortable, and productive work environment.
- ✓ Conducted sign language classes for managers and co-workers of new WRP students who are deaf to enhance communication and provide a welcoming work environment.
- ✓ Produced or facilitated the production of information in alternative formats such as braille, large print, audio, and video.
- ✓ Educated federal employees through participation in events and presentations on accessibility and ergonomics.
- ✓ Supported technology refreshment of employee accommodations when agencies upgrade their information technology.

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DOE

Divider Title: _____

DEPARTMENT OF EDUCATION

In the past:

- ✓ ED's Office of Management provided the Rehabilitation Act Section 508
- ✓ National Institute for Disability and Rehabilitation Research funded Rehabilitation Research and Training Centers
- ✓ Office of Special Education Programs conducted activities including: reinvention teams to streamline business functions within office of special Education and Rehabilitation Services, recommendations for OSER's Planning Reinvention Team (1996) implemented, Planning Coordination Team created to oversee planning process.

In the present:

- ✓ FY 1999-2001 to fund the following: Research Institute on Incarcerated Youth, Inclusion of Students with Disabilities in Large-Scale Assessments. (what is the rest of that saying??)

In the future:

- ✓ FY 1999-2001 to fund the following research projects: Inclusion of Students with Disabilities in Large-Scale Assessment, Assessment of Young Children and Youth with Low-Incidence Disabilities.
- ✓ School-wide Demonstration Projects on Improving Results for Children with Disabilities.
- ✓ Center on Achieving Results in Educations for Students with Disabilities
- ✓ Center on Accessing the General curriculum by Students with Disabilities.
- ✓ Early Prescriptive Assessment of Children with Learning and Emotional or Behavioral Disorders.
- ✓ Literacy Issues for Students with Disabilities (Research Projects)
- ✓ Instruction Models to Improve Early Reading Results for Children with Learning Disabilities (FY 1998- 1999).

(everything else, WHAT DOES THIS MEAN TO THE PUBLIC ?)

**Department of Education
List of Past, Present and Future Activities
Related to the work of the Task Force**

Past:

The Education Department's (ED's) Office of Management provided Rehabilitation Act Section 508 compliance assistance to other agencies in keeping with Task Force Recommendation #6.

The National Institute for Disability and Rehabilitation Research (NIDRR) funded Rehabilitation Research and Training Centers specifically focused on various aspects of employment in keeping with Recommendations #3, 4, 6, 10 and 12.

The Rehabilitation Services Administration (RSA) published Standards and Indicators Regulations related to the overall success of Vocational Rehabilitation programs, thereby setting benchmarks for program success.

RSA developed its 2000 Monitoring and Technical Assistance Guide. The process involved 50 or so constituents meeting in Washington to develop a new instrument that focused on outcomes, choice, due process, etc.

The Office of Special Education Programs (OSEP) conducted the following activities, some of which are designed to meet the requirements of Recommendation #3:

Reinvention teams were created to streamline business functions within Office of Special Education and Rehabilitative Services (OSERS), (strategic planning, communications, administrative processes, grants)

Recommendations of OSERS' Planning Reinvention Team (1996) implemented

Permanent OSERS-wide Planning Coordination Team (PCT) created to oversee strategic planning process

- Reading to Learn, Learning to Read—directed contract staff to get information through Trade Associations. OSEP has begun to develop reading enhancement-related materials specifically for dissemination through the Associations.
- OSERS conducted External Assessment (1997).
- Disability/Business TA Center customer-service surveys on TA are conducted and provide data on TA.
- Response times to constituent/consumer inquiries have improved.

- Monitoring reports are distributed to field in timely manner.
- Review of coordination and data functions conducted by Department's Inspector General's Office.

OSERS has improved use of telecommunications to create an environment that promotes the sharing of information and ideas in keeping with Recommendation #6.

Significant upgrades to computer resources have been implemented to meet Recommendation #6.

OSERS has undertaken major redesign of its Web pages to enhance dissemination of critical best-practice information in keeping with aspects of Recommendation #10 and #11.

NIDRR Minority Leadership Development, Recommendation #10.

Programs for Historically Black Colleges and Universities, Recommendation #10.

Funding Youth Leadership Program, Recommendation #2.

Present:

FY 1999-2001 – OSEP to fund the following projects/priorities related to Recommendation #2:

- Research Institute on Incarcerated Youth (Joint ED and DOJ collaboration – FY 1999)
- Inclusion of Students with Disabilities in Large-Scale Assessments (Research Projects)
- Assessment of Young Children and Youth with Disabilities with Low-Incidence Disabilities (Research Projects)

RSA Notice of Proposed Rulemaking on Extended Employment related to the Task Force Summit on Significant Disability

- removes extended employment as a viable employment outcome

RSA Choice Conference related to Task Force Goals under Choice/Self-Determination

- to be held in DC, discusses innovative ways to provide consumers choice in outcomes, providers, etc.

RSA National Employment Conference, related to Recommendation #10

- to be held in Philadelphia in September, and emphasizes five major theme areas, including partnering with WIA and other programs, and marketing to employers.

RSA Response to Florida Privatization/Implementation assistance

- providing statutory guidance and assistance to State government

RSA "Project Employ," related to Recommendation #10:

- Phase One: funding for the development of a marketing tool to employers
- Phase Two (implementing now): provide TA to States wishing to boost outcomes to individuals with cognitive disabilities.

RSA In a Changing Environment

- contractor holding various forum to develop a strategy for VR to adapt post-WIA, TWIA.

Future:

OSERS participation, including substantial financially, in the Task Force's National Transition Summit related to Recommendation #3.

FY 1999-2001 – OSEP to fund several projects/priorities (Recommendation #2) in the area of Assessments, including:

- Research Projects: Inclusion of Students with Disabilities in Large-Scale Assessments
- Research Projects: Assessment of Young Children and Youth with Low-Incidence Disabilities
- School-wide Demonstration Projects on Improving Results for Children with Disabilities
- Center on Achieving Results in Education for Students with Disabilities

- Center on Accessing the General Curriculum by Students with Disabilities
- Early Prescriptive Assessment of Children with Learning and Emotional or Behavioral Disorders (FY 1999)
- State Improvement Grants
- Innovative Whole-School Models to Improve Results for All Children with Disabilities
- State and Local Implementation of IDEA and IDEA, Part C (SLIIDEA & SLIIDEAC)
- Early Childhood Longitudinal-Kindergarten
- Kindergarten Longitudinal Study
- Secondary Longitudinal Study
- National Early Intervention Longitudinal Study
- Elementary School Longitudinal Study

FY 2001 – OSEP to Fund Several Projects/Priorities in the Area of Transition, Including:

- Promoting Postsecondary Education (Demonstration Projects)

FY 2001 – OSEP to fund the following projects/priorities:

- Literacy Issues for Students with Disabilities (Research Projects)
- Instructional Models to Improve Early Reading Results for Children with Learning Disabilities (FY 1998-99)

FY 2001 – OSEP to fund the following projects/priorities:

- Secondary School Initiative – Promoting What Works!
- Promoting Postsecondary Education (Demonstration Projects)

OSERS to fund (\$400,000) an Olmstead Disability Community Empowerment Project in conjunction with the Department of Health & Human Services.

DEPARTMENT OF EDUCATION
ADA-RELATED
DELIVERABLES
(10 July 00)

1. ADA Success Stories Fact Sheet: 10 Examples of Successful Efforts to Educate Americans with Disabilities.
2. Disability Harassment Guidance: The Department is preparing a "Dear Colleague letter" to offer schools guidance to address student harassment based on disability.
3. *High Stakes Testing Guide*: Includes a section that discusses the "Testing of Students with Disabilities." The Testing Guide was just published in the Federal Register for public comment and will likely be published in final form in September.
4. Charter Schools and Students with Disabilities: The final report of this study is scheduled for a late summer/early fall release. The study examined, in part, the reasons parents enroll students with disabilities in charter schools, the nature of services provided, and the outcome goals charter schools have for students with disabilities.
5. Self-Employment Guide: Publication of a Technical Assistance Guide on self-employment and business ownership for individuals with disabilities is anticipated in late July.
6. Guide to Vocational Rehabilitation: Publication of a layman's guide to the Federal/state vocational rehabilitation program is anticipated in late July.
7. Consumer Choice Guidance: The Rehabilitation Services Administration will issue guidance promoting consumer choice in the vocational rehabilitation program.

8. Disability Community Leadership in a Post-Olmstead Environment: The Department of Education will fund a disability community empowerment project, in conjunction with the Department of Health & Human Services and the Task Force.
9. Information Technology: The Department will award a contract, in conjunction with the General Services Administration, to create an Information Technology Demonstration Center. It will also award grant to create an Information Technology Technical Assistance and Training Center. Both are anticipated for late August or early September.
10. IEP Guide: Published an easy-to-understand guide on the requirements for a student's Individualized Education Program to be used by teachers and parents. Released on July 4th by Secretary Riley.

DEPARTMENT OF EDUCATION
ADA-RELATED
ACCOMPLISHMENTS
(10 July 00)

- Through reform efforts such as Goals 2000, the Department has promoted a national commitment to enabling *all* students to learn to high standards. Programs that direct elementary and secondary school reforms positively impact students with disabilities as well as their peers. Initiatives like Class Size Reduction, Smaller Learning Communities and 21st Century Community Learning Centers help create opportunities for individual attention and a learning environment conducive to multiple learning styles and a diverse student body. Title I funds served over 1 million children with disabilities in the 1996-97 school year. Further, the Department has raised public awareness about the needs for school construction and renovation, including addressing facilities and technology accessibility issues.
- Learning Disabilities One-Stop Learning Centers Project: This initiative provides the latest diagnostic, assessment, instructional strategies, and research findings to assist adults with learning disabilities.
- Collaborating with the Department of Justice in a five year project for Youth with Disabilities: The program focuses on three broad areas of prevention programs, education programs, and reintegration and transition programs for youths between the ages of 16 and 22 who are in county, state or federal correctional facilities.
- Collaboration with the National Institute for Literacy on the Welfare-to-Work System for Learning Disabled Adults: One product of this effort is *Bridges to Practice*, a comprehensive research-based guide to serving adults with Learning Disabilities (LD). In addition, four LD hubs have been funded that provide training and technical assistance in the use of *Bridges to Practice* as a tool for improving services and results. Thus far 37 States and District of Columbia have been trained.
- Initiated a new demonstration program designed to increase college graduation rates of students with disabilities through improved faculty development.

- Developed a Resource Bulletin and other targeted resources for School-To-Work and youth with disabilities.
- Worked with Department of Labor to develop a manual on disability issues in Welfare-to-Work.
- “Applying Federal Civil Rights Laws to Public Charter Schools: Questions and Answers” was recently published by the Department of Education's Office for Civil Rights (OCR) and is available at <http://www.uscharterschools.org>. These Q&As were developed, with input from the Department of Justice's Civil Rights Division, as part of our continuing effort to support innovation and choice within the public school system and in response to increasing requests for technical assistance regarding charter schools.
- **The reauthorization of the Individuals with Disabilities Education Act (IDEA):** With the signing of the 1997 amendments to the IDEA, the focus of IDEA changed from one that merely provided children with disabilities access to an education to one that improves results for all children in our educational system. The IDEA '97 strengthens the role of parents in educational planning and decision making on behalf of their children. It focuses the student's educational planning process on promoting meaningful access to the general curriculum. The new law also reduces the burden of unnecessary paperwork for teachers and school administrators. All of this was accomplished without compromising the Clinton/Gore Administration's fundamental principle of protecting the basic rights of children with disabilities to a free appropriate public education. Through Part D of IDEA four partnership projects were funded to assist educators, parents, and policy makers in the implementation of the re-authorized law.
- **The revamping of the Administration's approach to monitoring the regulatory and statutory requirements of the IDEA:** Over the past five years, OSEP has worked with States, parents, advocates and other key stakeholders to shape its accountability work in a way that drives and supports improved results for infants, toddlers, children and youth with disabilities., without sacrificing protection of individual rights. In order to ensure compliance with IDEA 97 that supports positive results for

children with disabilities, OSEP designed a continuous improvement monitoring system that includes:

- Increased collaboration between the Department of Education, State Educational Agencies and special education stakeholders
- Providing ongoing technical assistance to the State to support the process
- A State self-assessment
- Increased stakeholder involvement in the process including parents, students, and advocacy organizations
- Continued on-site review of State and local programs
- An improvement planning process that is driven by the unique needs of the State

- **Expansion of the Part C Infants and Toddlers Program:** The last eight years have seen a dramatic expansion in services to infants and toddlers with disabilities and their families. Since the program is predicated on the belief that earlier intervention leads to better child outcomes, it is especially gratifying that the number of infants and toddlers served has shown steady growth and there is increasing evidence that infants and toddlers are being identified for services at an earlier age. Recognizing the interagency nature of services for young children with disabilities and their families, Congress established a Federal Interagency Coordinating Council (FICC) to coordinate and mobilize all available resources to assure appropriate services for the nation's infants and young children with disabilities and their families. This was done as a part of the reauthorization of P. L. 99-457, which became the Individuals with Disabilities Education Act Amendments (IDEA) of 1991
- **Sustained and effective support of IDEA through the Part D National Activities:** Part D National Programs continue to enhance the capacity of states to develop infrastructures to support the full and effect implementation of IDEA through a variety of strategies including: research, personnel preparation, technical assistance and dissemination, technology, and studies and evaluations. Activities under Part D have improved results for children with disabilities as well as their non-disabled peers in families and schools throughout the United States and abroad. Three areas of significant investment are access to the general curriculum, inclusion in assessments and behavior. Investments in **access to the general curriculum** include a newly funded technical assistance

- Secretary Riley establishes (1993) a Disability Work Group on the Recruitment, Advancement and Access for People with Disabilities to conduct an evaluation of ED's policies and practices for compliance with Section 504 and make modifications, based on recommendations of the Work Group, if current policies and practices are in need of modification(s). (Co-chaired by Assistant Secretary/OSERS).
Outcomes: Many recommendations were made and implemented to strengthen policies covering accessibility, facilities, alternate formatting of materials, technology, training, etc.
- Establishment of a 504 coordinator position for the Department and subsequent hiring of a 504 coordinator in the Office of Management. Assistant Secretary (OSERS) was primary catalyst.
- Establishment of a Department managed Alternate Format Center to provide employees and customers with print materials in alternate format (braille).
- Establishment of a Department wide (annual) central pool of funds to directly support reasonable accommodations hires for individuals with disabilities.
- Development of a Department wide disability awareness training course for all employees that has become part of the Department's 20 hours of core curriculum training for managers.
- Development of Department guidelines and requirements covering information technology accessibility in compliance with section 508 of the Rehabilitation Act.
- Development of a handbook and policy guide for employees and managers covering policies and procedures on providing reasonable accommodations for employees with disabilities.
- Institutionalization of the Work Force Recruitment program for College Students with Disabilities to employ substantial numbers of students with disabilities each summer.

- For some application notices for Discretionary Grant competitions, preference points are awarded for applicants who indicate in their submittal that they will be hiring individuals with disabilities to administer the grant.

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DOJ ADA Pictogram Project

The pictogram project was initiated as part of the consent decree in *United States v. Middlesex Hospital, et al.* (D. Conn.), in which the court ordered the United States to develop a pictogram to aid persons who are deaf, hard of hearing, or have other problems communicating to get assistance in hospital emergency rooms and elsewhere while awaiting a sign language interpreter.

Pictograms are intended to address the serious problem with immediate communication in emergency situations where care may be compromised if not delivered quickly. Many times, an interpreter cannot be brought to the emergency room for an hour or more, and while they wait, patients are sometimes in need of immediate attention.

For such situations, the Department has compiled a looseleaf notebook of common phrases used in emergency rooms to assist personnel who do not use sign language to communicate with deaf patients. Each page has one or more key phrases illustrated in sign language with captions in English. The nurse or doctor can point to a phrase, such as "where does it hurt?" and the pictogram will show the sign language equivalent of the question. Also included are scales to illustrate degrees of pain or discomfort, body drawings to show where the pain is located, and other tools to aid in communication.

Use of pictograms may prevent serious harm to patients who need immediate attention, will alleviate some of the responsibility for family members or friends to assist with communication, will permit patients to point to a page rather than being forced to write statements back and forth with hospital personnel, which makes communication easier when a patient is in pain, and the books will give hospital employees more certainty in the treatment before the interpreter arrives.

The Department is distributing the pictograms to the Connecticut Hospital Association pursuant to the consent decree, and is working with HHS to identify hospital associations in each state for distribution.

1. What is the POTUS/VPOTUS announcement.

DEPARTMENT OF JUSTICE

- ✓ Attorney General will announce an initiative to ensure that local government programs are accessible to people with disabilities.
- ✓ "Enforcing the ADA: Looking Back on a Decade of Access," highlighting the enforcement and technical assistance activities, will be posted on the DOJ website and will be mailed to the 8,000 disability rights activists on the mailing list. The website will also be updated to display the regional summaries of all cases and settlements dealing with ADA.

written to stress positive impact of laws

DOT working on something

ADA 10TH ANNIVERSARY

Department of Justice

Warm Springs, GA announcement

The Attorney General will announce an initiative to ensure that local government programs (city halls, court houses, police stations, libraries, community and recreation centers, parks, etc) are accessible to people with disabilities. The Department is conducting a series of complaint investigations and compliance reviews of medium sized towns in all 50 states. Several agreements with towns across the country will be announced.

Special Edition of "Enforcing the ADA" Status Report:

The Department will publish, at the end of June, "*Enforcing the ADA: Looking Back on a Decade of Access*", which will highlight the Department's enforcement and technical assistance activities. This report will be available on our web site and will be mailed to the 8,000 disability rights advocates currently on our mailing list. Regional summaries of all cases and settlements will also be available on our web site. We are preparing a "media outreach" memo which will be sent to 5,000 news outlets about these documents to assist reporters writing ADA stories.

Section 508

We will have one or two of the documents cited in the Recommendations section of our 508 Report ready (e.g. a policy guidance piece on reasonable accommodation and 508 which we will be doing with the EEOC and OPM). These documents will not be glitzy PR pieces.

Memorandum

To:

From:

Date:

Re: Presidential Directive on Renewing the Federal
Government's Commitment to Ensuring that Federal Programs
are Free from Disability-Based Discrimination

The Department of Justice and the Presidential Task Force on Employment of Adults with Disabilities (Task Force) have drafted the attached Presidential Directive. It contains specific steps designed to reach the goal of making federal programs free of disability-based discrimination.

Overview

The Directive's core requirement is that all agencies engage in a Five-Year Plan to ensure that today's federal programs are free from disability-based discrimination.

The Department of Justice and the Equal Employment Opportunity Commission, working in close consultation with the Task Force and the Interagency Disability Coordinating Council (IDCC), are charged with assigning additional priorities and setting schedules for further agency actions to be completed as part of the Five-Year Plan.

Background

Section 504's prohibition of discrimination on the basis of disability, 29 § USC 794, was extended in 1978 to federal agencies. Section 504 was a forerunner of the Americans with Disabilities Act (ADA), which does not apply directly to federal agencies. Section 504 applies to all agency programs, including the program of employment. Section 501 and its implementing regulations contain specific provisions related to employment.

The regulations implementing section 504, in addition to prohibiting discrimination, contain affirmative requirements designed to lower barriers to participation in federal programs and activities by people with disabilities. One of these provisions was a one-time requirement that federal agencies engage in a comprehensive self-evaluation of their programs, activities, and facilities to determine if they are accessible to people with disabilities.

Since the mid-1980's, the federal government has seen dramatic changes. Agencies have been created. Others no longer exist.

Programs and functions have changed. Many of the actions designed to comply with Section 504 may no longer be effective.

This Administration is committed to the full participation in all aspects of American society by people with disabilities and recognizes that the federal government must set a good example. Today's government programs must be readily accessible to and usable by persons with disabilities. The time has come to evaluate whether yesterday's tools meet today's needs.

Employment discrimination. The nature of the workplace has changed. Most agencies thrive on a teamwork approach, using collaborative efforts to achieve agency missions. Diversity among team members is essential to achieving customer-friendly solutions. Government cannot provide the services Americans need unless it reflects the diversity of our society. By ensuring the promise of equal opportunity for government employees with disabilities, the Administration will set an example for the rest of the country to follow.

Technology accessibility. More than any other factor, technology has changed the federal workplace and the way government serves the American public. As our society grows more technologically advanced, we must ensure that the technology upon which the federal government relies does not create new barriers for people with disabilities.

Five-Year Plan

While there is a clear need to reevaluate the tools we use to implement sections 501 and 504 in light of today's federal programs, agencies should not be overburdened with unnecessary paperwork exercises. Instead of requiring agencies to engage in a wholesale self-evaluation of all programs for compliance with section 504, we recommend that agencies engage in a "Five Year Plan" to take specific actions and focus on particular priorities. These priorities include ensuring that agency programs offered on the Internet are accessible to people with disabilities and that modern employment practices remain free from discrimination.

The first two steps under the Five Year Plan will be for agencies to:

- ensure that agency programs on federal Internet and

¹The broad language of "make all programs offered on [agency] Internet and Intranet sites accessible to and usable by

Intranet sites are accessible to people with disabilities;¹ and

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

Other targeted priorities to be determined by the Department of Justice and the EEOC may include taking specific steps to:

- eliminate disability-based discrimination in employment,
- remove barriers in buildings and outdoor environments,
- ensure accessible transportation arrangements and vehicles,
- provide effective communication,
- ensure nondiscrimination in credentialing and licensing programs,
- make policy modifications, and

people with disabilities" provides a necessary degree of flexibility to agencies to determine how they will provide accessibility. If, for example, an agency offers on its Internet site numerous historic documents in Adobe Acrobat's "portable document format" or ".pdf," which can be difficult or impossible to read for people who use assistive technology such as screen readers, agencies may be able to meet the goal of full accessibility by providing an e-mail address to which persons for whom a posted document is inaccessible could request one in an alterante format. This level of flexibility is necessary, due to the broad range of documents and formats already posted on the Internet. Guidance from the Department of Justice could address the extent to which agencies would have to retrofit existing, widely-used pages in other respects (i.e., use appropriate color combinations, changing format, etc.).

The interagency Chief Information Officers' Council has directed agencies to make their twenty most popular Internet sites fully accessible by July 27, 2000, the 10th anniversary of the ADA.

- achieve other goals.

The EEOC will continue to be the lead agency to determine policies, practices, and schedules for addressing disability-based employment discrimination. The Department of Justice will continue to be the lead agency on all other issues. Both of these agencies will consult regularly with the Presidential Task Force and the IDCC.

Expanded Membership in and Role for the IDCC

The Interagency Disability Coordinating Council (IDCC) was established under the Rehabilitation Act, 29 U.S.C. § 794c, as a mechanism for, among other things, "developing and implementing agreements, policies, and practices designed to maximize effort, promote efficiency, and eliminate conflict, competition, duplication, and inconsistencies among the operations, functions, and jurisdictions of the various departments, agencies, and branches of the Federal Government . . ." The Attorney General is Chair of the IDCC, pursuant to Executive Order 12250.

The IDCC met on a regular basis throughout the 1980's, when agencies were drafting implementing regulations for "federally conducted activities" under section 504 of the Rehabilitation Act and as they modified their programs to comply with section 504. Since then, as agencies have become more focused on other issues, IDCC meetings became less frequent. Eventually, they tapered off altogether. The Administration's commitment to taking a fresh look at disability accessibility issues — especially in light of the changing nature of government — makes it desirable to revitalize the IDCC as a coordinating body.

In comparison to the Presidential Task Force on Employment of Adults with Disabilities, which contains many of the same member agencies but focuses only on employment-related issues, the IDCC's statutory charge is much broader: to coordinate the federal government's actions and policies to implement all parts of the Rehabilitation Act and its implementing regulations. 29 U.S.C. § 794c.

By statute, the IDCC includes:

- The Secretary of Education
- The Secretary of Health and Human Services
- The Secretary of Labor
- The Attorney General
- The Director of the Office of Personnel Management
- The Chair of the Equal Employment Opportunity Commission
- The Chair of the Access Board

- The Assistant Secretary of the Interior for Indian Affairs
- other officials as designated by the President.

In the Directive, the President designates the following agencies to participate, as well:

- The Administrator of the General Services Administration
- The Secretary of Defense
- The Secretary of Transportation

Although the President does not have authority over the Federal Communications Commission and the U.S. Postal Service, the Attorney General will invite those agencies to participate as ad hoc members of the IDCC. The Office of Management and Budget will also be asked to participate.

Substantively, the Directive charges the IDCC to lead executive agencies in making the federal government's electronic and information technology accessible to persons with disabilities. The IDCC, after the additional members are added, includes the Access Board and GSA — the two agencies charged with providing technical assistance under section 508 — as well as the Department of Justice and the EEOC — the two lead policy setting agencies — and the Federal Communications Commission, which has authority over the Telecommunications Act, the IDCC is the ideal body to coordinate all of these activities.

MEMORANDUM FOR THE HEADS OF ALL EXECUTIVE DEPARTMENTS AND AGENCIES

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

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

As we celebrate the ADA, we cannot forget that it was built on the solid foundation of section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, as amended in 1978, which prohibits discrimination on the basis of disability in federal programs and activities. One important goal of section 504 is for the federal government to set an example for the rest of the country by being a model employer and providing exemplary service to its customers with disabilities. While this goal remains constant, the nature and structure of government have changed in the decades since the inception of section 504. New agencies have been formed, while others no longer exist. Government is more efficient and doing more with less.

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

I call upon the Department of Justice, the Equal Employment Opportunity Commission, the Interagency Disability Coordinating Council (IDCC), and the Presidential Task Force on Employment of Adults with Disabilities to provide leadership to ensure that all agencies meet a common goal: to ensure that today's federal programs - including the program of employment - continue to be readily accessible to and usable by persons with disabilities.

To meet this goal, I hereby direct all agencies to engage in a Five Year Plan. Under this Five Year Plan, agencies will follow guidance to be provided by the Department of Justice and the Equal Employment Opportunity Commission (EEOC) to evaluate agency programs, activities, and facilities for compliance with sections 501 and 504 of the Rehabilitation Act, set targeted goals consistent with priorities developed by the Department of Justice and the EEOC, and implement all actions necessary to achieve those goals, within the next five years. As the initial steps in the Five Year Plan, agencies are directed to do the following:

- make all programs offered on their Internet and Intranet sites accessible to people with disabilities by July 27, 2001; and
- publish by various means, including by incorporation on all agency Internet home pages, the name and contact information for the office(s) responsible for coordinating the agency's compliance with sections 501 and 504 of the Rehabilitation Act.

I furthermore direct the Department of Justice and the Equal Employment Opportunity Commission, in close consultation with the IDCC and the Presidential Task Force on Employment of Adults with Disabilities, to develop priorities and establish for the Five-Year Plan under which agencies will focus on specific programs or types of programs to ensure that they are readily accessible to persons with disabilities.

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

I designate the following persons to participate in the IDCC, in addition to those members set out by statute (29 U.S.C. § 794c):

- The Administrator of the General Services Administration
- The Secretary of Defense
- The Secretary of Transportation

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

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

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

William J. Clinton

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DOS

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DEPARTMENT OF STATE

- ✓ Will ensure that all new and altered facilities will be made accessible. (How is the this a large step? How is this different than what you are required by law?)

DRAFT

June 29, 2000

One pager...for ADA 10th Anniversary Committee...

Department of State

-Subsequent to the Embassy bombings in Africa 2 years ago, Congress has authorized a multi billion dollar allocation to the Department to replace existing facilities that pose severe security threats. The Department is therefore embarking on a major new building program. In the next several years, a significant number of the Departments overseas facilities will be replaced. This is a great opportunity to build new fully accessible facilities.

-The Department is consolidating its considerable in-house resources in order to assess non-compliance of long held facilities which may not be fully accessible. This activity will help to define where barrier-free accessibility improvements ought to be made. Many of these improvements will be implemented concurrently with needed security improvements.

-The Department has formalized an internal policy to ensure that new and altered facilities are made accessible. A recent analysis of potential conflicts between security criteria and accessibility criteria turned up very few conflicts that cannot be sufficiently resolved.

-The Department recently absorbed the former U.S. Information Agency. The Department recognizes that its facilities serve a number of important users, including Consular applicants and those seeking information concerning U.S. Culture and Trade. The Department resolves to place great emphasis on barrier-free accessibility improvements to those areas of its facilities serving these important groups.

-The Department will strive to make information concerning the accessibility of its facilities more readily available through its extensive web site.

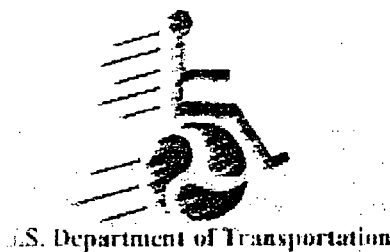
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Celebrating the 10th Anniversary
of the
Americans with Disabilities Act (ADA)
"Yesterday, Today, and Tomorrow"

Friday, July 21, 2000
11:00a.m. - 4:00p.m.

Music and Entertainment
by:



Performance by
actress and singer
Anita Hollander

Plaza, DOT Headquarters

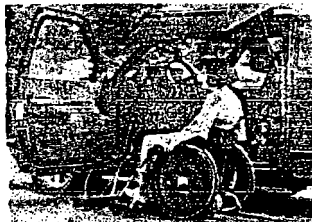


Schedule of Events



11:00 Accessible Transportation and Technology Exposition

- See a variety of adapted vehicles, including the Tomco Motorcycle!
- Buy Lunch – visit the food vendors!
- Entertainment by "Oldies 100" WBIG-FM!



1:00 ADA 10th Anniversary Ceremony

- Speakers Include:
- Secretary of Transportation Rodney E. Slater
- Deputy Secretary Mort Downey
- Former Congressman Norman Y. Mineta



2:00 Reception

- Hosted by American Public Transportation Association (APTA)
- Featured Performer: Anita Hollander



Buy Lunch!
Food and Ice Cream
Vendors On-Site!

Room 2230 will be available to
accommodate individuals with
temperature-sensitivity disabilities,
and in case of inclement weather.



dots
Dunham, Nancy

From: Dunham, Nancy
Sent: Friday, July 07, 2000 11:36 AM
To: 'MeganJ.Crowhurst@who.eop.gov'
Cc: Workie, Blane; Brenman, Marc; Rupp, Jeff; McFadden, Nancy; Tochen, David; Day, John
Subject: <FTA>
DOT deliverables

As requested, the following is a list of DOT's anticipated deliverables for the end of July ADA celebration.

a. First, our priority will be to complete Recommendation 12, from the "1999 Recommendations to the President from the PTFEAD." Thus, DOT expects to have an initial "Plan of Action" to comprehensively "address the lack of transportation services and systems for persons with disabilities," especially as it relates to "finding and keeping jobs." At this point, preliminary interagency coordination has been done, and an informal draft Plan has been prepared.

As discussed in the OEOB meeting on 7/5/00, since this is a PTFEAD recommendation, this would likely be one the ADA celebration announcements by the President.

b. Second, we expect to announce the issuance of two new regulations: one on DOT's adoption of the Access Board's Updated Accessibility Guidelines and one extensive supplemental rule on safety standards for platform lifts and for motor vehicles using platform lifts.

c. Third, we will announce the impending issuance of Volume Two of "Designing Sidewalks and Trails for Access: A Best Practices Guide." This highly-anticipated guidance will provide much-needed technical advice on creating and adapting sidewalks and trails for use by all, including persons with mobility impairments, visual impairments, and other disabilities.

d. Last, we are working to complete a number of other deliverables, including, issuance of a Report to Congress on Commercial Drivers Licences for insulin-dependent diabetics; completion of an interagency Air Carrier Access Act outreach plan for travelers with a disability; issuance of a new Departmental policy statement and plan on Section 501 and Affirmative Action for Persons with a Disability; and the announcement of a biennial "Secretary's Excellence in Accessibility Award."

DEPARTMENT OF TRANSPORTATION

- ✓ 80% of the transit fleet is accessible.
- ✓ 82% of existing subway, commuter rail, and light rail stations are accessible.
- ✓ 23 new fully accessible rail transit systems have been funded.
- ✓ Establishment of a toll-free ADA hotline in 1996.
- ✓ In 1996 DOT established a pedestrian access initiative.
- ✓ Secretary Slater issued the Departmental Accessibility Policy Statement in 1996.
- ✓ Amended the Air Carrier Access Act to eliminate the provision that capped airline liability for loss or damage to wheelchairs.
- ✓ Regulations established in 1996 to require lifts and boarding devices for small commuter aircraft.
- ✓ Notification to foreign airlines that they are subject to the requirements of the Air Carrier Access Act on June 1, 2000.
- ✓ Proposed regulations issued in 1998 to install adaptive driving equipment to make necessary vehicle modifications.
- ✓ Publication issued in February of 2000: "Adapting Motor Vehicles for People with Disabilities."

US Department of Transportation
Accomplishments Since Inception of ADA
Prepared for President's Task Force on Employment of Adults with
Disabilities

- DOT's ADA implementing regulations required all transit buses purchased after August 25, 1990 to be accessible; today, 80 percent of the transit fleet is accessible.
- Of the 689 existing subway, commuter rail and light rail stations that were designated key stations under the ADA, 564 stations – 82 percent – are either accessible today or are scheduled to be by the end of next year.
- DOT has funded the construction of twenty-three new rail transit systems or extensions since 1993, all of which are fully accessible.
- In 1996, the Federal Transit Administration has established a toll-free "ADA hotline" and e-mail address dedicated to consumer assistance.
- On September 28, 1999, DOT amended its ADA regulations to require new over-the-road-buses to be accessible, and to require accessible service. This rule applies to intercity and other fixed-route bus operators and to charter and tour operators.
- On July 26, 1999, DOT established a pedestrian access initiative, recognizing that an accessible pedestrian system is the foundation of an accessible transportation system.
- On July 26, 1999, Secretary Slater issued a Departmental Accessibility Policy Statement stressing access for persons with disabilities to all modes of transportation and reaffirming accessibility in transit as an important civil right.
- On August 2, 1999, the Department amended its Air Carrier Access Act regulations to eliminate a provision that "capped" the liability of airlines for loss or damage to wheelchairs and other assistive devices.
- On November 1, 1996, the Department issued regulations requiring lifts or other boarding devices for small commuter aircraft.

- On June 1, 2000, DOT notified foreign airlines serving the United States that they are now subject to the requirements of the Air Carrier Access Act (ACAA). The extension of these requirements, which protect the rights of air travelers with disabilities, implements a provision of the Aviation Investment and Reform Act for the 21st Century (AIR-21) that was proposed by the Administration.
- On September 28, 1998, the Department issued proposed regulations that will make it easier for motorists with disabilities to install adaptive driving equipment and make other necessary vehicle modifications.
- In February 2000, the National Highway Traffic Safety Administration issued *Adapting Motor Vehicles for People with Disabilities*, a consumer publication which provides information on evaluating, selecting, and modifying vehicles for use by drivers and passengers with disabilities.

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EEOC

Divider Title: _____

PROPOSED ANNOUNCEMENT

EEOC issues guidance to explain Executive Order prohibition on genetic discrimination in federal employment.

Background

- President Clinton signed EO 13145 on February 8, 2000.

President Clinton expressed the hope that this EO would "set an example and pose a challenge for every employer in America" to adopt a policy not to discriminate on the basis of protected genetic information, "because . . . no employer should ever review your genetic records with your resume."
- EEOC has responsibility for coordinating the policy of the Government to prohibit discrimination based on protected genetic information.
- On June 26, 2000, President Clinton joined Francis Collins and other prominent scientists to announce the completion of a first draft of the human genome.
 - The identification of specific genes heralds tremendous advances in science and medicine but also carries with it tremendous risks of misuse.

Highlights

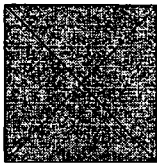
- The EO protects the federal civilian workforce.
- It prohibits employment discrimination based on genetic test results of the employee, family medical history, and genetic test results of family members.
 - Together, these three types of information are "protected genetic information."
- Federal departments and agencies cannot require genetic testing.
- Federal departments and agencies only may request family medical history from applicants and employees.
 - Departments and agencies are limited to using family medical history only for medical evaluations assessing current ability to do the job.
 - Job-related decisions cannot be based on family medical history alone.
- Federal departments and agencies must follow strict rules about confidentiality and



disclosure of protected genetic information.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

- ✓ Dedicating the July Commission Meeting to the 10th Anniversary of the ADA. (effects public??)
- ✓ Issuing a report containing EEOC's data on charge and litigation relating to the ADA, including: the amount of relief obtained for ADA complainants, the cause and settlement rates for various types of ADA claims, and the percentages and types of ADA charges that go into mediation.
- ✓ Updating and improving ADA material offered at the EEOC website.
- ✓ Plans to issue new policy guidances. (What are these?)



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, D.C. 20507

TENTH ANNIVERSARY OF THE ADA
EEOC PROJECTS

1. Commission Meeting on the ADA: EEOC will dedicate its July Commission Meeting to the 10th Anniversary of the ADA. As such, the Commission will likely use this meeting as the event in which to announce EEOC's Report on ADA Title I Enforcement, the improved website, and any new policy guidance on ADA-related matters (see below).
2. Issuance of Commission Report on ADA Title I Enforcement: The Commission will issue a report containing a discrete analysis of EEOC's charge and litigation data to be used for both strategic enforcement purposes as well as to showcase the ADA's effectiveness since its enactment. Areas of analysis may include: the amount of relief obtained for ADA complainants, both through administrative enforcement and litigation, including monetary and non-monetary relief; the cause and settlement rates for various types of ADA claims, such as reasonable accommodation, hiring, and discharge; and the percentages and types of ADA charges that go into mediation and those that are successfully resolved in mediation.
3. Update and improvement of ADA material on the Commission's website including: more effective presentation and interpretation of the statistics on ADA charges and litigation, and anecdotal information regarding EEOC's enforcement efforts.
4. Issuance of New Policy Guidance on ADA Employment Discrimination Issues: The Commission hopes to issue several new policy guidances on cutting edge ADA issues as part of its observance of the ADA's Tenth Anniversary.

EEOC ACCOMPLISHMENTS 10th ANNIVERSARY OF THE ADA

EEOC POLICY DEVELOPMENT UNDER ADA

- Policy guidance, which helps employers and employees understand their rights and responsibilities under the ADA, plays a central role in the Commission's enforcement efforts. The Commission uses policy guidance to instruct Commission staff on what legal principles to apply in investigating, conciliating, and litigating cases, to enhance voluntary compliance by employers, and to shape the development of disability law.
- Since the ADA was enacted in 1990, the Commission has issued a steady stream of policy and technical assistance documents dealing with every aspect of employment discrimination under the ADA.
- In 1991 the EEOC issued both the Final Rule and Interpretive Appendix implementing the ADA.
- In 1992 EEOC issued the ADA Technical Assistance Manual which covers much of the Final Rule's subject matter – but in plain language. It swiftly became an indispensable guide for laypersons needing to know how the ADA affects the workplace.
- Subsequent policy guidances and related documents have filled in the basic framework set forth in the Final Rule. Below are described some of the most significant policy documents.

1. Compliance Manual Section on the Definition of the Term "Disability" (1995):

Published in 1995, this document thoroughly and systematically sets out the manner in which EEOC investigators should approach the most fundamental issue in almost every ADA case – whether a charging party has a "disability" within the meaning of the Act.

2. Preemployment Questions and Medical Examinations (1995): This guidance offers a common-sense approach in "plain English" to issues that are critical in ensuring that people with disabilities are not discriminated against in the hiring process.

3. Effects of Representations in Applications for Disability Benefits on the Determination of Whether an Individual is a "Qualified Individual with a Disability" Under the ADA (1997): This guidance was instrumental in changing the course of judicial decision-making on an issue of paramount importance to many people with disabilities.

- In its guidance, the Commission said that the fact that someone claimed to be disabled for purposes of receiving certain benefits should not automatically prevent him or her from maintaining an ADA suit against a particular employer.

- In *Cleveland v. Policy Management Systems Corp.* (1999), the Supreme Court essentially endorsed the position advanced in EEOC's guidance. The court said that application or receipt of disability benefits would not automatically bar an ADA suit, although the plaintiff would have to explain how the statements in the benefits application could be reconciled with a claim that he or she was 'qualified' within the meaning of the ADA.

4. *ADA and Psychiatric Disabilities (1997)* : This guidance addresses challenging questions about disabilities that are frequently not understood by employers or the general public in a manner that is accessible to the reader. Prior to issuance of the guidance, many people did not even know that the ADA protected individuals with psychiatric disabilities. The guidance was the catalyst for a constructive public discussion about psychiatric disabilities in the workplace, and it has worked to expose many of the myths, fears, and stereotypes surrounding psychiatric disabilities.

5. *Reasonable Accommodation and Undue Hardship (1999)*: This guidance provides clear responses to some of the most commonly-asked questions about reasonable accommodation, and sets out several agency positions on novel or complex issues.

6. *Instructions to Field Offices on Analyzing ADA Charges After Supreme Court Decisions Interpreting "Disability" and "Qualified" (1999)*: Issued only one month after three Supreme Court decisions interpreting Title I of the ADA, this document provided EEOC investigators with critical guidance on evaluating ADA charges involving people who use medications or assistive devices to eliminate or reduce the effects of an impairment. Application of the Instructions has demonstrated in many instances that charging parties who use mitigating measures still have disabilities, and therefore, are protected by the ADA.

ADA LITIGATION HIGHLIGHTS

- EEOC has sought through litigation to strategically enforce all aspects of the ADA provisions prohibiting disability discrimination, including issues such as coverage, reasonable accommodation and egregious discrimination.
- EEOC has filed dozens of briefs as a friend of the court, confronting fundamental issues on how the ADA should be applied, including the critical issue of who should be protected by the Act. Consistent with the intent of Congress when drafting the Act, EEOC has argued that the ADA should be applied expansively.
- EEOC filed numerous briefs arguing that individuals who seek disability benefits are not estopped from claiming they are qualified individuals with disabilities within the meaning of the ADA. This position was ultimately ratified by the Supreme Court in *Cleveland v. Policy Management Systems Corp.*, 526 U.S. 795 (1999).
- In *EEOC v. The Kroger Company*, the Commission sought the removal of physical

barriers that prevented a cashier with **paraplegia** from using defendant's restroom or break room because they were located down a flight of stairs. After he filed a discrimination charge with EEOC, the company built an accessible restroom and break room, which he could reach in his wheelchair. The defendant further agreed to provide the cashier with \$225,000 in compensatory and punitive damages.

- Some barriers are embedded in the way a job is done. Often people with disabilities can work productively with simple and inexpensive accommodations. In *EEOC v. Bloomingdale's, Inc.*, the Commission challenged the defendant's refusal to allow an employee to **sit on a stool 5 to 10 minutes per hour** when she became fatigued by her **systemic lupus**. The defendant settled the suit by providing her with \$75,000 in monetary relief and by agreeing to train its managers on the requirements of the ADA.
- In *EEOC v. United Public Workers, AFSCME, Local 646*, the Commission sought the provision of **sign language interpreters** at union meetings for two union members who are deaf. The union has now agreed to provide interpreters for hearing impaired members and accommodations for its members who have other disabilities. The union also provided the two union members with nearly \$50,000 in monetary relief.
- The Commission's litigation also has been directed at eliminating the barriers that exist only in the minds of people. Employers often operate on the basis of misapprehensions about individuals with disabilities. For example, in the very first lawsuit filed by EEOC under the ADA, *EEOC & Charles Wessel v. AIC Security Investigations, Ltd, et. al.*, EEOC won a jury verdict finding the defendant had unlawfully fired its Executive Director because he had **terminal brain cancer**. The former director was awarded \$222,000.
- In *EEOC v. Showbiz Pizza Time Inc., d/b/a Chuck E' Cheese*, EEOC claimed that a district manager fired a **developmentally disabled** custodian because the company did not employ "those type of people." A jury awarded the custodian back pay, \$70,000 in compensatory damages for emotional distress, and \$13 million in punitive damages (the punitive damages award was later reduced to \$230,000 because of the statutory cap on damages). The judge also ordered the company to give the custodian his job back.
- In *EEOC & John Doe v. Campbell University, Inc.*, the Commission successfully challenged the university's termination of a physical education instructor because he had **AIDS**. At the outset of the lawsuit, the court ordered the defendant to continue paying the instructor's health insurance benefits, pending trial. The university later agreed to provide the instructor with continued employment, salary and benefits, and with \$325,000 in monetary relief.
- In *EEOC v. Chomerics, Inc., et al.*, the Commission claimed that a chemical worker's coworkers and supervisor harassed and mocked him because of his disability (**cerebral palsy**). The company agreed to provide the worker with \$98,000 in back pay and compensatory damages.

- In *EEOC v. Wal-Mart Stores, Inc.*, a jury found the store's hiring official had illegally asked a job applicant about his disability (**amputated arm**) in a job interview and then refused to hire him. The applicant was awarded \$7,500 in compensatory damages and \$150,000 in punitive damages. The judge also ordered the company to stop questioning applicants about their disabilities.
- In *EEOC v. Southwestern Bell Telephone Co.*, EEOC alleged that the company refused to allow an air conditioning specialist to return to work following his treatment for **depression**. The company agreed to give the specialist his job back, restore his seniority rights and benefits, and pay him over \$24,000 in monetary relief. In addition, the company agreed to improve its assessment of each employee's ability to resume work after a medical leave of absence.

EEOC ADA CHARGES

- From the ADA's enactment through September 30, 1999, parties have filed 125,946 charges with EEOC alleging disability discrimination.
- From FY 1993 (the first full year of ADA enforcement) through FY 1999, ADA receipts were 21.4% of total receipts.
- In FY 1999 ADA charges were 24.4% of total pending inventory. From FY 1993 through FY 1999 ADA charges averaged 23.3% of total pending inventory.
- From July 26, 1992, when the ADA first went into effect, through FY 1999, a total of \$261,296,676 in monetary benefits was awarded under the Act. During the same period, a total of 19,490 individuals received monetary benefits, an average of \$13,407 per person benefitted.
- In FY 1993 monetary benefits in ADA charges were \$15,946,811, 12.6% of total monetary benefits obtained by EEOC. By FY 1999, ADA monetary benefits increased to \$49,879,456, 23.7% of the total.
- Over \$18.5 million was awarded in compensatory and punitive damages.
- Since FY 1992, in addition to persons receiving monetary benefits in ADA charges, 10,023 individuals received non-monetary benefits as well.

EEOC ADA MEDIATION ACTIVITY

- During FY 1999, EEOC mediated approximately 1,813 ADA charges, and had a success rate of 63%.
- In FY 1999, more than 24% of the cases mediated in EEOC's overall ADR program

involved the ADA. Of those mediations, 22% involved the issue of reasonable accommodation, 4% involved the issue of hiring, 28% involved the issue of discharge, 8% involved the issue of harassment, and 10% involved the issue of terms and conditions of employment.

- During the two-year life of the mediation program, a total of \$17,182,754 in monetary benefits have been awarded through mediation in ADA cases. This is an average of \$11,231 for each of the 1,530 persons benefitted monetarily. In FY 1999, average mediated monetary benefits in ADA charges were \$11,172.
- Often ADA charges involve non-monetary relief, and 46% of ADA charges that were resolved through mediation involved a non-monetary benefit such as reasonable accommodation, rehire, policy change or training, for example.
- When mediated, the average charge processing time for ADA complaints is nearly cut in half; that is the time from the charging party walking in the door of EEOC to the time of resolution or impasse. On average, ADA charges take 286 days to reach a determination in EEOC's administrative process; while the processing time for mediated ADA charges took 151 days which results in a final resolution of the matter.
- In 1997, EEOC resolved a class disability claim affecting 27 individuals who had complained that a pre-placement health-screening questionnaire violated the ADA by requiring them to disclose medical conditions. In the settlement, the company agreed to stop using the questionnaire, offered the 27 individuals an opportunity to be reconsidered for employment under a modified application process, paid \$950,000 to the individuals, and augmented an internal training program, procedures, to ensure compliance with the ADA.
- Another EEOC mediation resolved a case involving a charging party who alleged that when an employer learned of his disability, cancer, it fired him. As a result of the mediation, the charging party was reinstated to his former position, with back pay. He also was given a reasonable accommodation of time off to attend any future chemotherapy treatments.
- Another mediation involved a charging party who had a serious health condition of congestive heart failure and was on a medical leave of absence. She filed a charge concerning her employer's alleged failure to reasonably accommodate her when she attempted to return to work. The charging party, who was no longer interested in returning to work for the employer, settled her charge for long term disability benefits and \$65,000.

EEOC OUTREACH

- EEOC conducted 3,439 outreach and education activities in which the ADA was the principal topic during the period 1991-1998.

- In FY 1999, EEOC field offices conducted 119 outreach events for disability rights audiences of nearly 7,000 persons. These included 63 oral presentations, 11 training sessions and 18 “stakeholder input” meetings where information was obtained on issues concerning this constituency.
- In 1999, EEOC conducted 2,550 field outreach events covering all laws enforced by the Commission. In approximately 24 % of those events, major topics of discussion were the ADA and “reasonable accommodation.”
- Through a little over three quarters of FY 1999, EEOC conducted over 30 Technical Assistance Seminars, addressing topics on the ADA that included reasonable accommodation, psychiatric disabilities, leave issues, policy guidance, and a host of others. In those seminars EEOC reached over 5,000 participants all across the country.

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FCC

Divider Title: _____



Federal Communications Commission
445 12th, Street, S.W.
Washington, D.C. 20554

Commission Meeting Agenda

A Public Notice of the Federal Communications
Commission

News Media Information (202) 418-0500

Fax-On-Demand (202) 418-2830

Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

July 14, 2000

FCC TO HOLD OPEN COMMISSION MEETING FRIDAY, JULY 21, 2000

① The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Friday, July 21, 2000, which is scheduled to commence at 9:30 a.m. in Room TW-C305, at 445 12th Street, S. W., Washington, D.C.

ITEM NO.

1

BUREAU

COMMON CARRIER
AND
CONSUMER
INFORMATION

SUBJECT

TITLE: The Use of N11 Codes and Other Abbreviated Dialing Arrangements (CC Docket No. 92-105).

SUMMARY: The Commission will consider a Second Report and Order concerning the nationwide implementation of 711 access to telecommunications relay services (TRS).

they are all expected to pass 5-0

*The summaries listed in this notice are intended for the use of the public attending open Commission meetings. Information not summarized may also be considered at such meetings. Consequently these summaries should not be interpreted to limit the Commission's authority to consider any relevant information.

2

COMMON CARRIER

TITLE: Petition by the United States Department of Transportation for Assignment of an Abbreviated Dialing Code (N11) to Access Intelligent Transportation System (ITS) Services Nationwide (NSD-L-99-24); Request by the Alliance of Information and Referral Systems, United Way of America, United Way 211 (Atlanta, Georgia), United Way of Connecticut, Florida Alliance of Information and Referral Services, Inc., and Texas I&R Network for Assignment of 211 Dialing Code (NSD-L-98-80); and The Use of N11 Codes and Other Abbreviated Dialing Arrangements (CC Docket No. 92-105).

SUMMARY: The Commission will consider a Third Report and Order and Order on Reconsideration concerning petitions for assignment of N11 codes for access to community information and referral services, and for access to traveler information services.

3

COMMON CARRIER

TITLE: Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; and Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers (CC Docket No. 94-129).

SUMMARY: The Commission will consider a Third Report and Order and Second Order on Reconsideration concerning the amendment of its carrier change authorization and verification rules, including the use of internet letter of authorization, and other proposals set forth in the Second Report and Order and Further Notice of Proposed Rule Making.

4

MASS MEDIA

TITLE: Implementation of Video Description of Video Programming (MM Docket No. 99-339).

SUMMARY: The Commission will consider a Report and Order concerning rules requiring certain broadcast stations and multichannel video programming distributors to provide programming with video description.

5

**OFFICE OF
ENGINEERING
AND
TECHNOLOGY**

TITLE: Closed Captioning Requirements for Digital Television Receivers (ET Docket No. 99-254); and Closed Captioning and Video Description of Video Programming, Implementation of Section 305 of the Telecommunications Act of 1996, Video Programming Accessibility (MM Docket No. 95-176).

SUMMARY: The Commission will consider a Report and Order concerning technical standards for the display of closed captions on digital television (DTV) receivers.

Additional information concerning this meeting may be obtained from Maureen Peratino or David Fiske, Office of Media Relations, telephone number (202) 418-0500; TTY (202) 418-2555.

over 8

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, International Transcription Services, Inc. (ITS, Inc.) at (202) 857-3800; fax (202) 857-3805 and 857-3184; or TTY (202) 293-8810. These copies are available in paper format and alternative media, including large print/type; digital disk; and audio tape. ITS may be reached by e-mail: its_inc@ix.netcom.com. Their Internet address is <http://www.itsdocs.com/>.

This meeting can be viewed over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. For information on these services call (703) 993-3100. The audio portion of the meeting will be broadcast live on the Internet via the FCC's Internet audio broadcast page at <http://www.fcc.gov/realaudio/>. The meeting can also be heard via telephone, for a fee, from National Narrowcast Network, telephone (202) 966-2211 or fax (202) 966-1770. Audio and video tapes of this meeting can be purchased from Infocus, 341 Victory Drive, Herndon, VA 20170, telephone (703) 834-0100; fax number (703) 834-0111.

-FCC-

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HHS

Divider Title: _____

DEPARTMENT OF HEALTH AND HUMAN SERVICES

- ✓ Letter to State Medicaid Directors regarding interest in working collaboratively to provide technical assistance to states to meet their legal obligations. (but what has been done?)
- ✓ Letter offering policy clarifications or reforms to promote home and community based services for people with disabilities.
- ✓ Letter to the nation's Governors to encourage emphasis on ADA.
- ✓ Letter highlighting the work of HHS' interagency group's review of Department programs, practices and procedures consistent with the *Olmstead* decision.
- ✓ Attempting to resolve over 120 complaints against states and other public entities that have failed to provide services to people with disabilities.
- ✓ Played a key role in the development of *Olmstead* planning coalitions across the nation.
- ✓ Secretary Shalala to participate in the July 9 ADA Torch Relay Event in Chicago.

Olmstead
what are we going to say?

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES' IMPLEMENTATION OF OLMSTEAD V. L.C.: ADA 10th ANNIVERSARY EVENTS/PRODUCTS

In June 1999, the U.S. Supreme Court ruled in Olmstead v. L.C., 119 S. Ct. 2176 (1999) that unnecessary institutionalization of individuals with disabilities is discrimination under the Americans with Disabilities Act (ADA).

In the wake of this landmark decision, the Department of Health and Human Services (HHS) committed to work both internally and externally to increase opportunities for individuals with disabilities to live in their own communities.

HHS Implementation of Olmstead: ADA Anniversary Events/Products

1. "Chapter 2" Olmstead State Medicaid Director Letter(s) [PROBABLE PRODUCT]

A joint letter dated 1/14/00 to State Medicaid Directors from HCFA CMSO director Tim Westmoreland and Office for Civil Rights (OCR) director Tom Perez provided background on the Olmstead decision, and identified six key principles for OCR investigations and compliance reviews. The letter also reiterated the Department's interest in working collaboratively and providing technical assistance to states to meet their legal obligations. This letter was forwarded to various national associations of state officials and other organizations.

HHS' major Olmstead-related ADA anniversary product is a second such State Medicaid Director letter. This "Chapter 2" missive, if cleared, will offer updates concerning: policy clarifications or reforms which HCFA can accomplish now to promote home and community based services (HCBS) for people with disabilities; regulatory changes HCFA is planning to propose to promote the development of HCBS; and technical assistance and grant opportunities available to help states transition people with disabilities from institutions to community-based services.

2. Letter to the Governors from Secretary Shalala [PROBABLE PRODUCT]

On January 14, 2000, the Secretary sent a letter to the nation's Governors, encouraging them to "place substantial emphasis on developing programs and services for individuals with disabilities that will further our shared goal of integrating individuals with disabilities into the social mainstream, promoting equality and maximizing individual choice."

Another major ADA anniversary product is a second such letter, this time highlighting the work of HHS' interagency group's review of Department programs, practices and procedures to ascertain consistency with the principles of Olmstead.

3. Progress Report on the Development of Comprehensive, Effectively Working Plans [PROBABLE PRODUCT]

In Olmstead, the Supreme Court indicated that states may demonstrate compliance with the ADA by showing that they have comprehensive and effective plans for placing qualified individuals with disabilities in less restrictive settings, and waiting lists that move at a reasonable pace.

The Office for Civil Rights at HHS has received more than 120 complaints alleging that states and other public entities have failed to provide services to people with disabilities in most integrated settings. OCR is attempting to resolve these complaints by working with all parties to build comprehensive, effectively working plans for placing qualified persons with disabilities in the most integrated setting appropriate.

The Department has played a key role in the development of Olmstead planning coalitions across the nation. In some states, special governor's commissions have been established to head these coalitions. In others, particular disability groups have taken up the challenge of coalition building. In all, some twenty states are engaged in various stages of Olmstead planning.

We are developing a "progress report" regarding states' development of comprehensive, effectively working plans as another ADA anniversary product. This product will probably be for internal use only, but we will highlight for public use the work of states which are furthest along in the planning process.

4. Secretary Shalala: July 9 ADA Torch Relay Event in Chicago

HHS Secretary Donna Shalala is committed to participate in the July 9 ADA Torch Relay Event in Chicago. OCR Director Tom Perez will also be participating in one or more Relay Events. OCR's Regional Managers, Regional Attorneys, and Olmstead Regional Coordinators will be participating in local Torch Relay Events throughout the summer. Two nationwide conference calls with OCR regions have already been held to discuss participation, and the regions have all available information on events.

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HUD

Divider Title: _____

DRAFT**DRAFT**

**PRESIDENTIAL TASK FORCE
ON EMPLOYMENT OF ADULTS WITH DISABILITIES**

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

DELIVERABLES

POSSIBLE PRINCIPAL ANNOUNCEMENT:

INCENTIVES FOR EMPLOYMENT

HUD provides important incentives for individuals with disabilities who receive certain types of HUD housing assistance to enter the workforce. In a new regulation, finalized in March, HUD:

- potentially possible*
- excludes from annual income certain funds earned by previously unemployed individuals or individuals previously receiving certain types of public assistance, for individuals living in public housing; and
 - provides a deduction to adjusted annual income for families with an individual with a disability and also provides a deduction for certain medical expenses of disabled families and certain expenses necessary to enable employment, for individuals living in public housing as well as individuals receiving assistance under §8 programs.

HUD proposes to extend these incentives for persons with disabilities to *all* of HUD's housing assistance, including §8 (to the degree not currently covered), §811, §202, the Rental Supplement program, and the Rental Assistance Program. This would be accomplished through regulatory changes and proposed statutory changes.

POSSIBLE HUD ANNOUNCEMENTS:

CONSOLIDATED PLANNING FOR COMMUNITY DEVELOPMENT

HUD is requiring all states and localities that have already developed a Consolidated Plan to create a new plan during the year 2000. To encourage recipients to specifically address assisting adults and families with disabilities in this plan, the Office of Community and Planning Development (CPD) will distribute a publication entitled "Piecing it All Together in Our Community: Learning to Use HUD's Consolidated Plan to Expand Housing Opportunities for People with Disabilities."

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DATA COLLECTION

HUD is modifying its Tenant Rental Assistance Certification System (TRACS) to enable the Department to identify which units of the 30,000 assisted projects in the Department's multifamily inventory are accessible to persons with disabilities. Specifically, the Department will be able to determine which units are accessible to persons with mobility impairments, persons with visual impairments, and/or persons with hearing impairments. This system will become operational during the second quarter of Fiscal Year 2001.

TAX CREDITS (to be announced only in conjunction with Treasury and Justice)

HUD is entering into a Memorandum of Understanding (MOU) with the Departments of Treasury (including the Internal Revenue Service) and Justice that sets forth the reporting and other responsibilities of each Department when a multifamily project constructed and operated using Low-Income Housing Tax Credits (LIHTC) is found to be possibly or actually in violation of the Fair Housing Act.

The MOU encourages substantially equivalent State and local agencies to include State Housing Finance Agencies administering Federal LIHTCs in regularly scheduled fair housing training. Finally, the MOU calls for an annual meeting of interested Federal Departments and agencies to discuss emerging civil rights issues and methods and programs for increasing civil rights compliance in the LIHTC program.

HOMEOWNERSHIP

HUD will send a letter from Assistant Secretary for Housing William Apgar to all approved FHA mortgagees entitled "Single Family Loan Production - Increasing Home Ownership Rates for Persons with Disabilities". This Mortgagee Letter will re-emphasize the Department's commitment to make home ownership a reality for persons with disabilities and encourage its lender partners to make this dream possible through increased, but prudent flexibility when underwriting their loan applications.

OUTREACH AND INFORMATION ON REGULATORY ENFORCEMENT

HUD will issue a notice to reemphasize the responsibility of Community Development Block Grant recipients to further affirmatively fair housing and to assess compliance with the requirements of the Fair Housing Act (the Act) concerning accessible multifamily design and construction. The notice will call upon recipients to give the same attention in their Analysis of Impediments to discrimination based upon disability as they do to other bases of discrimination such as race that have been prohibited by the Act since its inception in 1968. The notice will also encourage local elected officials to examine their building codes for inconsistencies with the design and construction requirements of the Act and find ways to inform builders and architects of the need to comply with those requirements as early as possible in the design phase of a multifamily project.

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HUD will launch a web page that contains technical assistance letters, court decisions, answers to frequently asked questions and other developments in accessibility issues; permits the public to ask questions and receive answers; directs the public to relevant publications or studies; and provides text of particularly important publications.

ACCESS HOUSING 2000 (more to come in consultation with HHS)

HUD is planning to send to its housing and community development partners a joint letter with the Department of Health and Human Services to highlight the importance of the *Olmstead* principle and to encourage its partners to find ways to expand accessible, affordable housing for persons with disabilities. The letter will include a copy of HHS guidance to state Medicaid directors and a copy of a letter Secretary Shalala sent to every Governor.

NEIGHBORHOOD NETWORK CENTERS

Over the next year, HUD will review and modify the current Neighborhood Network Center's evaluation form to include questions regarding the Centers' accessibility and what need there might be to make the Centers accessible.

NATIVE eDGE

HUD has agreed to use its Internet-based Native American community resources to disseminate technical information on job development and employment for Native Americans with disabilities. These systems, the Native American Economic Development Access Center (Native eDGE) which links fourteen federal agencies to entrepreneurs and their partners seeking economic development in Indian Country, and CodeTalk, an interagency website for Native American communities, would facilitate the development of opportunities to employ Native Americans with disabilities, particularly through new business enterprises. Partner agencies would provide resources such as disabilities employment and related training to HUD staff, publications and documents to distribute on the Internet, and when necessary cooperative funding for technical enhancements and/or expansion of the services. To support this project, HUD has completed a technical review of Native eDGE and is now working to make the web site fully compliant with ADA requirements.

Ideally, the services would operate in concert with a new, Inter-Agency American Indian Disability Technical Assistance Center established through a multi-agency agreement. Such a Center would assist the 557 Federally recognized American Indian tribes and Alaska Native Villages examine the implication of, and potential for adoption of, culturally appropriate laws, policies, and programs to assist their members with disabilities in living healthy, productive, and integrated lives within their communities.

SSA Planned Activities supporting the PTFEAD and for announcement as part of ADA celebration:

We are continuing to discuss with OMB some regulatory actions that would:

Annually adjust per the average wage index the earnings guideline that shows whether work done by persons with impairments other than blindness is substantial gainful activity;

Increase (from \$200 to \$530) the earnings amount that shows that a person has used one of his/her a trial work months under SSDI, and then annually adjust the amount per the average wage index;

Increase the maximum monthly (from \$400 to \$1,290) and yearly (from \$1,620 to \$5,200) Student Earned Income Exclusion amounts used in determining SSI eligibility and payment amounts, and then annually adjust these amounts per the consumer price index.

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EXECUTIVE ORDER 12892 of January 17, 1994

59 Fed. Reg. 2939 (January 20, 1994)

**LEADERSHIP AND COORDINATION OF FAIR HOUSING IN
FEDERAL PROGRAMS: AFFIRMATIVELY FURTHERING FAIR HOUSING***[Editor's note: For a related memorandum, see ¶5311.]*

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in accordance with the Fair Housing Act, as amended (42 U.S.C. 3601 *et seq.*) ("Act"), in order to affirmatively further fair housing in all Federal programs and activities relating to housing and urban development throughout the United States, it is hereby ordered as follows:

Section 1. Administration of Programs and Activities Relating to Housing and Urban Development.

1-101. Section 808(d) of the Act, as amended, provides that all executive departments and agencies shall administer their programs and activities relating to housing and urban development (including any Federal agency having regulatory or supervisory authority over financial institutions) in a manner affirmatively to further the purposes of the Act and shall cooperate with the Secretary of Housing and Urban Development to further such purposes.

1-102. As used in this order, the phrase "program and activities" shall include programs and activities operated, administered, or undertaken by the Federal Government; grants; loans; contracts; insurance; guarantees; and Federal supervision or exercise of regulatory responsibility (including regulatory or supervisory authority over financial institutions).

Sec. 2. Responsibilities of Executive Agencies.

2-201. The primary authority and responsibility for administering the programs and activities relating to housing and urban development affirmatively to further fair housing is vested in the Secretary of Housing and Urban Development.

2-202. The head of each executive agency is responsible for ensuring that its programs and activities relating to housing and urban development are administered in a manner affirmatively to further the goal of fair housing as required by section 808 of the Act and for cooperating with the Secretary of Housing and Urban Development, who shall be responsible for exercising leadership in furthering the purposes of the Act.

2-203. In carrying out the responsibilities in this order, the head of each executive agency shall take appropriate steps to require that all persons or other entities who are applicants for, or participants in, or who are supervised or regulated under, agency programs and activities relating to housing and urban development shall comply with this order.

2-204. Upon receipt of a complaint alleging facts that may constitute a violation of the Act or upon receipt of information from a consumer compliance examination or other information suggesting a violation of the Act, each executive agency shall forward such facts or information to the Secretary of Housing and Urban Development for processing under the Act. Where such facts or information indicate a possible pattern or practice of discrimination to the Attorney General. The authority of the Federal depository institution regulatory agencies to take appropriate action under their statutory authority remains unaffected.

Sec. 3. President's Fair Housing Council.

3-301. There is hereby established an advisory council entitled the "President's Fair Housing Council" ("Council"). The Council shall be chaired by the Secretary of Housing and Urban Development and shall consist of the Secretary of Health and Human Services, the Secretary of Transportation, the Secretary of Education, the Secretary of Labor, the Secretary of Defense, the Secretary of Agriculture, the Secretary of Veterans Affairs, the Secretary of the Treasury, the Attorney General, the Secretary of the Interior, the Chair of the Federal Reserve, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Chair of the Federal Deposit Insurance Corporation, and such other officials of executive departments and agencies as the President may, from time to time, designate.

3-302. The President's Fair Housing Council shall review the design and delivery of

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Federal programs and activities to ensure that they support a coordinated strategy to affirmatively further fair housing. The Council shall propose revisions to existing programs or activities, develop pilot programs and activities, and propose new programs and activities to achieve its goals.

3-303. In support of cooperative efforts among all executive agencies, the Secretary of Housing and Urban Development shall:

(a) cooperate with, and render assistance to, the heads of all executive agencies in the formulation of policies and procedures to implement this order and to provide information and guidance on the affirmative administration of programs and activities relating to housing and urban development and the protection of the rights accorded by the Act; and

(b) develop memoranda of understanding and any necessary implementing procedures among executive agencies designed to provide for consultation and the coordination of Federal efforts to further fair housing through the affirmative administration of programs and activities relating to housing and urban development, including coordination of the investigation of complaints or other information referred to the Secretary as required by section 2-204 of this order that would constitute a violation of the Act or, where relevant, other Federal laws. Existing memoranda of understanding shall remain in effect until superseded.

3-304. In connection with carrying out functions under this order, the Secretary of Housing and Urban Development is authorized to request from any executive agency such information and assistance as the Secretary deems necessary. Each agency shall furnish such information to the extent permitted by law and, to the extent practicable, provide assistance to the Secretary.

Sec. 4. Specific Responsibilities.

4-401. In implementing the responsibilities under sections 2-201, 2-202, 2-203, and section 3 of this order, the Secretary of Housing and Urban Development shall, to the extent permitted by law:

(a) promulgate regulations in consultation with the Department of Justice and Federal banking agencies regarding programs and activities of executive agencies related to housing and urban development that shall:

(1) describe the functions, organization, and operations of the President's Fair Housing Council;

(2) describe the types of programs and activities defined in section 1-102 of this order that are subject to the order;

(3) describe the responsibilities and obligations of executive agencies in ensuring that programs and activities are administered and executed in a manner that furthers fair housing;

(4) describe the responsibilities and obligations of applicants, participants, and other persons and entities involved in housing and urban development programs and activities affirmatively to further the goal of fair housing; and

(5) describe a method to identify impediments in programs or activities that restrict fair housing choice and implement incentives that will maximize the achievement of practices that affirmatively further fair housing.

(b) coordinate executive agency implementation of the requirements of this order and issue standards and procedures regarding:

(1) the administration of programs and activities relating to housing and urban development in a manner affirmatively to further fair housing; and

(2) the cooperation of executive agencies in furtherance of the Secretary of Housing and Urban Development's authority and responsibility under the Act.

4-402. Within 180 days of the publication of final regulations by the Secretary of Housing and Urban Development under section 4-401 of this order, the head of each executive agency shall publish proposed regulations providing for the administration of programs and activities relating to housing and urban development in a manner affirmatively to further fair housing, consistent with the Secretary of Housing and Urban Development's regulations, and with the standards and procedures issued pursuant to section 4-401(b) of this order. As soon as practicable thereafter, each executive agency shall issue its final regulations. All executive agencies shall formally submit all such proposed and final regulations, and any related issuances or standards, to the Secretary of Housing and Urban Development at least 30 days prior to public announcement.

4-403. The Secretary of Housing and Urban Development shall review proposed regulations and standards prepared pursuant to section 4-402 of this order to ensure conformity with the purposes of the Act and consistency among the operations of the various executive agencies and shall provide comments to executive agencies with respect thereto on a timely basis.

4-404. In addition to promulgating the regulations described in section 4-401 of this order, the Secretary of Housing and Urban Development shall promulgate regulations describing the nature and scope of coverage and the conduct prohibited, including mortgage lending discrimination and property insurance discrimination.

Sec. 5. Administrative Enforcement.

5-501. The head of each executive agency shall be responsible for enforcement of this order and, unless prohibited by law, shall cooperate and provide records, data, and documentation in connection with any other agency's investigation of compliance with provisions of this order.

5-502. If any executive agency concludes that any person or entity (including any State or local public agency) applying for or participating in, or supervised or regulated under, a program or activity relating to housing and urban development has not complied with this order or any applicable rule, regulation, or procedure issued or adopted pursuant to this order, it shall endeavor to end and remedy such violation by informal means, including conference, conciliation, and persuasion. An executive agency need not pursue informal resolution of matters where similar efforts made by another executive agency have been unsuccessful, except where otherwise required by law. In the event of failure of such informal means, the executive agency, in conformity with rules, regulations, procedures, or policies issued or adopted by it pursuant to section 4 of this order hereof, shall impose such sanctions as may be authorized by law. To the extent authorized by law, such sanctions may include:

(a) cancellation or termination of agreements or contracts with such person, entity, or any State or local public agency;

(b) refusal to extend any further aid under any program or activity administered by it and affected by this order until it is satisfied that the affected person, entity, or State or local public agency will comply with the rules, regulations, and procedures issued or adopted pursuant to this order;

(c) refusal to grant supervisory or regulatory approval to such person, entity, or State or local public agency under any program or activity administered by it that is affected by this order or revoke such approval if previously given; and

(d) any other action as may be appropriate under law.

5-503. Findings of any violation under section 5-502 of this order shall be promptly reported by the head of each executive agency to the Secretary of Housing and Urban Development and the Attorney General. The Secretary of Housing and Urban Development shall forward this information to all other executive agencies.

5-504. Any executive agency shall also consider invoking appropriate sanctions against any person or entity where any other executive department or agency has initiated action against that person or entity pursuant to section 5-502 of this order, where the Secretary of Housing and Urban Development has issued a charge against such person or entity that has not been resolved, or where the Attorney General has filed a civil action in Federal Court against such person or entity.

5-505. Each executive agency shall consult with the Secretary of Housing and Urban Development, and the Attorney General where a civil action in Federal Court has been filed, regarding agency actions to invoke sanctions under the Act. The Department of Housing and Urban Development, the Department of Justice, and Federal banking agencies shall develop and coordinate appropriate policies and procedures for taking action under their respective authorities. Each decision to invoke sanctions and the reasons therefor shall be documented and shall be provided to the Secretary of Housing and Urban Development and, where appropriate, to the Attorney General in a timely manner.

Sec. 6. General Provisions.

6-601. Nothing in this order shall limit the authority of the Attorney General to provide for the coordinated enforcement of nondiscrimination requirements in Federal assistance programs under Executive Order No. 12250.

6-602. All provisions of regulations, guidelines, and procedures proposed to be issued by executive agencies pursuant to this order that implement nondiscrimination requirements of laws covered by Executive Order No. 12250 shall be submitted to the Attorney General for review in accordance with that Executive order. In addition, the Secretary shall consult with the Attorney General regarding all regulations and procedures proposed to be issued under sections 4-401 and 4-402 of this order to assure consistency with coordinated Federal efforts to enforce nondiscrimination requirements in programs of Federal financial assistance pursuant to Executive Order No. 12250.

6-603. Nothing in this order shall affect the authority and responsibility of the Attorney General to commence any civil action authorized by the Act.

6-604. (a) Part IV and section 501 and 503 of Executive Order No. 11063 are revoked. The activities and functions of the President's Committee on Equal Opportunity in Housing described in that Executive order shall be performed by the Secretary of Housing and Urban Development.

(b) Sections 101 and 502(a) of Executive Order No. 11063 are revised to apply to discrimination because of "race, color, religion (creed), sex, disability, familial status or national origin." All executive agencies shall revise regulations, guidelines and procedures issued pursuant to Part II of Executive Order No. 11063 to reflect this amendment to coverage.

(c) Section 102 of Executive Order No. 11063 is revised by deleting the term "Housing and Home Finance Agency" and inserting in lieu thereof the term "Department of Housing and Urban Development."

6-605. Nothing in this order shall affect any requirement imposed under the Equal Credit Opportunity Act (15 U.S.C. 1691 *et seq.*), the Home Mortgage Disclosure Act (12 U.S.C. 2801 *et seq.*) or the Community Reinvestment Act (12 U.S.C. 2901 *et seq.*).

6-606. Nothing in this order shall limit the authority of the Federal banking agencies to carry out their responsibilities under current law or regulations.

6-607. Executive Order No. 12259 is hereby revoked.

Sec. 7. Report.

7-701. The Secretary of Housing and Urban Development shall submit to the President an annual report commenting on the progress that the Department of Housing and Urban Development and other executive agencies have made in carrying out requirements and responsibilities under this Executive order. The annual report may be consolidated with the annual report on the state of fair housing required by section 808(e)(2) of the Act.

WILLIAM J. CLINTON

THE WHITE HOUSE,
January 17, 1994.

**PRESIDENTIAL TASK FORCE ON
EMPLOYMENT OF ADULTS WITH DISABILITIES:**

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**I. 1999 RECOMMENDATION TO THE PRESIDENT FROM THE
PRESIDENTIAL TASK FORCE ON EMPLOYMENT OF ADULTS WITH
DISABILITIES**

The President has directed the Department of Housing and Urban Development to explore steps needed to establish an earned income disregard for tenants with disabilities living in other-than-Public Housing Authority housing who return to work, and to exempt any disability-related expenses incurred when a tenant goes to work from the "countable" income used to determine rents.

Some provisions for an earned income disregard currently exist. For example, the regulations at 24 CFR 5.609(c)(8)(ii) indicate that under a Plan to Attain Self Sufficiency, which is a Social Security Administration program, a person with a disability who is receiving SSI, and who also is receiving other income is permitted to have a portion of the other income excluded from annual income in order to achieve a work-related goal.. Also, under 24 CFR 5.610 (c)(8)(v), "incremental earnings and benefits resulting...from participation in qualifying State or local employment training programs" are not included in annual income.

II. CONSOLIDATED PLANS

HUD will ensure that Consolidated Plans address and fund the priority housing needs of people with disabilities.

Deliverable → Currently, HUD requires all states and localities that have already developed a Consolidated Plan to create a new plan during the year 2000 that specifically addresses assisting adults and families with disabilities. To assist in developing this plan, the Office of Community and Planning Development (CPD) will distribute to communities a publication entitled "Piecing it All Together in Our Community: Learning to Use HUD's Consolidated Plan to Expand Housing Opportunities for People with Disabilities."

CPD conducts front end reviews of the Consolidated Plans submitted to it by state and local jurisdictions to ensure that they meet Section 504 requirements. In conducting these front end reviews, CPD uses a Suggested Checklist for Review of Requirements for Section 504. The checklist specifically includes a review of the jurisdiction's communications with individuals with disabilities to ensure that these individuals receive the benefits and services of programs and a review of program accessibility.

Where CPD identifies a Consolidated Plan that does not adequately address these areas, it consults with the Office of Fair Housing and Equal Opportunity (FHEO) regarding the steps that the jurisdiction needs to take. CPD then notifies the jurisdiction about addressing the deficiencies.

Moreover, CPD and FHEO conduct a "Risk Analysis" to identify communities and programs to be monitored. If a fair housing problem is identified during the monitoring process, FHEO sees that it is resolved in the most timely manner possible through additional monitoring, compliance reviews, negotiations, agreements, and other means.

To ensure that the fair housing monitoring is being conducted accurately and completely, FHEO will do a general review 100% of CPD's front end reviews to determine which ones require follow up by FHEO, and take appropriate action. In addition, FHEO will conduct a thorough review of a randomly selected 35% of those reviews for quality assurance. If the analysis shows that CPD staff needs additional technical assistance, FHEO staff will provide it.

III. DATA COLLECTION

HUD should take affirmative steps to improve its efforts to assess the priority housing needs of people with disabilities.

HUD is implementing modifications to its Tenant Rental Assistance Certification System (TRACS) to enable the Department to identify which units of the 30,000 assisted projects in the Department's multifamily inventory are accessible to persons with disabilities. Specifically, the Department will be able to determine which units are accessible to persons with mobility impairments, persons with visual impairments, and/or persons with hearing impairments. This system will become operational during the second quarter of Fiscal Year 2001.

Also, HUD's Report to Congress entitled "Rental Housing Assistance—The Worsening Crisis, A Report to Congress on Worst Case Housing Needs", was released in March of 2000. Throughout the Report are statistics regarding nonelderly disabled families experiencing physical housing problems, overcrowding or a high rent burden (paying over half of their income for rent). The Report found that the number of nonelderly adults with disabilities in families with worst case housing needs was between 1.1 million and 1.4 million.

IV. TAX CREDITS

The Department of Treasury must take affirmative steps to ensure that housing built with federal low income housing tax credits comply with the Accessibility and Nondiscrimination Requirements of the Fair Housing Act.

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HUD is planning to enter into a Memorandum of Understanding (MOU) with the Departments of Treasury (including the Internal Revenue Service) and Justice that sets forth the reporting and other responsibilities of each Department when a multifamily project constructed and operated using Low-Income Housing Tax Credits (LIHTC) is found to be possibly or actually in violation of the Fair Housing Act.

The MOU encourages substantially equivalent State and local agencies to include State Housing Finance Agencies administering Federal LIHTCs in regularly scheduled fair housing training.

Finally, the MOU calls for an annual meeting of interested Federal Departments and agencies to discuss emerging civil rights issues and methods and programs for increasing civil rights compliance in the LIHTC program.

V. INTERNATIONAL BUILDING CODE 2000

Joint efforts to promote use of model building codes which have incorporated the accessibility requirements of the Fair Housing Act.

Background: The Fair Housing Act (the Act) requires that covered multifamily dwellings (buildings with four or more units) which were built for first occupancy after March 13, 1991 incorporate certain basic features of accessible design. On March 6, 1991, the Department published final Fair Housing Accessibility Guidelines (the Guidelines), which provide a safe harbor for meeting the accessibility requirements in the Act. The Department provided technical assistance to model building code organizations, at their request, on drafting building code language to reflect the Guidelines. After the model code organizations completed that effort, they requested that the Department review the three national model building codes and the draft International Building code to determine the extent to which these codes are consistent with the Fair Housing Act, the Department's regulations, and the Guidelines.

HUD Review of Model Building Codes - The Department completed its review of the model building codes, and published a Final Report in the Federal Register on March 23, 2000. The Final Report focused on those provisions in the model building codes that did not meet the requirements of the Act. The Final Report found that in most cases, the accessibility requirements in the model codes were consistent with the requirements in the Act, the Department's regulations, the Guidelines, and the American National Standards Institute (ANSI) A117.1 standards. The ANSI A117.1 standard is the standard addressing accessibility for persons with disabilities that has been used since by the private industry since 1961. The ANSI A117.1 standard is also the design standard referenced in the Fair Housing Act as a safe harbor in terms meeting the Act's technical design specifications. However, for each model code, the Department identified approximately 15 to 21 areas of inconsistency, and offered recommendations for addressing these inconsistencies.

International Building Code - Following publication of its Final Report on HUD Review of Model Building Codes, the Department's Model Codes Work Group convened meetings with a working group that included representatives of the International Code Council (ICC), Eastern Paralyzed Veterans, the National Association of Home Builders, the National Multi Housing Council and other interested persons, and developed a package of recommendations for addressing all of the approximately 15 areas of inconsistency in the International Building Code 2000 (IBC 2000) that were identified by HUD in its March 23, 2000 Final Report. This package of recommendations has passed the first phase of the ICC's model building code review process. If the package passes all phases of the ICC code review process, the revisions will appear in a 2001 Supplement to the IBC 2000.

Code Requirements for Housing Accessibility (CRHA) - The International Code Council (ICC) developed the *Code Requirements for Housing Accessibility*, in order to bring together, in one document, up-to-date housing provisions from the model codes and the consensus national standards which will meet or exceed the minimum requirements of the Fair Housing Act, HUD's regulations, and the Guidelines. The CRHA consists of existing IBC 2000 code text and ICC/ANSI A117.1 consensus standards text, which have been renumbered and organized to facilitate their use as a separate document addressing housing.

In order for the CRHA to be adopted by State or local building code jurisdictions that have already adopted the International Building Code 2000, the CRHA contains code text revisions necessary to address variances identified in HUD's Final Report.

Finally, at the request of the National Association of Home Builders (NAHB), the Department analyzed a document prepared by NAHB which identifies five areas where the CRHA exceeds the requirements in the Guidelines. The Department determined that NAHB's analysis was correct, and requested that ICC include it in the CRHA. However, in the language introducing this section, the Department cautions that it is not attempting to invalidate any existing or future state or local laws that require or may require greater accessibility for persons with disabilities than is contained in the NAHB analysis. The Department also is not suggesting that the code changes in the NAHB analysis are required in order to achieve consistency with the Department's Guidelines or the Act, as State and local governments are free to adopt codes and standards that provide for greater accessibility.

HUD will continue to collaborate with model code organizations, disability advocates, home builder organizations and other federal agencies to encourage state and local governments to adopt model building codes that are consistent with the Fair Housing Act accessibility requirements.

VI. HOMEOWNERSHIP

HUD is planning to send a letter from Assistant Secretary for Housing William Apgar to all approved FHA mortgagees entitled "Single Family Loan Production - Increasing Home Ownership Rates for Persons with Disabilities". This Mortgage Letter will re-emphasize the Department's commitment to make home ownership a reality for persons with disabilities and encourage its lender partners to make this dream possible through increased, but prudent flexibility when underwriting their loan applications.

Moreover, HUD's Office of Native American Programs is presenting accessibility training workshops to representatives from Housing Authorities (HAs) and Tribally Designated Housing Entities (TDHEs). The workshop series shows HAs and TDHEs how homes and apartments can be remodeled, altered, or newly constructed to increase access for special needs populations who may be elderly or have disabilities. The new construction or alteration of five or more attached or detached apartments or single-family homes conducted by HAs and TDHEs must comply with the Federal accessibility requirements of Section 504 of the Rehabilitation Act of 1973. Section 504 is designed to ensure equitable use for people with and without disabilities to programs that receive Federal funding. Since HAs and TDHEs receive Federal funding to alter or newly construct housing, they are responsible for ensuring equitable use to housing by complying with the Section 504. The first two workshops were held in Reno, NV and Oklahoma City, OK. Subsequent workshops will be held in Billings MT, Minneapolis MN, Albuquerque, NM, and Seattle, Washington.

VII. HUD REGULATION ENFORCEMENT

Strengthen the ability of HUD and the Department of Justice to enforce the Fair Housing Act.

While FHEO welcomes additional budgetary support, it should be noted that under this Administration, the Fair Housing budget has increased from \$15 million in FY 1993 to \$44 million in FY 2000.

The FY 2000 HUD budget provides \$44 million for Fair Housing initiatives, an increase of \$4 million from last year's budget and close to the Administration's request. These funds will support the Fair Housing Assistance Program (FHAP) and the Fair Housing Initiatives Program (FHIP). FHAP provides Federal funds to State and local civil rights agencies that enforce laws which are equivalent to the Federal Fair Housing Act. FHIP provides funding for private fair housing groups that carry out enforcement (such as testing and private litigation) and education and outreach activities. HUD's efforts to enforce the Fair Housing Act include direct HUD complaint investigations and a range of education and outreach activities. HUD also enforces the Act through a variety of partners, which include FHAP agencies, FHIP organizations and recipients of HUD funds.

FHEO has been taking steps to increase its effectiveness and efficiency in enforcing the Fair Housing Act. These steps included regular communication with its partners, the

Office of General Counsel and the Department of Justice. This communication allows for early identification of problems and ways to address those problems. In addition, FHEO has been reviewing its intake and investigation processes and is developing procedures and mechanisms for streamlining them to shorten the time it takes to complete resolution of complaints.

During the second term of the Administration, disability accounted for the second most common basis in complaints received after race (as of February 2000, 2498 disability complaints and 2708 alleging race discrimination). Also during the second term of the Administration, HUD and the FHAP agencies achieved "desirable results" more frequently on disability complaints than on race complaints. As of February 2000, of the cases closed during the second term, 40.1% (2457) of all HUD and FHAP disability complaints resulted in cause determinations, conciliations or settlements. This compares to 29.8% (2489) for race complaints.

In the Education and Outreach Component of the Fair Housing Initiatives Program, \$750,000 has been set aside for organizations that perform education and outreach regarding the requirements of the Fair Housing Act pertaining to individuals with disabilities.

HUD's FY 2001 budget proposes \$2.5 million specifically for an Education and Outreach Initiative to fund training and technical assistance to builders, developers, architects, building code officials and others on the accessibility requirements of the Fair Housing Act.

FHEO allocated \$1 million of its 1999 FHIP funds and requested \$2.5 million in 2001 FHIP funding for a Project of Accessibility Training and Technical Assistance. The focus will be on the accessibility requirements of the Fair Housing Act, primarily for multifamily construction.

In addition, the Department's FY 2000 FHIP Notice of Funding Availability earmarks \$1 million to fund collaborative activities involving disability rights advocacy groups, housing industry organizations, and other agencies and institutions capable of facilitating and encouraging adoption of building codes at the state and local levels that are consistent with the accessibility requirements of the Fair Housing Act.

The Department will undertake the following initiatives:

 HUD will maintain an interactive web page that contains technical assistance letters, court decisions, answers to frequently asked questions and other developments in accessibility issues; permits the public to ask questions and receive answers; directs the public to relevant publications or studies; and provides text of particularly important publications;

- Deliverable*
- HUD is planning to issue a notice to reemphasize the responsibility of Community Development Block Grant recipients to further affirmatively fair housing and to assess compliance with the requirements of the Fair Housing Act (the Act) concerning accessible multifamily design and construction. The notice will call upon recipients to give the same attention in their Analysis of Impediments to discrimination based upon disability as they do to other bases of discrimination such as race that have been prohibited by the Act since its inception in 1968. The notice will also encourage local elected officials to examine their building codes for inconsistencies with the design and construction requirements of the Act and find ways to inform builders and architects of the need to comply with those requirements as early as possible in the design phase of a multifamily project;

VIII. PROPOSED INITIATIVE: ACCESS HOUSING 2000

Deliverable

Outreach: HUD is planning to send to its housing and community development partners a joint letter with the Department of Health and Human Services to highlight the importance of the *Olmstead* principle and to encourage its partners to find ways to expand accessible, affordable housing for persons with disabilities. The letter will include a copy of HHS guidance to state Medicaid directors and a copy of a letter Secretary Shalala sent to every Governor.

Housing Assistance: For fiscal year 2000, HUD has set-aside approximately 7200 vouchers to assist families headed by persons with disabilities, as well as approximately 1800 vouchers for this purpose under the Section 811 "mainstreaming" program.

In addition, HUD's NOFA for 60,000 "Fair Share" vouchers gave extra points to housing authorities that serve such families with at least 15% of the new vouchers, or (of particular relevance to the *Olmstead* effort) would combine the vouchers with Medicaid waivers for at least 3 % of the new vouchers.

Even without these incentives, about 22% of nonelderly families using the voucher program have been headed by persons with disabilities. The first funding awards, for the category of vouchers awarded in connection with "designation plans" for public housing or similar plans for assisted housing (part of the 7200 vouchers discussed above), are scheduled to be announced July 25.

[For fiscal 2001, the President requested 120,000 vouchers, as well as a 5,000-voucher set-aside for persons with disabilities and a \$9 million increase in the Section 811 program.

IX. NEIGHBORHOOD NETWORK CENTERS

HUD should ensure that all existing or planned Neighborhood Network Centers are accessible - structurally and otherwise - to people with disabilities.

The Secretary has made a commitment to expand Neighborhood Network Centers to 1000 by the end of Fiscal Year 2001.

Over the next year, HUD will be reviewing and modifying the current Neighborhood Network Center's evaluation form which will include questions regarding the Center's accessibility and what need there might be to make the Center accessible.

In June, HUD offered the third installment of the Neighborhood Network Regional Technical Assistance Project (RTAP). This series of workshops featured full-day sessions on putting technology to work which can help people with disabilities. Sessions also provided guidance to help property owners comply with the HUD Accessibility Guidelines and ADA requirements.

X. SECTION 3 OF THE HOUSING AND URBAN DEVELOPMENT ACT

Section 3 of the Housing and Urban Development Act is an existing and powerful mechanism that can be utilized to effectively reduce all unemployment rate of public housing residents, including those with disabilities through compliance reviews, technical assistance and enforcement.

The intent of the Section 3 requirement is to provide training, jobs, and other entrepreneurial opportunities to low and very-low income public housing residents of assisted neighborhoods through opportunities generated by housing and community development projects. While not focused on civil rights per se, the program impacts all protected classes.

HUD intends to provide training, education and technical assistance to HUD aid recipients on methods to improve economic opportunities for all low and very-low income public housing residents, respond to all complaints, and enforce the law. We expect this focused effort to make significant improvements in economic opportunities for all low and very-low income residents, including those with disabilities.

XI. REVITALIZATION OF THE FAIR HOUSING COUNCIL

FD
-JAN 94 - **The Fair Housing Council should convene and conduct regular meetings to examine the programs, activities, policies and practices of all Federal Departments and Agencies to identify those programs, activities, policies and practices that make housing unobtainable to people with disabilities and develop a plan for implementation that will increase the housing opportunity for said group.**

Over the past 6 years, the Secretary has promoted fair and equal housing opportunities for all Americans. Additionally, he has focused attention to housing programs that promote opportunities for people with disabilities. In pursuing this aggressive approach, he has met with other cabinet officials, housing and lending industry officials and others, and promoted fair housing and equal access for all Americans. Recently, he met with

Secretary Donna Shalala on the *Olmstead* decision to begin to develop programs and outreach efforts to assist individuals with disabilities move from nursing homes and other institutions into the community.

HUD will begin to meet with staff from other Federal agencies with the ultimate objective of convening the Fair Housing Council as specified under Executive Order 12092.

XII. OTHER PROPOSALS

HUD has agreed to use its Internet-based Native American community resources to disseminate technical information on job development and employment for Native Americans with disabilities. These systems, the Native American Economic Development Access Center (Native eDGE) which links fourteen federal agencies to entrepreneurs and their partners seeking economic development in Indian Country, and CodeTalk, an interagency website for Native American communities, would facilitate the development of opportunities to employ Native Americans with disabilities, particularly through new business enterprises. Partner agencies would provide resources such as disabilities employment and related training to HUD staff, publications and documents to distribute on the Internet, and when necessary cooperative funding for technical enhancements and/or expansion of the services. To support this project, HUD has completed a technical review of Native eDGE and is now working to make the web site fully compliant with ADA requirements.

Ideally, the services would operate in concert with a new, Inter-Agency American Indian Disability Technical Assistance Center established through a multi-agency agreement. Such a Center would assist the 557 Federally recognized American Indian tribes and Alaska Native Villages examine the implication of, and potential for adoption of, culturally appropriate laws, policies, and programs to assist their members with disabilities in living healthy, productive, and integrated lives within their communities.

RECOMMENDATIONS FOR THE PROPOSED INITIATIVE: ACCESS HOUSING 2000

In response to the Olmstead decision, a proactive initiative that includes a comprehensive and systematic demonstration, technical assistance, policy analysis, and research agenda should be implemented. The initiative is essential to increase the opportunities for economic and community equity by expanding the availability of accessible, affordable housing, home ownership opportunities, and Individual Development Accounts (IDAs) for people with disabilities and their families.

Background: As a federal response to the Olmstead decision, Access Housing 2000 would be a partnership between HUD, HHS, and other agencies as appropriate, aimed at assisting individuals with disabilities to move from nursing homes and other institutions into the community.

*help people
people in
nursing
homes*
This would be accomplished by improving and expanding the availability of accessible, affordable housing, including home ownership opportunities, supporting the use of individual development accounts for low to moderate income individuals with disabilities and their families, and an array of personal assistance and supports necessary to make a smooth and successful transition to living in the community.

HUD and HHS would launch this targeted initiative by:

- Supporting a set-aside by HHS or other public and private organizations of matching money, administrative costs, and research to provide opportunities for 2000 participants in 40 States to establish IDAs. Allowable uses of these savings accounts will include homeownership, post-secondary education, acquisition of technology, making necessary modifications to a home or residence and capitalization of small businesses.
- Supporting a set-aside of 2000 Section 8 certificates by HUD or public housing authorities for use by people with disabilities and families of children with disabilities who currently reside in nursing homes or institutions in select States to rent, lease or purchase accessible and affordable homes and residences.
- Funding a technical assistance exchange that will focus on demonstration, policy analysis, and research at \$750,000-1,000,000 a year for 5 years to assist States and others to support people with disabilities to rent or own homes, establish IDA's, and control the services they receive.
- Collaborating with the Robert Wood Johnson National Program Office who will work in partnership with American Disabled for Attendant Programs Today (ADAPT); National Council on Independent Living (NCIL); World Institute on Disability (WID); and Corporation for Enterprise Development (CFED), and others to carry out this initiative.

- Encouraging other Federal agencies, Fannie Mae, States, the disability community, foundations and others to make specific contributions to the work of Access Housing 2000, especially as it relates to the movement of individuals residing in nursing homes and institutions into community homes and apartments.
- Working with Fannie Mae, Federal Home Loan Banks, and Housing Finance Agencies to provide flexible underwriting criteria; mortgage loans; rehabilitation loans; reduced interest rates; and soft-second loans for down payment, closing cost, and rehabilitation assistance.
- Directing States receiving nursing home transition grants to work with HUD, State and local housing agencies and others to facilitate the use of Section 8 vouchers by individuals leaving institutions.
- Expressly permitting and encouraging States receiving WIIA infrastructure development grants to use a portion of the funds to work with these agencies and others to highlight the uses of Section 8 vouchers and otherwise expand housing, home ownership, and savings opportunities for employed individuals with disabilities.
- Urging State Medicaid Directors and other key stakeholders to tap into the initiative.

HUD

Draft Date: June 21, 2000

MEMORANDUM OF UNDERSTANDING AMONG
THE DEPARTMENT OF THE TREASURY,
THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AND
THE DEPARTMENT OF JUSTICE

Preamble

The United States Departments of the Treasury, Housing and Urban Development, and Justice enter into this memorandum of understanding (MOU) in a cooperative effort to promote enhanced compliance with the Fair Housing Act (Act) for the benefit of residents of low-income housing tax credit properties and the general public.

It is recognized that the Department of the Treasury's (Treasury) Internal Revenue Service (IRS) is responsible for administering and enforcing the tax laws in the LIHTC program under § 42 of the Internal Revenue Code, 26 U.S.C. § 42. In accordance with § 1.42-9 of the Income Tax Regulations, 26 C.F.R. § 1.42-9, low-income housing tax credit properties are to be rented in a manner consistent with the Act. Noncompliance of these properties with the low-income housing tax credit provisions are required to be reported to the IRS by state housing finance agencies under 26 U.S.C. § 42(m)(1)(B)(iii).

It is recognized that the Department of Housing and Urban Development (HUD) is responsible for enforcing the Act, 42 U.S.C. §§ 3601 et seq. In doing so, HUD is required to investigate allegations of housing discrimination, attempt conciliation of the complaint, and determine whether there is reasonable cause to believe discrimination has occurred under the Act. Upon finding reasonable cause, HUD must bring the case before an administrative law judge, or if either party elects to have claims or complaints decided in a civil action, HUD must refer the complaint to the Department of Justice for prosecution in the United States District Court.

It is recognized that the Department of Justice (Justice) is responsible for enforcing the Act, 42 U.S.C. §§ 3601 et seq. Pursuant to § 3614 of the Act, Justice may file a lawsuit whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of discrimination or denial of rights to a group of persons where such denial raises an issue of general public importance. Justice also may file a lawsuit upon referral of matters from HUD involving the legality of any state or local zoning or other land use law or ordinance and after receiving a referral from HUD following an election by a party to a HUD complaint

to have the matter decided in a civil action. Justice may enter into settlement agreements and consent decrees with property owners to obtain compliance with the Act. In the event a property owner fails to comply with the terms of the settlement agreement or consent decree, Justice may seek a court judgment to enforce the terms of the settlement agreement or consent decree.

The parties to this MOU agree to the following:

1) Coordination on Notifying LIHTC Property Owners about Charges, Lawsuits, and Other Actions

HUD and Justice will identify LIHTC properties for which there is: 1) a charge by the Secretary of HUD for a violation of the Act; 2) a probable cause finding under a substantially equivalent fair housing state law or local ordinance by a substantially equivalent state or local agency; 3) a lawsuit under the Act filed by Justice; 4) a settlement agreement or consent decree entered into between HUD or Justice and the owner of a LIHTC property; or 5) an agreement entered into between HUD and the owner of a LIHTC property following the issuance of a charge by the Secretary of HUD.

HUD or Justice will then transmit the address of the property and a summary of these actions to the appropriate state housing finance agency, using a current list of contacts and addresses of state housing finance agencies provided by the IRS.

Upon the state housing finance agencies reporting this information to the IRS (using Form 8823, LIHTC Agencies Report of Noncompliance), the IRS will send a letter to involved property owners notifying them that a finding of discrimination, including an adverse final decision by the Secretary of HUD, an adverse final decision by a substantially equivalent state or local fair housing agency, or an adverse judgment by a federal court, could result in the loss of LIHTC. Similarly, the IRS will also send notification to property owners that a judgment enforcing the terms of a settlement agreement, consent decree, or a conciliation agreement entered with HUD following a charge could result in the loss of LIHTCs. The IRS, HUD, and Justice will collaboratively develop the model letters addressed to property owners and other entities. HUD and Justice will also send to the IRS and the appropriate state housing finance agency a summary of the above-referenced actions, describing relevant information such as the precise nature of the violation, the dates of the violation, and proposed corrective actions.

2) Designating Points of Contacts and Interagency Technical Assistance and Training

HUD and Justice will designate personnel to provide the IRS upon request with technical assistance and problem resolution concerning emerging civil rights and discrimination matters involving the administration of the LIHTC program (e.g., accessibility issues, section 8 vouchers, civil rights interpretative issues, and published

guidance). In addition, HUD and Justice will provide training upon request to a few designated IRS personnel about the Act. The IRS will designate personnel to provide technical assistance and training upon request to HUD and Justice personnel on general tax administration issues under the LIHTC program, not subject to the IRS's disclosure limitations contained in section 6103 of the Internal Revenue Code.

3) Training for State Housing Finance Agencies and Others

HUD and Justice will make training available upon request to state housing finance agencies and other entities (e.g., developers, property management companies, syndicators) on the Act, including training on inspecting for Act accessibility criteria referenced in the uniform physical condition standards in 24 CFR 5.703. HUD will also encourage substantially equivalent state and local fair housing agencies to invite state housing finance agencies and other entities to participate in civil rights training developed by the substantially equivalent agencies.

4) HUD's Pilot Program to Train Architects on the Act's Accessibility Requirements

HUD has begun the process of developing a pilot program in one region of the country to provide training and technical assistance to architects and others on the accessible design and construction requirements of the Act. HUD has also proposed expanding this program to four regions in FY 2001. HUD will promote participation in the program by members of the American Institute of Architects, including those involved with the design and construction of LIHTC properties.

5) Cooperation in Research Concerning LIHTC Properties

HUD and Treasury will cooperate in research sponsored by either Department concerning LIHTC properties.

6) Cooperation to Identify and Remove Unlawful Barriers to Section 8 Tenants

In consultation with the state housing finance agencies, HUD, Justice, and the IRS will cooperate in identifying and removing unlawful barriers to occupancy of LIHTC properties by individuals holding section 8 vouchers.

7) Cooperation in Assisting Syndicators of LIHTC

HUD, Justice, and the IRS will cooperate in helping the national associations of investment syndicators of LIHTC properties to enhance practices by syndicators in monitoring and promoting compliance with the Act and the LIHTC program.

8) Annual Civil Rights Meeting Among Federal Agencies and Participation in National Conference of State Housing Finance Agencies

HUD, Justice, Treasury, and other interested federal agencies will meet annually to discuss emerging civil rights issues and new methods and programs to increase civil rights compliance in the LIHTC program. IRS will encourage the state housing finance agencies to invite HUD and Justice to the annual national conference of state housing finance agencies. HUD and Justice agree to designate personnel to conduct training and discuss emerging civil rights issues at the national conference.

Implementation

This MOU will become effective 30 days from the date of the last signature on this document.

The parties agree to confer on the interpretation and application of the memorandum as necessary and to conduct a mutual annual review of its operation.

Nothing in this MOU shall be construed to impair HUD's or Justice's authority to enforce the Act nor the IRS's authority to administer the LIHTC program, including complete administrative discretion to deny LIHTC in the event of a violation of the Act.

LAWRENCE SUMMERS
Secretary of the Treasury

ANDREW CUOMO
Secretary of Housing
and Urban Development

JANET RENO
Attorney General

DATE

DATE

DATE



FAIR HOUSING AND EQUAL OPPORTUNITY
OFFICE OF THE ASSISTANT SECRETARY

202-708-4252 PHONE
202-708-4483 FAX

TO:

Megan Crowhurst

FROM:

Amy Wilkinson

FAX:

(202) 456-5558

DATE:

OF PAGES

____ (INCLUDING COVER PAGE)

COMMENTS:

U.S. Department of Housing and Urban Development
451 7th Street, S.W., Suite 5100, Washington, D.C. 20410

**Sample Cases Filed with the U.S.
Department of Housing and Urban
Development
by Individuals with Disabilities
Alleging Violations of the Fair Housing
Act or Section 504 of the Rehabilitation
Act of 1973**

(July 13, 2000)

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. fax	Sample Cases Filed with the U.S. Department of Housing and Urban Development; RE: Personal (32 pages)	07/13/2000	b(6)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Eric Gould
OA/Box Number: 20348

FOLDER TITLE:

ADA [Americans with Disabilities] Anniversary Events

2007-0143-F
db4510

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]

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OPM

Divider Title: _____

OFFICE OF PERSONNEL MANAGEMENT

- ✓ Will announce a goal to increase the representation of persons with disabilities employed at all levels and occupations of the Federal government, including a four-year goal for all federal departments and agencies.
- ✓ Will showcase success stories of the Federal Government through *Accessing Opportunity: The Plan for Employment of People with Disabilities in the Federal Government*.
- ✓ Will highlight successful agency practices and/or employees at each torch relay stop.
- ✓ Will announce a regulation to make it easier for agencies to hire people with psychiatric disabilities.

**Employment of Persons with Disabilities
OPM Proposed Policy Announcements**

PACKAGE.

1. Reasonable accommodation

memo

2. # of people into fed govt

3.

**1. INCREASE THE NUMBER OF PEOPLE WITH DISABILITIES HIRED INTO THE
FEDERAL GOVERNMENT**

- Announce a goal to increase the number of persons with disabilities newly hired by Federal departments and agencies and increase the representation of persons with disabilities employed at all levels and occupations of the Federal government.
- The President/VPOTUS will announce a four year goal for all federal departments and agencies to hire _____ number of people with disabilities into the Federal workforce. (We are working with agencies on this number and are using the WTW model).

BACKGROUND

- Over 54 million Americans have disabilities. (President's radio address, October 1999)
- Nearly ½ of working age persons with disabilities are unemployed. (President's Committee on Employment of People with Disabilities)
- As of September 1999, 5.7 % (12,205) of hires were persons with disabilities. (Central Personnel Data File [CPDF])
- As of September 1999, 7.2 % (122,249) of the total Federal executive branch workforce identified themselves as having a disability. (CPDF)
- As of September 1999, 1.2 % (20,136) of the total Federal executive branch workforce identified themselves as having an EEOC specified (targeted) disability. (CPDF)

2. FEDERAL GOVERNMENT AS A MODEL EMPLOYER

- Showcase success stories of the Federal Government as a Model Employer by amplifying *Accessing Opportunity: The Plan for Employment of People With Disabilities in the Federal Government*.
- OPM is compiling success stories from federal agencies and departments. Highlighting a successful agency practice and/or successful employee at each torch relay stop or with a roundtable of employees will show how the Federal Government is leading the way and setting the standard for the employment of people with disabilities.

BACKGROUND

- The President released this landmark Plan and accompanying Guide last October. This first ever Plan serves as a framework for Federal departments and agencies to use to recruit, hire, develop, and retain more people with disabilities.
- Vice president Gore asked OPM to develop this plan.

**2. EXPANDING HIRING OPPORTUNITIES FOR PEOPLE WITH PSYCHIATRIC
DISABILITIES**

- Announce a final OPM regulation that makes it easier for agencies to hire people with psychiatric disabilities. This regulation will level the playing field for those with psychiatric disabilities by giving them the same hiring opportunities as other people with disabilities.
- OPM just sent over the final regulation to OMB.

For
Could this
be an
FD

PROPOSED WHITE HOUSE ANNOUNCEMENT ON INCREASING THE FEDERAL GOVERNMENTS' HIRING OF PEOPLE WITH DISABILITIES

Objectives:

- To set a realistic "stretch" goal to increase the number of persons with disabilities hired by Federal department and agencies.
- To increase the representation of persons with disabilities employed at all levels and occupations of the Federal government.

CURRENT STATE OF PLAY

- Federal government is our nation's largest employer – 1.8 million employees
- Government hires 200,000 employees each year
- Of those, 12,000 are people with disabilities (5.9%)
- 1,600 are people with targeted disabilities (0.8%)

WHAT HAPPENS IF WE DO NOTHING

- Federal new hires over the next five years will be 1,082,000
- Of these, 62,500 will have a disability (5.8% of all hires)
- Of these, 8,000 will have a targeted disability (.7% of all hires)

PROPOSED ANNOUNCEMENTS

Federal government will hire 100,000 people with disabilities over the next five years
--

- This represents a **60% increase** in the hiring level of people with disabilities for Federal government
- 100,000 new hires represents **9.2%** of all new Federal hires . . . almost 1 in 10

**HOW MANY OF THE 100,000 SHOULD BE PEOPLE WITH TARGETED
DISABILITIES?**

OPTIONS

1. 12,800 (1.2% of all hires, 60% increase) . . . same 60% increase as overall goal
2. 20,000 (1.8% of all hires, 150% increase) *Strong*
3. 25,000 (2.3% of all hires, 220% increase)
4. 40,000 (3.7% of all hires, 400% increase)
5. 50,000 (4.6% of all hires, 525% increase) *50/50*

BACKGROUND

- At last June's White House Conference on Mental Health, President Clinton announced the Executive Order expanding hiring opportunities for people with psychiatric disabilities and the government's mental health parity initiative.
- OPM published the proposed regulation in March and is ready to announce the final reg.

OPM ACCOMPLISHMENTS

1. Mental Health Parity

In June 1999, during the White House Conference on Mental Health, President Clinton announced the Executive Order expanding the government's mental health parity initiative.

The Federal Employees Health Benefits Program (FEHB) is the largest employer-sponsored health insurance program in the country, covering about 9 million people. OPM has required FEHB providers to provide mental health parity in their health plans. This means that all health plans effective January 2001 will provide coverage for clinically-proven treatments for mental illness and substance abuse in a manner identical to coverage for other medical conditions.

2. The Plan — *“Accessing Opportunity: The Plan for Employment of People with Disabilities in the Federal Government”*

In October 1999, the President released the first-ever Plan for government-wide use as part of its ongoing support of and commitment to the President's and Vice-President's goal of making the Federal government a model employer of people with disabilities. This Plan will assist Federal employers in fulfilling their commitment to become model employers of people with disabilities and will serve as a framework for Federal departments and agencies to use to recruit, hire, develop, and retain more people with disabilities.

3. The Guide — *“People with Disabilities in the Federal Government: An Employment Guide”*

The Plan's companion piece, *“Accessing Opportunity: The Plan for Employment of People with Disabilities in the Federal Government”*, was developed in support of the Task Force's efforts and recommendations. The purpose of this Guide is to provide guidance, information, and references to aid Federal employers in their efforts to hire and advance employees with disabilities.

4. Summer Hires — 10% Goal

In June 2000, at the National Transition Summit on Young People with Disabilities, Director Janice Lachance made the commitment to ensure that 10% of OPM's summer hires will be individuals with disabilities.

5. The Diversity Guide — *“Building and Maintaining a Diverse, High-Quality Workforce: A Guide for Federal Agencies”*

In June 2000, OPM issued this first-ever guide as a tool to help Federal agencies develop an effective program to build and maintain a diverse, high-quality workforce.

6. The Disability Website — www.opm.gov/disability

In July 2000, OPM created a new web site to help Federal agencies and persons interested in Federal employment to learn more about disability-related issues. OPM has built this site to educate and inform human resources professionals, employees, managers, and people with disabilities. This web site has received a “Bobby Approved” rating for accessibility.

7. Psychiatric Regulations

In July 2000, OPM published its final regulation that will level the playing field for those with psychiatric disabilities by giving them the same hiring opportunities as other people with disabilities. Individuals hired under this authority may non-competitively convert to the competitive service once they have successfully completed two years of Federal government service.

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SACED

Divider Title: _____

The Secretary's Advisory Committee for Employees with Disabilities (SACED): A best practice that can be replicated at other agencies

Secretary Glickman established the Secretary's Advisory Committee for Employees with Disabilities (SACED) in 1997 to provide input and focus on achieving equal access to affirmative employment, advancement, and services for people with disabilities at USDA. The SACED has expended considerable time and in-house resources to provide outreach, raise awareness, and make USDA a model employer of persons with disabilities. This year, the Secretary approved a full-time staff for the SACED. The committee operates at the highest level of executive leadership and is charged with providing advice and direction to the Secretary to:

- eliminate barriers to equal opportunity for employees with disabilities;
- provide accessible facilities, reasonable accommodations, and equal opportunity in hiring and promotions;
- promote affirmative employment opportunities for disabled veterans and persons with severe (targeted) and other (non-targeted) disabilities; and
- provide effective communication, including information in alternative formats, as needed, to all employees.

SACED has the responsibility of reviewing the Department's progress in achieving results and ensuring accountability. The SACED provides oversight for implementation of recommendations resulting from a series of nationwide listening forums for employees with disabilities. Periodic reports to the Secretary will serve to monitor progress.

Departmental Reasonable Accommodation Policy: The Secretary issued a Departmental Reasonable Accommodation policy stating that: "USDA recognizes that all of its employees need the tools necessary to be productive, and that making reasonable accommodations is simply a way of providing the tools needed to accomplish its mission. USDA is committed to a simple and streamlined process for providing reasonable accommodations."

Central Funding: The SACED has established quarterly data collection for review on the amount USDA offices are spending on accommodations to determine costs for Department-wide central funding.

Mentor Program: The SACED established a mentor program targeted for USDA employees with disabilities to expand opportunities for employee development and career advancement.

Communications: The SACED established a SACED home page as a communications vehicle for employees and applicants with disabilities with a contact list, calendar of events, and an extensive resource list for use by committee members, managers, and employees with links to disability information and Internet resources.

Employment: The SACED established an Employment Subcommittee to develop a Department-wide recruitment strategic plan with Departmental employment goals for hiring of persons with disabilities in cooperation with the Presidential Task Force on Employment of Adults with Disabilities.

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SAMSHA

Divider Title: _____

HHS/SAMHSA Deliverables for the Anniversary of the ADA

THEME#1: Increasing Health Care Coverage - Insurance coverage plays a critical role in the employability of those with disabilities, an issue that is particularly important to those with substance abuse and mental health disabilities. This issue should be raised and addressed by the President during the July 26 event.

Key Actions/Announcements:

- * Federal Employee Benefit Plan- A Parity Model that Works - HHS/SAMHSA is working with the Office of Personnel Management (OPM) to ensure and evaluate mental health parity for Federal employees, demonstrating a model for other employers to emulate. Such information can help educate and inform members of Congress and others of the importance of legislative and policy fixes to promote and ensure mental health and substance abuse parity for all Americans.
- * Creating a National Safety Net - Components of HHS are working together in the development of a new safety net initiative, the Community Assistance Program or CAP. CAP is designed to meet the needs of the some 30 million plus uninsured Americans. The objective of this \$25 million initiative is to build comprehensive, integrated health care delivery systems that will offer a seamless continuum of care for the uninsured and underinsured. Special efforts have been made to ensure that substance abuse and mental health services will be included in these systems. Awards will be made to approximately 20 communities.

THEME #2: Improving Employability - We must continue to strive to improve the employment rate for individuals with disabilities, ensuring opportunity, inclusion, and economic self-sufficiency for all Americans.

Key Actions/Announcements:

- * Improving Rates of Employment - HHS/SAMHSA is pleased to announce the results from the Employment Intervention Demonstration Program (EIDP), which can be used to educate and inform employers in improving the rate of employment of people with psychiatric disabilities. The EIDP illustrates that, given the right support services, people with mental disabilities can work. Clients of this program worked 793,577 hours and earned \$4.2 million in the first three years of the project. The President can announce the success of this project and release a fact sheet to better inform employers about vocational rehabilitation and employment of individuals with mental disabilities. Application of the lessons learned from EIDP can ultimately help people with serious mental illnesses find and maintain employment by establishing best practices by employers and support services.
- * Providing Employers with the Tools and Knowledge - HHS/SAMHSA is planning to conduct a "National Summit on Employment of People with

Psychiatric Disabilities.” This summit will provide businesses with the tools and knowledge they need to make informed decisions in increasing efforts to hire people with psychiatric disabilities and implement workplace policies to support such hiring. The summit will include tracks for consumers and employers, to exchange knowledge and information about how to effectively identify, obtain, and maintain appropriate and fulfilling employment. The President could issue an Executive Directive for such a summit, directing HHS/SAMHSA to take the leadership, in collaboration with Department of Labor.

THEME #3: Eliminating Stigma In Order to Reach Families in Need - We must continue to work to eliminate the stigma, discrimination, and prejudice associated with disabilities. Individuals with psychiatric and substance abuse disabilities face the stigma every day.

Key Actions/Announcements:

- * Anti-Stigma Campaign - HHS/SAMHSA is working with the *National Mental Health Awareness Campaign* and within its own programming to educate the public, amplify the voices of people with psychiatric disabilities, and eliminate negative images. Anti-stigma posters, fact sheets, and brochures, along with a guide on how to respond to stigma, are being developed. Training and curricula is being offered to help reduce stigmatizing attitudes, behaviors, and practices. These items could be released and illustrated during the July 26 event by Mrs. Gore.
- * Vote: It Begins With Me! - HHS/SAMHSA is pleased to announce the development of a manual, created by the National Mental Health Association with SAMHSA’s support, to encourage individuals with mental disabilities to exercise their right to vote. This campaign and manual is designed to change the way individuals with mental disabilities see themselves, demonstrating their role as contributors in society. It involves consumers themselves in the promotion of their own voter registration, education, and mobilization. This manual could be released and illustrated during the July 26 event by Mrs. Gore.

THEME #4: Reducing Discrimination - The ADA works to ensure that individuals with disabilities receive equitable and fair treatment across the board. Psychiatric disabilities and substance abuse disorders present unique disability issues for treatment, employability, and appropriate housing.

Key Actions/Announcements:

- * Creating a National Coalition - HHS/SAMHSA will support the creation of a **National Mental Health Coalition** to promote community-based care, in compliance with the Olmstead Decision**. Key organizations and constituencies will come together to work in partnership with the States to develop a plan, working with consumers. This technical assistance effort will link with the Private Industry Councils (PICs) looking at employability, housing authorities,

case managers, professional organizations, social security services, and others to ensure wrap-around, integrated, community-based services. The creation of this coalition could be announced by Vice-President Gore at the July 26 event.(September 2000)

****See Also:** HHS submission for complete information on Olmstead

Contact: Lorinda Daniel, 301-443-4795

HHS/Substance Abuse and Mental Health Services Administration

Key Accomplishments 10th Anniversary of the ADA

- (1) Ensuring a Voice for the Disability Community: Mental Health Planning Councils - Under SAMHSA's Community Mental Health Services Block Grant authorizing language, mental health planning councils are required to be consulted for use of the block grant funds. Most significantly, those councils are required to have consumer representation, ensuring that consumers have a voice in the direction of the dollars spent.
- (2) Providing Information to Improve Services - SAMHSA regularly releases guidelines, data, and other publications that are disseminated to communities on how to better serve individuals with psychiatric and substance abuse disabilities. For example, SAMHSA released a best practice guideline titled "*Substance Use Disorder Treatment for People with Physical and Cognitive Disabilities*" in January 1999. This "Treatment Improvement Protocol" (TIP) helps guide treatment professionals in the diagnosis, treatment, and accommodation of people with disabilities in need of substance abuse treatment. It emphasizes that treatment programs have a "legal and ethical responsibility" under the ADA to insure appropriate treatment for all clients.
- (3) Supporting Communities and Systems - SAMHSA works through its discretionary programs under its Knowledge Development and Application Grants to improve service delivery for individuals with psychiatric and substance abuse disorders. For example, the Recovery Community Support Program is designed to give persons in recovery a strong voice. The "*Access Now! Recovery Community Alliance Project*" in Tucson, Arizona specifically targets physically and cognitively disabled populations by organizing, training, and educating individuals with disabilities and their families to affect changes in the local treatment system. SAMHSA's program announcements often target high-risk populations, including physically and cognitively disabled clients, in order to better meet and address their special needs.
- (4) Improving Health Care Coverage - SAMHSA collaborates with partners, conducts services research, and informs policy debates to ensure attention to the needs of individuals with psychiatric and substance abuse disorders in health care coverage. SAMHSA's Employee Intervention Demonstration Program (EIDP) found that the availability of health insurance coverage is central to the ability of people with disabilities to return to and retain employment. SAMHSA is beginning to develop reports, information, and projects around these findings to improve employability and insurance coverage. SAMHSA also commissioned a legal issues brief on the ADA, in order to demonstrate the ability of health lawyers to submit legal challenges related to coverage of mental and/or substance abuse disorders in the insurance industry. The brief demonstrates that the ADA can be used to combat the lack of insurance coverage as discrimination.
- (5) Working From Within to Make A Difference - SAMHSA has assessed its own hiring practices and has conducted training and orientation sessions for managers and supervisors

on the subject of “reasonable accommodations for all employees. SAMHSA created a disability committee to focus on employment matters within the agency to continue to identify areas of need and make improvements. SAMHSA hosted a Disability Film Fest in recognition of Disability Awareness Month to increase staff awareness of the issues and concerns that affect persons with disabilities.

promoting physical fitness and sports participation nationwide. A key part of the Council's work is the President's Challenge Youth Physical Fitness Awards Program, which offers awards for participation and excellence in a set of physical fitness assessments to encourage 2.9 million students to improve and maintain physical fitness. The Department of Health and Human Services' National Youth Sports Program collaborates with participating colleges to provide summer sports programs in college environments to youth living in areas of urban and rural poverty. Currently, over 70,000 children at over 200 colleges and universities through this program can improve their physical fitness and health habits while becoming acquainted with post-secondary educational opportunities.

The Department of Education also promotes physical activity and health in schools. My Elementary and Secondary Education Act reauthorization proposal includes "Lifelong Physical Activity" discretionary grants as part of the Safe and Drug-Free Schools and Communities Act. Building on current demonstration projects by the Centers for Disease Control, this initiative would authorize funding for sites to implement programs that promote lifelong physical activity and health awareness during and after school by linking physical education with health education.-

These efforts, and many similar public and private initiatives around the country, are encouraging. We must now build on this groundwork by developing additional strategies for promoting physical fitness and participation in sports, which are essential to improving individual and community health.

Therefore, I direct you to identify and report back to me within 90 days on strategies to promote better health for our Nation's youth through physical activity and fitness, including:

1. Promoting the renewal of physical education in our schools, as well as the expansion of after-school programs that offer physical activities and sports in addition to enhanced academics and cultural activities;
2. Encouraging participation by private sector partners in raising the level of physical activity and fitness among our youth; and
3. Promoting greater coordination of existing public and private resources that encourages physical activity and sports.

In developing these strategies, you shall work with the U.S. Olympic

Committee, and other private and nongovernmental sports organizations, as appropriate.

By identifying effective new steps and strengthening public-private partnerships, we will advance our efforts to prepare the Nation's young people for lifelong physical fitness.

WILLIAM J. CLINTON

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SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMSHA)

- ✓ Addressing the following challenges: Ensuring that services are available for all who need them, applying information to those entering the workforce with substance abuse and mental disabilities, and reducing the stigma of substance abuse and mental health.

Responses include:

- ✓ Educating and Informing About the ADA. Planning to release a booklet entitled, "Filing and ADA Employment Discrimination Charge: Making it Work for You."
- ✓ Reducing Discrimination. Developing and conducting activities in response to the Olmstead decision. (Too vague)
- ✓ Increasing Parity in Health Care Coverage. Working with OPM to ensure and evaluate health insurance equality for Federal employees with mental health disabilities. Including a brief to health lawyers regarding a lack of insurance coverage as discrimination. Also working with HCFA Medicaid Bureau and the States to develop early warning systems to identify problems with services for persons with psychiatric and/or substance abuse disabilities arising in public managed managed care mental health and substance abuse carve-out systems. (what??)
- ✓ Creating a National Safety Net. Working with HHS on a Community Assistance Program to aid over 30 million uninsured Americans. The \$25 million will be used to build comprehensive health care delivery systems, including substance abuse and mental health practices.
- ✓ Eliminating Stigma through Awareness. Working with the National Mental Health Awareness Campaign to educate the public, amplify the voices of people with psychiatric disabilities, eliminate negative images, and distribute fact sheets and brochures. (to whom?)
- ✓ Targeting Co-Occurrence of Physical Disabilities and Mental Illness/Substance Abuse. In corroboration with CMHS is supporting a study to address issues concerning disabilities and mental illness from the consumer perspective. In addition, released a treatment improved protocol entitled "Substance Use Disorder Treatment for People with Physical and Cognitive Disabilities" for professionals to aid in the diagnosis and treatment of individuals with disabilities in need of substance abuse treatment. And, the Recovery Community Support Program is designed to allow those persons in recovery a voice in policy and planning at the State and Local levels.

SAMSHA

**Substance Abuse and Mental Health Services Administration (SAMHSA)
Proposals for Deliverables for the 50th Anniversary
of the Americans with Disabilities Act (ADA)**

The Issue...

Psychiatric disabilities and substance abuse disorders present unique disability issues to be addressed under the Americans with Disabilities Act (ADA) and through related activities. Actions must be undertaken to ensure the availability of treatment services and employment opportunities for individuals with psychiatric disabilities and substance abuse disorders, including dissemination of knowledge about best practices related to serving those individuals and those with co-occurring physical and cognitive disabilities. Ensuring access to appropriate care and services for adolescents and adults with specific mental health and substance abuse disabilities can significantly impact on the future success in recovery and in functioning with the disability.

Facing Challenges...

SAMHSA is challenged to ensure that the needs of those with psychiatric and substance abuse disabilities, as well as those with a co-occurring physical disability, are met. Specific challenges include:

- Closing the Treatment Gap - ensuring available services for all who need them
- Knowledge Dissemination - application of knowledge about how best to serve those with substance abuse and mental disabilities as they enter the workforce
- Stigma - lack of understanding of mental illness and substance abuse as disabilities and how to cope.

The Response...

MHSA is supporting actions to address these challenges in the following areas:

Educating and Informing About the ADA - People with psychiatric disabilities have staggeringly high unemployment rates. Of the many factors contributing to the high unemployment rates, discrimination by employers and co-workers is an important one. It is, therefore, important for people with psychiatric disabilities to know how to file an ADA employment discrimination charge. SAMHSA will soon be releasing a booklet explaining how the process works, entitled "*Filing an ADA Employment Discrimination Charge: Making it Work for You.*" This publication, along with other SAMHSA activities, improves the ability of those with psychiatric and substance abuse disabilities to know their rights.

Reducing Discrimination: the *Olmstead v. L.C.* Decision - In June 1999, the U.S. Supreme Court ruled in *Olmstead v. L.C.* that unnecessary institutionalization of individuals with disabilities is discrimination under the ADA. As the lead agency in the Department of Health and Human Services (HHS) on matters related to mental health and substance abuse, SAMHSA is working with a department-wide workgroup to develop and conduct activities in response to the *Olmstead* decision. In particular, SAMHSA is pursuing training and technical assistance activities with grantees to educate and inform about *Olmstead* and its implications.

Increasing Parity in Health Care Coverage - Insurance coverage plays a critical role in the employability of those with disabilities, an issue that is particularly important to those with substance abuse and mental health disabilities. In fact, SAMHSA's Employee Intervention Demonstration Program (EIDP) found that the availability of health insurance coverage is central to the ability of people with disabilities to return to and retain employment. As such, SAMHSA is working with the Office of Personnel Management (OPM) to ensure and evaluate mental health parity for Federal employees, demonstrating a model for other employers to emulate.

In addition, SAMHSA recently commissioned a legal issues brief on the ADA, in order to demonstrate the ability of health lawyers to submit legal challenges related to coverage of mental and/or substance abuse disorders in the

insurance industry. The brief demonstrates that the ADA can be used to combat the lack of insurance coverage as discrimination.

Lastly, SAMHSA is working with the Health Care Financing Administration's (HCFA) Medicaid Bureau and the states (and sub-state regions, e.g. PA), to develop early warning systems to identify problems with services for persons with psychiatric and/or substance abuse disabilities arising in public managed care mental health and substance abuse carve-out systems.

Creating a National Safety Net - SAMHSA is participating with components of HHS in the development of a new safety net initiative, the Community Assistance Program or CAP. CAP is designed to meet the needs of the some 30 million plus uninsured Americans. The objective of this \$25 million initiative is to build comprehensive, integrated health care delivery systems that will offer a seamless continuum of care for the uninsured and underinsured. Special efforts have been made to ensure that substance abuse and mental health services will be included in these systems. Awards will be made to approximately 20 communities. Applications were due on June 1.

Eliminating Stigma Through Awareness - SAMHSA's Center for Mental Health Services (CMHS) works to eliminate the stigma, discrimination, and prejudice associated with psychiatric disabilities through a number of activities, including working with the recently announced *National Mental Health Awareness Campaign* to educate the public, amplify the voices of people with psychiatric disabilities, and eliminate negative images. An anti-stigma poster has also been developed which includes fact sheets and brochures. In addition, SAMHSA is developing a guide on how to respond to stigma and is offering training and curricula to help reduce stigmatizing attitudes, behaviors, and practices in the mental health and substance abuse arenas.

Targeting Co-Occurrence of Physical Disabilities and Mental Illness/Substance Abuse - Many individuals suffer co-existing disabilities, creating special challenges in how these disabilities are accommodated. SAMHSA's CMHS is supporting a study to address issues raised by co-occurring disabilities and mental illness from the consumer perspective. An understanding of that perspective may provide insight into the barriers to service and may serve as a basis for identifying future training needs.

To further address co-existing disabilities, SAMHSA's Center for Substance Abuse Treatment (CSAT) released a best practice guideline titled "*Substance Use Disorder Treatment for People with Physical and Cognitive Disabilities*" in January 1999. This guideline, or Treatment Improvement Protocol (TIP), helps guide treatment professionals in the diagnosis, treatment, and accommodation of people with disabilities in need of substance abuse treatment. It emphasizes that treatment programs have a "legal and ethical responsibility" under the ADA to insure appropriate treatment for all clients.

SAMHSA's CSAT also supports the Recovery Community Support Program, designed to give persons in recovery a stronger voice in services policy and planning at the state and local levels. The "*Access Now! Recovery Community Alliance Project*" in Tucson, Arizona specifically targets physically and cognitively disabled populations by organizing, training, and educating individuals with disabilities and their families to affect changes in the local treatment system.

Lastly, many of SAMHSA's program announcements now target particular high-risk populations, including physically and cognitively disabled clients, in order to better meet and address their special needs.

For More Information Contact: Lorinda Daniel, HHS/ SAMHSA, Office of the Administrator (301) 443-4795

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SBA

Divider Title: _____

SMALL BUSINESS ADMINISTRATION

- ✓ Publication and distribution of the *ADA Guide for Small Businesses* (in partnership with the Department of Justice) to help small business owners to comply with ADA regulations.
- ✓ Providing entrepreneurial training to individuals with disabilities.
- ✓ Employment of a Director of Business Development in Cross Disability Markets to aid in the following:
 - to build corporate and venture capital relations for the sponsorship of financial services for persons with disabilities
 - to build a blue ribbon executive council for the initiative toward increased participation and economic development of people with disabilities
 - to support a mentoring program with others who have disabilities and have successfully started a new business
 - to advocate for the integration and re-imaging of people with disabilities in advertising and marketing
 - to increase the education of youth with disabilities about entrepreneurships
 - to increase opportunities for small business owners to employ the workforce of people with disabilities
 - to develop links to independent living center that emphasize small business development
 - and to strengthen the ability of people with disabilities to compete for federal, state, and city contracts.

SBA'S OFFICE OF DISABILITIES REPORT

SBA commenced its formal outreach to people with disabilities as a result of the creation of the Presidential Task Force on Employment of Adults with Disabilities (Task Force) by Executive Order in March, 1998. The Administrator, Aida Alvarez, is a member of the Task Force. Since that time, SBA has marshaled its field offices and resource partners to provide information about SBA services and opportunities for people with disabilities who wish to start their own businesses.

Some of the activities that have resulted are the publication and distribution of the **ADA Guide for Small Businesses** which was published in partnership with the Department of Justice. The **ADA Guide** helps small business owners to comply with the ADA. The SBA and Social Security Administration signed a Memorandum of Understanding (MOU) in a White House ceremony presided over by the Vice President. The MOU pledges a cooperative effort between the two agencies to share program information, refer clients, and make presentations at various meetings and conferences. SBA is the lead for a national series of workshops to bring together government agencies and service providers to people with disabilities who wish to start their own business to network and to form partnerships for better service delivery. Further, SBA is providing entrepreneurial training to individuals with disabilities who wish to start or grow their small business. The workshops are a partnership with SSA, Education, HUD, President's Committee for Employment of People with Disabilities, and the Task Force.

A Director of Business Development in Cross Disability Markets was employed in late May, to strategically build the core capacity for the Small Business Administration to enhance services to cross disability markets in diverse cultures. This new position, proposes plans for the following:

To build corporate and venture capital relations for the sponsorship of financial services, collaboration and mentoring for the person with a disability starting a new business,

To build a blue ribbon executive council to guide the successful direction of SBAs initiative toward increased participation and economic development of people with disabilities.

To offer tailored, rigorous, electronic distance learning certificates in Small Business Administration in collaboration with post secondary institutions.

To support mentoring program with others who have successfully started businesses and have disability related issues

To systematically advocate for the integration and re-imaging of people with disabilities in advertising and marketing .

To increase the education of youth with disabilities about entrepreneurship by supporting the increase in internships.

To increase the nations' education about the success and potential of women, Native Americans, African Americans and other minorities who have disabilities and are entrepreneurs.

Increase the opportunities for small business owners to employ the workforce of people with disabilities.

Develop linkages to independent living centers that emphasize micro-enterprises and small business development.

Increase the opportunity and education for people with disabilities by strengthening their ability to compete for federal contracts, state contracts, and county/city contracts.

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SSA

Divider Title: _____

SSA

SOCIAL SECURITY ADMINISTRATION

- ✓ Signed a partnership agreement with the SBA Welfare to Work Initiative and the Social Security Disability Insurance and Supplemental Security Income programs.
- ✓ Sponsored public education forums entitled, "Federal Policy- State Opportunities: Models and Strategies for an Inclusive Workforce."
- ✓ Began a two-state Youth Continuing Disability Initiative in Maryland and Florida to assist youth in obtaining information and services to successfully transition to work. (Will be used to examine the same approach nationwide.)
- ✓ Awarded funds to the Children's National Medical Center to serve SSI youth and to improve post-secondary and employment outcomes for young people with disabilities.
- ✓ Launched *The Work Site*, which is fully accessible to people with disabilities. (Fewer than 5% of all Internet sites are accessible to people who are visually impaired, hearing impaired, or have limited dexterity.)
- ✓ Will enhance service to people with disabilities in the new One-Stop system to provide information to SSDI and SSI beneficiaries who would like to work and to provide funds to States for improvements related to Medicaid for workers with disabilities.
- ✓ Filed briefs related to the *Cleveland v. Policy Management Systems Corp.* decision that expressed that an individual could be disabled within the meaning of the Social Security Act but still is able to work with reasonable accommodations.
- ✓ Provided information for the Access America for Workers web site.
- ✓ Plans to address regulatory action for the following: to increase the earnings amount that shows that a person has used one of his/her trial work months under SSDI, increase the maximum monthly and yearly Student Earned Income Exclusion.
- ✓ Supporting the "Spirit of ADA Campaign and Torch Relay" with the personal involvement of Commissioner Apfel and Deputy Commissioner Halter.

SSA Accomplishments supporting the Presidential Task Force for the Employment of Adults with Disabilities (PTFEAD) and for announcement as part of ADA celebration events:

In September 1998 the Department of Labor and SSA entered into cooperative agreements with a total of 18 States to develop innovative projects to increase employment among people with disabilities who want to work. The first annual conference was held in September 1999 and a report was provided to the Presidential Task Force for the Employment of Adults with Disabilities.

In October, 1999, SSA joined forces with the U.S. Small Business Administration (SBA) to help improve employment and entrepreneurial opportunities for Americans with disabilities by signing a partnership agreement to coordinate the efforts of SBA's Welfare-to-Work initiative and our Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) programs.

Beginning January 2000, the Department of Labor, Department of Education, Department of Health and Human Services, the PTFEAD, the President's Committee on Employment of People with Disabilities, the National Council on Disability and SSA have sponsored and continue to sponsor public education forums around the country entitled "Federal Policy - State Opportunities: Models and Strategies for an Inclusive Workforce." These forums focus on Federal and State employment-related policies and programs for people with disabilities.

In January 2000, SSA began a two-State Youth Continuing Disability Initiative that will involve SSI Youth in Maryland and Florida ages 15-16 who have had a continuing disability review performed. The project will assist youth in obtaining the information and services they need to successfully transition to work and will be used to examine the feasibility of such an approach on a nationwide basis.

In May 2000 we awarded funds to the Children's National Medical Center to serve SSI youth with disabilities in the District of Columbia. The project will target preadolescents and adolescents as well as health care professionals to improve post-secondary and employment outcomes for young people with disabilities.

On May 26, 2000, we launched the new Internet web site, *The Work Site*. This site contains important information and support for disability beneficiaries, employers, service providers, youth with disabilities, advocates, and others whose goal is to help those persons with disabilities work. The web site is fully accessible to people with disabilities. This is significant since fewer than 5 percent of all Internet sites are accessible to people who are visually impaired, hearing impaired, or have limited dexterity.

The Department of Labor, the Department of Health and Human Services, and SSA worked together to develop and issue program announcements on grants and cooperative agreements in May 2000 and to participate in PTFEAD-sponsored bidders

conferences in June 2000 on several new programs. The programs will enhance service delivery to people with disabilities in the new One-Stop system; provide benefits planning, assistance, and outreach services to SSDI and SSI beneficiaries who would like to work; and provide funds to States for infrastructure improvements related to Medicaid for workers with disabilities.

Up until 1999, some courts had held that an individual could not claim to be totally disabled in order to obtain benefits from SSA and also bring an ADA action against an employer saying that he would have been able to work if reasonable accommodations were made. In conjunction with DOJ and the EEOC, SSA filed amicus briefs explaining that the two Acts were not inconsistent and that an individual could be disabled within the meaning of the Social Security Act but still be able to work with reasonable accommodation. In 1999, DOJ, SSA and EEOC requested the Supreme Court to review one of these decisions. Thereafter, the Supreme Court issued a decision in *Cleveland v. Policy Management Systems Corp.* which adopted the Government's position and held that the mere fact that a disabled individual had applied for or received Social Security disability benefits did not mean that could not also be a qualified individual with a disability who could work with reasonable accommodation. As a result, disabled individuals were no longer faced with the possibility of losing their right to bring ADA actions against employers who refused to make reasonable accommodation to their handicaps if they chose to apply for Social Security disability benefits.

SSA Planned Activities supporting the PTFEAD and for announcement as part of ADA celebration:

We along with other federal agencies provided information on links to their web sites to the National Partnership for Reinventing Government for developing the **Access America for Workers** web site. NPR is developing this web site for the Department of Labor. SSA's information on employment support for people with disabilities will be featured on the disability page of **Access America for Workers** web site (to be unveiled in July).

We are discussing with OMB some possible regulatory actions that would:

Annually adjust per the average wage index the earnings guideline that shows whether work done by persons with impairments other than blindness is substantial gainful activity;

Increase (from \$200 to \$530) the earnings amount that shows that a person has used one of his/her a trial work months under SSDI, and then annually adjust the amount per the average wage index;

Increase the maximum monthly (from \$400 to \$1,290) and yearly (from \$1,620 to \$5,200) Student Earned Income Exclusion amounts used in determining SSI eligibility and payment amounts, and then annually adjust these amounts per the

consumer price index.

We are also fully supporting the **"Spirit of ADA Campaign and Torch Relay"** by the personal involvement of Commissioner Apfel, Deputy Commissioner Halter, and other senior staff.

Potus

SSA Planned Activities supporting the PTFEAD and for announcement as part of ADA celebration:

We are continuing to discuss with OMB some regulatory actions that would:

Annually adjust per the average wage index the earnings guideline that shows whether work done by persons with impairments other than blindness is substantial gainful activity;

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Increase the maximum monthly (from \$400 to \$1,290) and yearly (from \$1,620 to \$5,200) Student Earned Income Exclusion amounts used in determining SSI eligibility and payment amounts, and then annually adjust these amounts per the consumer price index.

1. Call Joanne

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Technology

Divider Title: _____

POTENTIAL ANNOUNCEMENTS: TECHNOLOGY & PEOPLE WITH DISABILITIES

Technology

Research & Development

- 1) Issue a directive to the large research & development agencies (NIH, NSF, DoD) to dedicate a specified amount of 21st Century Fund monies to transfer research activities to assistive technologies for people with disabilities.

Federal Information Technology Accessibility Initiative

- 1) All federal agencies have been asked to:
 - Identify Section 508 coordinators and teams. Ninety coordinators already identified.
 - Two orientations seminars already conducted
 - All day seminar scheduled for Aug 2
 - Two day retreat scheduled for late September
 - Assure top portal Web pages and top 20 Web pages, defined by volume, are accessible no later than July 26th.
- 2) Launched 508 Website www.section508.gov in April. Redesign features scheduled for August 1 and interactive capability scheduled for September. Joint venture with Access Board, GSA & NIDRR.
- 3) Actively conducting 508 education and outreach in public and private sectors, mostly through conference and similar forum presentations.
- 4) Organized a cross-agency Procurement Working Group to design outreach and training programs for procurement officers. With the first session planned for August 29, training will occur in nine major cities around the country.

- 5) Additional training planned for Webmasters, IT developers, human resource officials, procurement officials and program managers.
- Already conducted eight "How to Make a Webpage Accessible" trainings for 1,200 people
 - Contract for curricula development to be signed July 21
 - State Department training of its 75 webmasters on July 28
- 6) An Industry and User Roundtable will be established to have people with disabilities who use technology and industry representatives work collaboratively to develop industry consensus standards for certifying 508 compliance for products.
- 7) National Electronic & Information Technology Demonstration Center will focus the leading edge electronic and information technology by bringing the efforts of industry, academia, and the research community together in one place.
- Interagency Agreement between GSA and NIDRR to be in place by July 31
 - Center to be awarded by August 15
- 8) The federal government has been a major sponsor of the World Wide Web Consortium (W3C) Web Accessibility Initiative (WAI) that addresses cross-disability accessibility issues on the web through a broad range of activities. The W3C is primarily an industry consortium with over 420 Member organizations. Through the development of accessibility guidelines, technical reference materials, and a variety of tools, the work supported at WAI has led to extensive accomplishments in Web accessibility.

Other AT/IT Deliverables:

- 1) Establish an Information Technology Technical Assistance and Training Center, funded by NIDRR, to develop curricula and training materials to facilitate the implementation of Section 255 of the Telecommunications Act and Section 508 of the

- grant

- not until late Sept

Rehabilitation Act. Target audiences are electronic and information technology industry, industrial consortia, professional and trade associations, state procurement officers, product designers and engineers, technical writers, human resource personnel, web developers, consumers and marketers. Grant to be awarded in late September.

- 2) Launching a study of the disability community's access to and use of assistive & information technology.
- 3) Launching the Assistive Technology Loan Program in late September. NIDRR will award eight to 10 grants to States to establish or maintain alternative loan financing programs to offer individuals with disabilities attractive options that significantly enhance their ability to purchase assistive technology devices and services.
- 4) Issue a directive on Technology Accessibility Coordination within the federal government (see do 508 Report).
- 5) Issue Guidance on the linkages and responsibilities under Sections 501, 504, and 508 of the Rehabilitation Act. This would be a joint guidance from DoJ, EEOC, OPM and the Access Board.

Possible FCC Actions on 21st:

- 1) Video Description regulations
- 2) Digital Television Closed Captioning regulations
- 3) 711 Relay Information Number Implementation regulations

IT/AT Initiatives still before Congress

- 1) \$13.5 million increase in the NIDRR budget for three technology initiatives which include:

- A \$5 million Educational Technology Initiative that would provide technical assistance and training to elementary and secondary schools regarding accessible information technology, statutory requirements and technology standards, and resources available.
- A \$3.4 million Technology for Independence Initiative that would for employment projects to carry out research, training and technical assistance to enhance employment opportunities for individuals with disabilities through improved access to and use of technology
- \$5.1 million for community independence projects to explore ways to use information and assistive technology to enhance community integration and participation by individuals with disabilities.

The House rejected all three initiatives, while the Senate only rejected the Education Initiative.

2) CAP funding request?