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**THE WHITE HOUSE**

**Office of the Vice President**

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**VICE PRESIDENT GORE ANNOUNCES NEW MEASURES PROMOTING HOME AND  
COMMUNITY-BASED SERVICES AND HOUSING OPTIONS  
FOR PEOPLE WITH DISABILITIES**

**Commemorates the 10<sup>th</sup> Anniversary of the Americans with Disabilities Act**

Today, in commemoration of the 10<sup>th</sup> anniversary of the Americans with Disabilities Act, Vice President Gore announced that the Clinton-Gore Administration will launch a series of major new initiatives designed to promote the delivery of home and community-based services and support for people with disabilities.

The initiatives include a new \$50 million investment in FY 2001 to help states more easily offer services to people with disabilities in the most integrated setting appropriate to their needs; new guidance to state Medicaid directors on Medicaid coverage of home and community based services to help them comply with the recent Olmstead Supreme Court ruling; and a new public-private partnership between the Administration and the National Program Office on Self-Determination to help individuals with disabilities in institutions transition into community-based settings. In addition, the Vice President also announced new plans to increase home ownership; extend work incentives for individuals with disabilities to a broader range of housing assistance programs; and promote the development of new assistive technology for people with disabilities. Finally, the Vice President emphasized the Administration's strong support for health care and work incentives legislation of particular importance to people with disabilities, including a Medicare prescription drug benefit, a strong, enforceable Patients' Bill of Rights; a \$1,000 tax credit for work-related expenses for people with disabilities and a \$3,000 long term care tax credit for Americans with long-term care needs.

"I am proud of the progress we have made at turning the goals of the Americans with Disabilities Act into reality," Vice President Gore said. "I can think of no better way to build on our progress and celebrate this day than by taking steps towards assuring that Americans with disabilities have the opportunity to live and work in their communities if they so choose."

Today, the Vice President will announce new measures to:

**Enhance State Capacity to Provide Home and Community-Based Services.** Declaring that, "no one should have to live in an institution or nursing home if they prefer to live in the community with the right support," the Vice President announced a \$50 million investment by the Administration in FY 2001 to help states develop comprehensive plans to provide services to persons with disabilities in the most integrated setting appropriate to their needs. These new grants, proposed today, will be funded from the previously unspecified portion of the health care quality assurance fund announced in this year's midsession review and are identical to those included in the Medicaid Community Attendant Services and Supports Act of 1999. As a condition of receiving funds, states would actively involve people with disabilities and their families in the development of programs enabling people with disabilities to choose where they want to live and receive services. These funds would be used to:

- Conduct intensive outreach efforts to educate people with disabilities about the home and community-based options currently available to them;
- Enhance inter-agency coordination and single point of entry activities; and
- Identify, develop, and implement strategies to modify state policies that result in the unnecessary institutionalization of people with disabilities rather than the provision of home and community-based services, and implement other system change activities.

**Release New Guidance to States on Home and Community-Based Medicaid Coverage Rules Following the Olmstead Supreme Court Decision.** Today, the Vice President announced new guidance to states on their responsibilities in the Medicaid program to support the implementation of the Olmstead Supreme Court decision. States and disability advocates have confirmed that the lack of guidance is undermining their ability to rapidly initiate and provide access to essential home and community-based services necessary to be in compliance with Olmstead. It clarifies existing options to: assist people with disabilities in making a successful transition into the community; expand the availability and quality of community-based services; and ensure that home and community-based services are equally available to all qualifying individuals with disabilities. These guidelines will clarify that:

- Individuals do not have to be confined to their homes for personal assistance services to be covered under the Medicaid home health benefit, and that to require people receiving these services to be confined to their homes is a violation of the Medicaid statute;
- States with home and community-based services are allowed to pay for personal assistance services while waiver participants are hospitalized or away from home;
- States can receive Federal funding for targeted case management for individuals leaving institutions for community residences in order to facilitate their access to necessary medical, social, and educational services in the community; and
- States have the option to provide prevocational, educational, and supported employment services under Medicaid waivers to people of all ages in all target groups.

**Create a Nearly \$20 Million Investment in a Public-Private Partnership to Help Individuals with Disabilities Transition into Community Living.** Today, Vice President Gore announced that HHS and HUD will commit to a new investment, subject to appropriations, of nearly \$20 million over five years in a public-private partnership with the National Project Office on Self Determination. The agencies are committing \$5.5 million for the first year subject to the availability of the appropriation, and are seeking to commit an additional \$14 million over the life of the partnership. This unique partnership, which will also utilize on multi-million dollar investments already made by these agencies, is entitled Access Housing 2000. It will focus on expanding the availability of accessible, affordable housing for people with disabilities and providing necessary support to enable individuals with disabilities make the transition from institutional settings to community living.

**Expand Incentives for Employment for Individuals with Disabilities to a Broader Range of Housing Assistance Programs.** The Vice President announced that the Administration will issue a new rule that would expand incentives for employment for people with disabilities, extending earned income disregards, currently applicable only to public housing, to tenant-based Section 8 housing vouchers, the HOME program, the Housing for Opportunities for People with AIDS program, and the Supportive Housing for the Homeless program. The Administration is also working on

legislative changes to extend the disregards to the remaining housing programs. The new rule will also clarify that deductions for disability-related expenses, such as medical or attendant care expenses, are applicable to the entire range of HUD housing programs.

**Increase Home Ownership for Persons with Disabilities.** The Vice President announced that HUD will send guidance to all approved FHA mortgagees emphasizing the agency's commitment to promoting home ownership for persons with disabilities. The letter encourages HUD's lender partners to make home ownership possible for individuals with disabilities through increased, but prudent flexibility when underwriting their loan applications.

**Establish a National Mental Health Coalition to Promote Community-Based Services for Individuals with Mental Illnesses and Substance Abuse Disorders.** Vice President Gore announced that the Center for Mental Health Services at the Substance Abuse and Mental Health Services Administration (SAMHSA) will work with a broad-based group of public and private organizations, constituencies and consumers to create state and local coalitions to assist persons with mental illnesses and substance abuse disorders in accessing necessary services.

**Develop and Deploy Assistive Technology and Technology that Enables Universal Design.** The Vice President announced an Executive Memorandum requiring that the Interagency Committee on Disability Research publish a report identifying priority areas for the development and advancement of assistive technologies and universal design capabilities, and that Federal agencies then develop a strategy for transferring such technology for the benefit of people with disabilities.

**Announcements complement the Clinton-Gore Administration's longstanding commitment to providing high quality health care and work incentives for people with disabilities.** The Clinton-Gore Administration has proposed several additional initiatives to ensure that individuals with disabilities receive high quality health care and do not face barriers to employment, including:

- Supporting families with long-term care needs through a \$3,000 tax credit. This new tax credit supports the diverse needs of families by compensating a wide range of formal or informal long-term care for people of all ages with three or more limitations in activities of daily living (ADLs) or a comparable cognitive impairment. It would provide needed financial support to over 500,000 non-elderly adults.
- Providing a new \$1,000 tax credit to offset some of the formal and informal costs associated with employment for people with disabilities. Eligible workers with disabilities would receive a \$1,000 tax credit beginning in 2000. This would help about 200,000 to 300,000 people, at a cost of \$700 million for 2000-04.
- Providing a real Medicare prescription drug benefit for people with disabilities. There are five million people with disabilities on Medicare. The Administration has proposed a Medicare prescription drug benefit option that does not rely on private insurers that have failed to extend prescription drug coverage to people with disabilities; is affordable and meaningful; and adequately financed and part of a plan to improve Medicare.

- Fighting for a real Patients' Bill of Rights. The Clinton-Gore Administration has been fighting for a strong, enforceable, Patients' Bill of Rights for over two years. The Administration has endorsed the Norwood-Dingell legislation, the only bipartisan proposal currently being considered that: protects all Americans in all health plans; requires all health plans to ensure continuity of care for patients in the middle of a course of treatment; prevents patients accessing emergency room care from financial sanctions; guarantees access to necessary and accessible health care specialists; and meaningful enforcement mechanisms that ensure recourse for patients who have been harmed as a result of a health plan's actions.

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**PRESIDENT CLINTON AND THE FIRST LADY COMMEMORATE THE 10<sup>TH</sup>  
ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT  
Announce New Action to Expand Employment Opportunities and  
Ensure Equality for Individuals With Disabilities  
July 26, 2000**

Today, in an event at the FDR Memorial, President Clinton with the First Lady and leaders of the disability community will celebrate the 10<sup>th</sup> Anniversary of the Americans with Disabilities Act (ADA) and take new action to further the goals of the ADA by: increasing Federal employment opportunities for people with disabilities; ensuring that Federal agencies establish effective procedures for addressing reasonable accommodation requests and that federal programs are free from disability-based discrimination; and reducing the barriers that Social Security beneficiaries face when they return to work. The President will also announce his intention to work with the Congress in the context of an overall budget framework to enact legislation that builds on the success of the Work Incentives Improvement Act by allowing children with disabilities to continue their Medicaid coverage even if their parents have returned to work. Finally, the President will unveil the Access America for People with Disabilities website created to provide quick access to services and other resources for people with disabilities and their families. Today the First Lady will announce a series of initiatives to improve and increase opportunities for young people with disabilities to successfully transition to work and achieve independence. Yesterday, Vice President Gore announced a number of initiatives to provide home and community based options for people with disabilities who frequently have no choice but institutionalization. These announcements build on the Clinton/Gore Administration's commitment to advancing the rights of people with disabilities as full participants in all of society and preserving the spirit and intent of the ADA.

**ASSISTING DISABLED SOCIAL SECURITY BENEFICIARIES WHO ARE WORKING OR WANT TO GO TO WORK.** The President's announcements reflect the ADA's focus on helping individuals with disabilities to fully participate in the workforce by reducing the barriers that Social Security beneficiaries face when they return to work.

- **Automatically adjusting the Substantial Gainful Activity (SGA) level for individuals with disabilities.** The Administration proposes to encourage additional disabled individuals to return to work with enhanced security by increasing the SGA levels to reflect the annual increases in the national average wage index. Since the beginning of the Social Security disability program in 1956, there have been no regularly scheduled increases in SGA. Last year, the Administration increased the amount that Social Security disability beneficiaries can earn – from \$500 to \$700 per month – and continue to receive their benefits. Each year, approximately 400,000 disability beneficiaries participate in the workforce. Many hesitate to work because they cannot afford to give up critical benefits.
- **Increase the amount of monthly earning that count during a trial work period for Social Security beneficiaries who go to work.** This increase will encourage beneficiaries with disabilities to contribute their talent and energy to the workforce and test their ability to

maintain a level of work activity without affecting their disability benefits by increasing from \$200 to \$530 the minimum amount of monthly earnings that count toward a monthly work period. In the future, the amount will be automatically adjusted based on any annual increases in the national average wage index.

**INCREASING THE OPPORTUNITY FOR INDIVIDUALS WITH DISABILITIES TO BE**

**EMPLOYED IN THE FEDERAL GOVERNMENT.** The President will issue an Executive Order calling on Federal agencies to hire 100,000 people with disabilities over a five-year period. This ambitious commitment exceeds current hiring trends by 60 percent, reflecting this Administration's strong commitment to making the Federal government a model employer by recruiting a diverse and well-qualified workforce. The President believes that the Federal government is ready to meet this challenge. This Executive Order calls on agencies to recruit individuals with disabilities for the full range of levels and occupations in the Federal government. The President will also direct Federal agencies to establish effective procedures for processing requests for reasonable accommodation by employees and job applicants with disabilities. A reasonable accommodation is any change in the work environment or in the way a job is performed that enables a person with a disability to enjoy equal employment opportunities. Although many individuals with disabilities can apply for and perform jobs without any reasonable accommodations, workplace barriers – whether physical or procedural – may keep others from performing jobs that they could do with some form of accommodation. Finally, to harness the power of new technologies to promote employment of people with significant disabilities, the President will call on Federal agencies that already operate customer service centers to identify positions that could be relocated to home-based or off-site facilities. If the agencies determine that it is feasible and appropriate to establish home-based positions, they are then required to develop a plan and guidelines that encourage the recruitment and employment of individuals with disabilities for such positions.

**RENEWING THE FEDERAL GOVERNMENT'S COMMITMENT TO ENSURING THAT  
FEDERAL PROGRAMS ARE FREE FROM DISABILITY-BASED DISCRIMINATION.**

The President will direct all Federal agencies to engage in a plan to ensure that today's Federal programs are free from disability-based discrimination, using specific steps designed by the Department of Justice and the Equal Employment Opportunity Commission (EEOC) to reach this important goal. As we celebrate the 10<sup>th</sup> anniversary of the ADA, we should renew our commitment to ensure that people with disabilities have equal employment opportunities within the Federal government and are fully able to participate in all Federal government programs.

**ACCESS AMERICA FOR PEOPLE WITH DISABILITIES WEBSITE.** In keeping with President Clinton and Vice President Gore's vision of using information technology to increase and improve customer service, the President announced a new website, *Access America for People with Disabilities* - [www.disAbility.gov](http://www.disAbility.gov). - that will serve as a "one-stop" electronic link to an enormous range of useful information to people with disabilities and their families. The website contains information relating to children and youth; employment, self employment, and entrepreneurship; transportation; health care and long term services and supports; choice and self-determination;

recreation and travel; civil rights and protections; college, adult and vocational education; housing; technology; income supports; tax credits and deductions; disability statistics; and emergency preparedness.

**ANNOUNCING SUPPORT FOR LEGISLATION TO INCREASE ACCESS TO MEDICAID FOR WORKING FAMILIES WITH DISABLED CHILDREN.** Today, the President will applaud the efforts of bipartisan members of Congress to pass the Grassley- Kennedy-Sessions-Waxman Family Opportunity Act of 2000 (S. 2274 and HR 4825), sponsored by a bipartisan majority in the Senate and a growing coalition in the House. This bill, which is the next logical step beyond the Jeffords-Kennedy Work Incentives Improvement Act, creates a new Medicaid buy-in option and will help thousands of children with disabilities who lose their Medicaid coverage because of increased family income due to employment. It will also include a time-limited demonstration that extends Medicaid coverage to children who have a disabling condition that, without health care coverage, would cause them to become so severely disabled as to be eligible for SSI. The President will announce that he will work with the Congress to enact legislation that achieves these goals in the context of a fiscally responsible budget framework.

**ADDRESSING BARRIERS TO EMPLOYMENT FOR YOUTH WITH DISABILITIES.** The First Lady will announce a series of steps to help young people successfully transition from education to employment including:

- **Helping to bridge the transition from education to employment for students with disabilities.** Young people with disabilities face enormous challenges when transitioning from education to employment. The First Lady announced the Administration's plan to increase the amount that students who receive SSI can earn while continuing to receive the important protection SSI provides. The Administration will increase the maximum monthly earned income exclusion for students who receive Supplemental Security Income from \$400 to \$1,290 and the yearly exclusion from \$1,620 to \$5,200. The Administration is proposing to automatically adjust these amounts thereafter based on any annual increases in the cost-of-living index.
- **Working with youth to reach adult employment: the youth to work initiative.** Recognizing that starting early is key to helping adults with disabilities gain employment skills and thrive in the workplace, the First Lady will unveil a new interagency Youth to Work Initiative. This Initiative would be created by amending the Executive Order that established the Presidential Taskforce on Employment of Adults with Disabilities to focus the mission on the important issue of helping young people make the transition from school to work. Youth with disabilities who want to enter the workforce face many barriers to employment, including low educational attainment, as well as low educational and employment expectations. Under the structure of the Taskforce, the Youth to Work Initiative will strengthen interagency research, demonstration projects, and education and training activities for youth to work activities. It will create a public awareness campaign to focus on youth with disabilities and reduce the stigma of their entering the workforce. To ensure fairness, this Initiative will ensure that youth with disabilities are

included in all youth programs in federal agencies. To help ease the transition to work, it will explore how to increase access to health care and postsecondary education and training for youth going to work.

- **Able to work consortium to help youth with disabilities access job opportunities.** The Presidential Taskforce on the Employment of Adults with Disabilities has worked with several major corporations to begin a public-private partnership that will help ensure that youth with disabilities are afforded the employment opportunities needed to lead to meaningful careers. These corporations, representing technology, pharmaceuticals, banking and investment, manufacturing, and communications, have volunteered to lead by example and demonstrate to other major corporations the importance and viability of hiring young people with disabilities. These pioneering companies will actively serve as mentors to other companies hiring youth with disabilities.

### **HELPING DISABLED INDIVIDUALS LIVE AND WORK IN THEIR COMMUNITIES.**

Yesterday, Vice President Gore announced that the Clinton-Gore Administration will launch a series of major new initiatives designed to promote the delivery of home- and community-based care for people with disabilities of all ages. These initiatives include a new \$50 million investment in FY 2001 to help states more easily offer services to people with disabilities of all ages in the setting most appropriate to their needs; new guidance to state Medicaid directors to help them comply with the recent *Olmstead* Supreme Court ruling requiring Medicaid coverage for home and community based services; and a new public-private partnership between the Administration and the Robert Wood Johnson Foundation to help individuals with disabilities in institutional settings transition into community-based care. In addition, the Vice President also announced new action to increase home ownership; expand incentives for employment for individuals with disabilities to a broader range of housing assistance programs; and promote the development of new assistive technology for people with disabilities.

**WORKING TO ACHIEVE THE GOALS OF THE ADA.** Throughout this Administration, President Clinton and Vice President Gore have worked hard to achieve the ADA's core goals – equality of opportunity, full participation, independent living, and economic self-sufficiency. This Administration has vigorously defended the ADA in court cases across the Nation; collaborated with State Medicaid directors to implement the Supreme Court's 1999 *Olmstead* decision, which prohibits unjustified isolation of institutionalized persons with disabilities; helped ensure that 80 percent of America's public transit buses are now accessible; implemented the Ticket to Work and Work Incentives Improvement Act, which the President signed into law last December; and developed far-reaching policies for a comprehensive, coordinated employment agenda through the Task Force on Employment of Adults with Disabilities

**PRESIDENT URGES THE CONGRESS TO ACT NOW ON NATIONAL PRIORITIES FOR PEOPLE WITH DISABILITIES.** The President will urge the Congress to act now on national priorities that will address the unique needs of individuals with disabilities and are fully funded in his budget, including:

- **A new \$1,000 tax credit to offset the formal and informal employment related**

**costs incurred by working people with disabilities.** This tax credit would provide a new incentive for approximately 200,000-300,000 people with disabilities to begin working, and help those people with jobs maintain them. It would complement the Work Incentives Improvement Act and would be available to all people with disabilities, irrespective of their state Medicaid eligibility options. For participants in the Work Incentives Improvement Act Medicaid buy-in, this tax credit could pay for services not covered (e.g., assistive technology, transportation).

- **A new \$3,000 long-term care tax credit.** This initiative acknowledges and supports almost 2 million Americans with long-term care needs and the family members who care for them through a \$3,000 tax credit, an investment of \$27 billion over 10 years. This new tax credit supports the diverse needs of families by compensating a wide range of formal or informal long-term care for people of all ages with three or more limitations in activities of daily living (ADLs) or a comparable cognitive impairment.
- **Providing an affordable, accessible Medicare prescription drug benefit option for all beneficiaries.** The President has proposed a voluntary, affordable Medicare prescription drug benefit for all beneficiaries, including up to 5 million people with disabilities. Beginning in 2002, it would provide prescription drug coverage that would have a zero deductible and cover half of all prescription drug costs up to \$5,000 when fully phased in. It will also limit all out-of-pocket medication costs to \$4,000. This optional benefit would also provide negotiated discounts that would ensure that Medicare beneficiaries no longer pay the highest prices in the marketplace. The President's proposal is part of a broader set of reforms that would take the Medicare Trust Fund off budget, extend its life to at least 2030, make the program more efficient and competitive, and dedicate \$40 billion over 10 years to improve health care provider payment rates.
- **A strong, enforceable Patients' Bill of Rights.** This legislation endorsed by over 200 health care provider and consumer advocacy groups, is the only bipartisan proposal currently being considered that includes: protections for all Americans in all health plans; protections for patients accessing emergency room care from financial sanctions; requirements that all health plans ensure continuity of care for patients in the middle of a course of treatment; guarantees that assure access to necessary and accessible health care specialists; meaningful enforcement mechanisms that ensure recourse for patients who have been harmed as a result of a health plan's actions.
- **Establishing an Office of Disability Policy.** The Clinton-Gore Administration supports establishing an Office of Disability Policy within the Department of Labor, and improving access for adults with disabilities to employment services offered through one-stop career center systems. The President's FY 2001 budget includes \$21 million for the Office of

Disability Policy, which was recommended by the Presidential Task Force on Employment of Adults with Disabilities.

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# Disability Programs

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## From the White House

### Advocates Start Sorting Through Changes in SSA, HUD Programs

The Clinton administration unveiled a raft of new disability actions on July 25 and 26, timed with ADA 10<sup>th</sup> anniversary celebrations, all designed to make employment and community-based services more viable for persons with disabilities.

Vice President Al Gore also laid out a new set of disability-related proposals, his second major disability initiative during his presidential campaign (*RDP*, Dec. 16, 1999, p. 191). But unlike Gore's campaign pledges, many of the points made by President Clinton and first lady Hillary Clinton apparently are not merely proposals, but administrative actions that will take effect soon. (For more on the Gore proposals, see the next page.)

Still, it is difficult to tell which ones may require legislation, and which can be done solely on executive authority, Andrew Sperling, with the National Alliance for the Mentally Ill, told *RDP*.

### New Grants Supporting Olmstead

First, on July 25, the administration said it will establish a new \$50 million grant program to enhance states' ability to provide home and community-based services. The new grant money will come from a previously unspecified portion of the health care quality assurance fund.

The level of funding for these grants is identical to that found in the proposed Medicaid Community Attendant Services and Supports Act of 1999 (MiCASSA), S. 1935, the White House said. Money would go for such things as consumer outreach on the community-based services available, creating a single point of entry for services, inter-agency cooperation, and developing local strategies that further deinstitutionalization.

Also, the Department of Housing and Urban Development (HUD) will issue a proposed rule to encourage the employment of persons with disabilities by extending the use of earned income disregards, now only applicable to public housing, to other housing assistance programs. Such disregards

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do not count against the calculation of rent payments for persons with disabilities who are newly employed or have gotten certain public benefits, for the first two years of employment. In year one, it is a full disregard; in the second year, the disregard goes down to 50 percent. HUD's proposal would extend the disregard to Section 8 vouchers, HOME, Housing Opportunities for People with AIDS, and Supportive Housing for the Homeless.

### Changing the SSA Work Rules

On July 26, the president described three regulatory changes to the Social Security Administration's (SSA) work rules, also designed to encourage employment. The first would make the Substantial Gainful Activity (SGA), a set income level used to determine if disabled workers become ineligible for benefits, subject to automatic yearly increases. SGA now stands at \$700, recently adjusted by the administration after remaining at \$500 for the previous 10 years.

The National Arc, which has long pushed for such a change, is strongly supportive of this change, Marty Ford, with The Arc's Government Affairs Office, told *RDP*. But with the initial information provided by the administration, it is unclear when the new SGA regulation and other changes will actually happen, she added.

Like SGA, the president also wants automatic adjustments in the monthly income level that establishes a "trial work month." Currently, once workers with disabilities hit at least \$200 per month in earnings, their nine-month trial work period begins, after which time they stand to lose full benefits. SSA will increase that level to \$530 per month.

(Continued)



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# ADA's 10th Anniversary Marked With Initiatives

## Clinton Directs Agencies To Hire More Disabled

By ELLEN NAKASHIMA  
Washington Post Staff Writer

Marking the 10th anniversary of the Americans With Disabilities Act (ADA), President Clinton announced yesterday that he will issue an executive order calling on federal agencies to hire 100,000 people with disabilities over the next five years.

Clinton made his remarks at the granite memorial to Franklin D. Roosevelt, lending the event a powerful symbolism as he evoked the president who, despite needing to use a wheelchair after a crippling bout of polio, gave the country the New Deal.

"We are all a freer and better country because of the Americans With Disabilities Act and what you have done," said Clinton, speaking under a gray drizzly sky to about 800 people, young and old, many in wheelchairs or with seeing-eye dogs.

As Clinton spoke, he nodded at Marques Moore, a 28-year-old student at the University of Texas who suffered a spinal cord injury after a bull-riding accident, acknowledging his help in drafting the executive order. A White House aide held an umbrella over Moore, who was in a wheelchair on stage, because he could not move his hands.

The landmark legislation was signed a decade ago by President George Bush. Highlighting the bipartisan nature of the ADA, Sens. Orrin G. Hatch (R-Utah) and Tom Harkin (D-Iowa) also spoke at yesterday's event. In a moving gesture, Harkin, whose brother Frank was deaf and died a month ago, "signed" his opening remarks to the crowd.

"A lot of what the Americans With Disabilities Act is all about is making sure people can live like people, can do things that other folks take for granted," Clinton said. "The FDR Memorial is a pretty good place for us to be having this because, as all of you know, it is more than a monument to one of our nation's leaders; it's a symbol of who we are as a nation and what we can overcome."

Clinton noted that although the federal work force is the smallest in 40 years, he wants to ensure "that we're tapping the deepest pool of talent."

The percentage of people with disabilities hired by the federal executive branch has remained stable at about 7 percent over the past 20 years, according to the Office of Personnel Management. Today, out of a federal work force of 1.8 million, 122,000 people have disabilities. The figure does not count the

U.S. Postal Service, Congress or the judicial branch.

Clinton accepted the "Spirit of ADA" torch from Justin Dart Jr., who is often called the "father of the ADA." Dart, an activist for five decades, also praised Clinton for supporting the sculpture of FDR in a wheelchair.

"Like Abraham Lincoln, Bill Clinton has fought to guarantee the rights of our citizens," said Dart, sitting in a wheelchair and wearing his trademark cowboy hat and boots. But Dart also warned that "millions of us are unemployed and poor, in nursing institutions. . . . The ADA is under attack. Mr. Clinton, we need your continuing leadership."

Clinton appeared with first lady Hillary Rodham Clinton, who recounted how, in 1993, she had gone on a door-to-door canvass to find out why students were not in school. She learned that many children were kept out because they could not see or hear or had some other disability.

Beginning next year, she said, a new federal regulation will allow disabled students receiving Supplemental Security Income payments to exclude more earned income before their benefits are affected, from \$400 a month to \$1,290 a month.

"This is long overdue," she said. "Young people with disabilities should not have to pay the price for working."

The president announced other rule changes to encourage people receiving Social Security disability payments to work. Last year, the maximum limit on how much a person could earn without losing disability benefits was raised. Beginning next year, Clinton said, the earnings limit—currently \$700 a month—will be automatically adjusted each year based on the national average wage index.

The administration also is supporting bipartisan legislation to allow children with disabilities to continue their Medicaid coverage even after their parents have returned to work.

And Clinton announced a new Web site, [www.disability.gov](http://www.disability.gov), as a one-stop electronic link for people with disabilities and their families on topics such as employment and civil rights protection.

beneficial new legislation and regulation.

In a ceremony at the Franklin D. Roosevelt Memorial, President Clinton directed federal agencies to hire 100,000 disabled Americans over the next five years. Sen. Edward Kennedy, D-Mass., meanwhile, unveiled a bipartisan bill to expand health coverage for disabled Americans.

But as the disabled reflected on how their experience with the law had helped make their lives easier, a Justice Department official told members of Congress that of the 30 million adults with significant disabilities, 75 percent are unemployed or underemployed.

"The high unemployment rate of people with significant disabilities is truly ironic, as many high-tech jobs go unfilled," said Liz Savage, acting assistant attorney general for civil rights.

"Many of these jobs may be ideal for people with disabilities."

Savage was among those testifying before the Senate Health, Education, Labor and Pensions Committee. She and other witnesses named several reasons that disabled workers aren't more fully employed.

Some blamed employer stereotyping and bias as a factor but said more complex factors are also at work.

Savage said that while technology has helped many disabled people, poorly designed technology that does not take their needs into account often causes them to lose their jobs, such as new software that excludes online "screen readers" necessary for the blind.

Judith Heumann, assistant secretary of education for rehabilitative services, said "employers consistently note that they are not hiring more people with disabilities because they are not finding candidates who have the relevant experience or skill level required for employment."

In addition to changing employers' attitudes about hiring disabled workers, she said, the government will continue to push programs to ensure that they receive high-quality education and do not drop out of school.

The ADA law not only bars discrimination in employment but requires wheelchair ramps and other accommodations for the disabled, in the workplace and in public places.

In directing agencies to hire 100,000 workers over the next five years, the president said, "they don't want excuses. Instead, they want opportunity in terms of jobs and careers."

Clinton's executive order also would adjust annually how much people with disabilities could earn every month without losing their government benefits.

Now they can earn \$700 without losing benefits; this figure would be changed to reflect increases in the average wage index.

The president ordered the creation of a Web site so the disabled could obtain information about employment, health care, taxes and vocational education.

He also directed agencies to draft plans ensuring that programs are free from disability-based discrimination.

At the Senate hearing, a more complex picture of employing the disabled was presented. Often new technological advances can create barriers for them, said Barbara Judy, director of the president's committee on employment of people with disabilities.

"The increased use of voice mail and automated telephone systems can be confusing and very frustrating for some individuals with cognitive or psychological difficulties and not readily useable by persons with hearing impairments without additional technology," she said.

The development of digital wireless equipment is not compatible with TTY telephone systems for the deaf, she said. And, she added, some computer software enhancements can't be used by blind people who require "screen readers," technology in which online written language is converted into spoken language.

John Pak, a disabled summer intern at the Justice Department, said many technologies that would help disabled people adapt to such changes are expensive because of their sparse demand.

Cost for smaller employers may be prohibitive, he said, and training is costly too.

Pak suggested federal subsidies and tax exemptions for employers to help remove some of the technological barriers.

Savage said the Architectural and Transportation Barriers Compliance Board, a federal agency commonly known as the "Access Board," is considering a new regulation that would require the federal government to make sure that its software, Web sites, telecommunications equipment, information kiosks and office machines are accessible to the disabled.

Not all federal workstations would have to meet this rule if there were no disabled workers present, she said. Nevertheless, she said it could result in an expansion of assistance to disabled workers who need help in adapting to technology.

Deborah Lisi-Baker, director of the Vermont Center for Independent Living, said disabled workers often need help with travel to and from work, and that can be a barrier to employment.

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## **Bush's choice of Cheney widens Gore's options for running mate**

**By Monica Davey  
Chicago Tribune**

Despite the teasing pleas of a Chicago radio show host, Vice President Al Gore wouldn't reveal on Wednesday whom he will choose as his running mate.

Not just yet, Gore said during his visit to Chicago, but then he added, with obvious pleasure, an unsolicited reminder. "Dick Cheney has been selected on the Republican side," Gore said, his smile growing.

In the hours since Texas Gov. George W. Bush named Cheney his running mate, Gore's campaign has publicly rejoiced. Staffers immediately launched attacks against Cheney, portraying the 59-year-old former secretary of defense as a "retro pick," part of the "Big Oil Dream Team" and a "symbol of the old Republican guard," out of touch with young, moderate GOP voters.

But that's not all the Gore team sees in Cheney. There's also a quieter, more private celebration going on at Gore's camp in Nashville, where the selection of Cheney brings a level of freedom to Gore's own high-pressure search for a running mate.

Cheney, whose Wyoming roots carry no special tug for voters in the nation's large battleground states, opens up Gore's geographic options. And Cheney, whose steady, business-like persona doesn't create much stir, releases Gore from having to pick a partner whose popularity can compete with the likes of a Colin Powell. In the odd chess game of vice presidential searches, Democratic strategists say, Gore is mostly free to do what he wants now.

"The Gore campaign's reaction is a response to who Cheney is not," said Paul Herrnson, a professor of political science at the University of Maryland. "Cheney is not a war hero. Cheney is not a moderate. Cheney is not from a state with a large electorate. For Gore, this is great news."

Over the past few weeks, as Bush's decision grew close, Gore was mostly silent about his search. He criticized Bush for making the process too public and pledged to keep his decision-making "private" and "dignified."

That's hardly an easy task for any campaign in the days leading up to the party conventions. Questions about running mates seem to emerge at every campaign stop even as, behind the scenes, possible running mates are carefully researched and interviewed by campaign advisers.

Among many rumored possibilities for Gore are a slew of senators: John Kerry of Massachusetts, who held a fund-raiser at his home for Gore on Tuesday night; Tom Harkin of Iowa, who spoke beside Gore at a convention the same afternoon; Joseph Lieberman of Connecticut; Evan Bayh of Indiana; Bob Graham of Florida.

On Wednesday, Gore wouldn't discuss names, except to say that his choices were "down to a very few." An announcement is expected within the next two weeks before the Democratic convention starts in mid-August. Campaign advisers are trying to downplay speculation by promising to set a date soon for an announcement.

Gore's official description of what he's looking for in a partner has been three-pronged and simple: "Somebody who can be president on a moment's notice ... a good partner ... somebody who will fight for the people." But political strategists say Bush's choice, which was certain to come first, also will affect Gore's decision.

Had Bush picked someone else, the strategists say, Gore

very tight rein on dissent, faced upon his return.

"He (Arafat) has reconstituted himself," said Mahdi Abdul Hadi, the head of a think tank in Jerusalem. He was referring to previous criticism from Arafat's political foes, who have accused him of bending too easily in peace negotiations.

Before, whenever Arafat took part in peace talks, he led the Palestinians into some form of concessions even though he had been urged not to, said Ghassan Khatib, the head of the Jerusalem Media and Communications Center, a Jerusalem-based research organization.

"But this time there were some signs of relief among Palestinians because Arafat returned without giving concessions," he explained. "There was also no disappointment because there were no hopes," he added.

Clearly buoyed by his welcome-home reception, Arafat repeated his vow to declare an independent state on Sept. 13 if there is no agreement with the Israelis. The Israelis have warned they would not calmly accept such a one-sided act and might similarly take unilateral steps.

These threats have raised concerns about a new cycle of violence in only a matter of weeks.

But Arab and Israeli analysts suggest that Arafat is leaning on his long experience as a guerrilla leader to make threats in order to pump up the value of his bargaining chips. A declaration of a new state, they say, is unlikely to take place while Israel faces a political crisis without a strong prime minister.

"This is the difficult end of the beginning," suggested Abdul Hadi. "There are no more taboos, but this educational process will take some time."

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## **Bush, Cheney campaign in Wyoming as Democrats attacks ticket**

**By Rick Pearson  
Chicago Tribune**

CASPER, Wyo. As Democrats stepped up their criticism over the conservatism of the Republican ticket, newly minted GOP vice presidential candidate Dick Cheney said Wednesday he was "generally proud" of his congressional voting record and argued the campaign for the White House was about the future and not the past.

A day after Texas Gov. George W. Bush, the presumptive Republican presidential nominee, tapped Cheney as his running mate, the former defense secretary and congressman made a triumphant homecoming trip to Natrona County High School, where he and his wife, Lynne, were students.

But as the two men addressed more than 2,200 people, many waving newly printed Bush-Cheney signs, Cheney found himself attempting to defend a conservative legislative record that included opposition to bans on so-called "cop-killer" armor piercing bullets and terrorist plastic guns, opposing funding for Head Start and voting against a resolution calling for the then-apartheid South African government to release Nelson Mandela.

The Democratic fusillades against Cheney surfaced in Chicago Wednesday, where the Rev. Jesse Jackson introduced Vice President Al Gore and criticized Cheney as a far right candidate who had ignored the needs of minorities.

"Cheney voted against Head Start, he voted against equal rights for women, he voted against sanctions against South Africa, not once but six times, he voted against freeing Mandela from jail," Jackson said at Operation PUSH's annual meeting.

Even before the Bush campaign headed toward Wyoming, the Texas governor said he was "not surprised" by criticism from Democrats. "To belittle the pick typical," he said aboard his chartered campaign plane as it departed Austin, Texas.

The Republican ticket used the trip to reinstall faith among core conservative GOP voters as well as try to mollify moderates by showing Cheney believed in the Texas governor's mantra of "compassionate conservatism."

"I was and am a conservative. I believe in limited government and a strong national defense," Cheney said.

Bush said that in picking Cheney, "I absolutely thought about that (voting) record and this is a conservative man, but so am I. But the thing that distinguishes Dick Cheney is that he can get along with others, he is a persuasive person."

Yet Cheney has sought to soft-peddle his conservatism. Though he is ardently opposed to abortion in all circumstances, he

said he could support Bush's exceptions in cases of rape if a woman's life was in danger.

In noting that the country is enjoying a time of revenue surpluses in contrast to the deficit spending that occurred during his tenure in Congress, Cheney has touted using the money to shore up Social Security and improve prescription drug coverage for the elderly under Medicare.

But Cheney has not talked of using the surplus to provide a tax cut proposal that is a major plank of Bush's campaign.

"Governor Bush has laid out a very positive vision for America. He has been very articulate in terms of pushing his concept and notion of compassionate conservatism. I'm happy to support it and I don't believe I'll have any problem at all doing that," Cheney said.

The Bush campaign noted that Gore, the presumptive Democratic presidential nominee, had hailed Cheney during his Senate confirmation hearing to be defense secretary in 1989.

"I want to tell you how much your colleagues and former colleagues who had the privilege of serving with you in the House, as I did, before coming to the Senate, respect you and wish you well," said Gore, then a senator from Tennessee.

In Wyoming, Cheney offered only a generic defense of his record, saying he could not remember the circumstances surrounding specific votes. But he said many of his "no" votes were motivated either by budget concerns or because of legislative maneuvering that prevented Republican amendments from being considered.

"I am generally proud of my record in the House and the job in representing the state of Wyoming," said Cheney, who served as the lone House member from the fiercely conservative state from 1979 to 1989.

"Sure, if I were to go back and look at the individual votes, I can probably find something I might tweak and do a little differently. But it also was the 1980s. It was a time when we had huge budget deficits, no money, and one really had to be concerned about controlling federal spending. Today, we're in a different era," he said.

Senior Bush aides said they thought it was unfair for Democrats to "pick up a few things here and there" from "thousands" of votes Cheney cast during his decade in Congress.

"If Vice President Gore wants to talk about votes from 20 years ago, then let's talk about why he supported the NRA," Bush communications director Karen Hughes said, referring to the National Rifle Association, an organization firmly against gun control which finds itself solidly in Bush's camp.

As far as voting against sanctions for the previous white-minority government of South Africa, Cheney said he "consistently opposed the imposition of unilateral economic sanctions, not necessarily because I was concerned about South Africa so much as because I don't believe unilateral economic sanctions work. I think they're often imposed not for foreign policy reasons but for domestic political reasons."

That is a policy that Cheney has maintained in his position as chief executive officer of Dallas-based Halliburton Co., an oil field technology, engineering and construction firm that operates in more than 130 nations.

While Democrats have tried to portray Bush and Cheney as the "oil couple" during times of high gas prices, given their business backgrounds, the new vice presidential contender said he was "very proud of what I did at Halliburton." And Bush said such arguments were "an attempt to divert attention away from the fact that (the Clinton administration) has no energy policy."

For his part, Cheney clearly wants to move the debate from his congressional record to the lofty rhetoric of a national campaign.

"I think the key here, whether we're talking about gun control, whether we're talking about the economy or tax policy, again is to stay focused on the future," he said.

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## **Disabled mark 10th anniversary of passage of ADA**

**By William Neikirk  
Chicago Tribune**

WASHINGTON As they marked the 10th anniversary of passage of the Americans with Disabilities Act on Wednesday, the disabled won more federal job opportunities and promises of

**ADA EVENT  
Q&A  
July 26, 2000**

**PRESIDENTIAL ANNOUNCEMENTS**

**Q: What did the President and First Lady announce today to commemorate the 10<sup>th</sup> Anniversary of the Americans with Disabilities Act (ADA)?**

A: President Clinton with the First Lady and leaders of the disability community celebrated the 10<sup>th</sup> Anniversary of the Americans with Disabilities Act (ADA) and took new action to further the goals of the ADA by: increasing federal employment opportunities for people with disabilities; ensuring that federal agencies establish effective procedures for addressing reasonable accommodation requests and that Federal programs are free from disability-based discrimination; and reducing the barriers that Social Security beneficiaries face when they return to work. The President will also announced his intention to work with the Congress in the context of an overall budget framework to enact legislation that builds on the success of the Work Incentives Improvement Act by allowing children with disabilities to continue their Medicaid coverage even if their parents have returned to work. Finally , the President unveiled the Access America for People with Disabilities website created to provide quick access to services and other resources for people with disabilities and their families.

**Social Security Disability Initiatives** (The First Lady is announcing one of the SSI initiatives for students)

**Q: What did the President announce regarding assistance for SSI and SSDI disability recipients who are working or want to go to work?**

A: The President announced two proposals (and the First Lady announced one) to assist Social Security Disability (SSDI) and Supplemental Security Income (SSI) disability recipients who are working or wish to enter the workforce.

1. Automatically adjust the Substantial Gainful Activity (SGA) level for individuals with disabilities, based on any annual increases in the national average wage index. Since the beginning of the Social Security disability program in 1956, there have been no regularly scheduled increases in SGA. This will ensure that persons with disabilities who return to work will be able to count on having a limit that accurately reflects increases in wages. SSA has special rules for blind persons.
2. Increase from \$200 to \$530 the minimum amount of monthly earnings for a month to count during a trial work period for individuals who are Social Security beneficiaries and work. The President is also proposing to automatically adjust the amount

thereafter based on any annual increases in the national average wage index. Many beneficiaries are leery of attempting to work for fear of losing critically important cash and medical benefits. This increase will encourage beneficiaries with disabilities to contribute their talent and energy to the workforce.

3. **[First Lady is announcing]** Increase the maximum monthly earned income exclusion for students who receive SSI from \$400 to \$1,290 and the yearly exclusion from \$1,620 to \$5,200. The Administration is also proposing to automatically adjust these amounts thereafter based on any annual increases in the cost-of-living index. Young people with disabilities face enormous challenges when attempting to enter the workplace. We must find ways to bridge the transition from education to employment. The Administration is proposing to increase the amount that students who receive SSI can earn while continuing to receive the important protection SSI provides.

**Q: What's the purpose of the changes?**

A: We expect that these changes will encourage people with disabilities to test their ability to work and to keep working. These changes should provide people with greater incentives to work, or, if working, more security to continue working without losing important cash and medical benefits.

**Q: How many people on SSI and SSDI will these changes help?**

A: Each year, approximately 400,000 disability beneficiaries participate in the workforce. Many hesitate to work because they cannot afford to give up critical benefits. Although it's difficult to quantify how many people will in the end benefit from these proposals, increasing the SGA level would provide additional security and encourage more disabled individuals to return to work.

**Q: What is SGA and why is it important?**

A: The Social Security Act defines disability as the inability to do any substantial gainful activity because of any medically determinable physical or mental impairment that is expected to last for a continuous period of 12 months. The Social Security Administration (SSA) designed "substantial gainful activity" (SGA) as a way of measuring an individual's ability to work – not as a measure of an individual's need for income. The term "substantial" refers to the performance of significant physical or mental duties, or a combination of both, which are productive in nature. "Gainful" work activity is work that is generally performed for remuneration or profit, regardless of whether a profit is realized. A person must not be able to perform SGA in order to receive benefits under the SSDI or SSI programs. Currently, monthly earnings of \$700 or more are considered SGA and will make a person ineligible for cash benefits in that month.

**Q: What is the current SGA level?**

A: Last July, the President announced an increase in the amount that Social Security disability beneficiaries can earn and continue to receive their benefits from \$500 to \$700. Since July 1999, earnings by persons with impairments other than blindness that average more than \$700 a month reflect an ability to perform SGA. Before the President announced the earnings increase last year, there had not been an increase in the SGA level since January 1990.

**Q: How does this relate to the SGA for blind beneficiaries?**

A: Different SGA levels apply to blind and non-blind beneficiaries. In 1977 legislation was enacted to link the SGA for blind beneficiaries to the Social Security retirement earnings test, which was adjusted annually to the average wage index. The rationale for this link was an assumption that blind beneficiaries face different work-related challenges and expenses than non-blind beneficiaries. Although no longer linked to the retirement earnings test, the SGA for blind beneficiaries remains indexed to the national average wage index. Currently, the SGA for the blind is set at \$1,170 a month.

**Q: What is the Trial Work Period (TWP)?**

A: The TWP is a work period of time during which the beneficiaries who receive Social Security benefits based on an impairment can try to work without any worry of losing benefits because of the work.

**Q: Why index the revised TWP amount?**

A: As with the SGA level, indexing would allow the monthly amount to increase automatically when the nation's average wages increase rather than rely on ad hoc increases through regulations.

**Q: What does the Student Income Exclusion for Students who receive SSI do?**

A: It increases the maximum monthly earned income exclusion for students who receive SSI from \$400 to \$1,290 and the yearly exclusion from \$1,620 to \$5,200. The First Lady announced that the Administration is also proposing to automatically adjust these amounts thereafter based on any annual increases in the cost-of-living index.

**Q: When was the Student Earned Income Exclusion (SEIE) last increased?**

A: The SEIE has not been increased since it was originally defined in 1974

**Q: Why was the TWP increased from \$200 to \$530 a month and thereafter increased based on a national wage scale?**

A: This proposal would increase the monthly level \$200 to \$530 (25 hours/week at minimum wage), approximately 75 percent of the SGA level (34 hours/week at minimum wage). While there does not appear to be anything “magic” about this level, it would bring the TWP services amount better in line with SGA and be more representative of a normal work effort.

**Q: Why was the Student Earned Income Exclusion raised to \$1,290 a month, not to exceed \$5,200 a year; and then adjusted for inflation annually thereafter?**

A: This level was set to approximate student earnings working full-time during the summer and sporadically during the rest of the year for 1.5 times the minimum wage. If the measure had been linked to the minimum wage the current equivalents would be \$1,290 a month and \$5,200 a year.

This increase reflects the fact that school expenses have increased since the SEIE levels were defined in 1974. These increases would assist SSI beneficiaries in financing their education (academic, vocational, or technical) and encourage them to work and become self-sufficient. Computing annual cost-of-living adjustments would ensure that the amounts account for the price of inflation.

**Q: Why is this proposal important?**

A: Young people with disabilities face enormous challenges when attempting to enter the workplace. We must find ways to bridge the transition from education to employment. The First Lady is announcing that the Administration is taking action to address this issue by proposing to increase the amount that students who receive SSI can earn while continuing to receive the important protection SSI provides.

**Q: How many disabled youth could be eligible for the Student Earned Income Exclusion ?**

A: There are 20,000 young people between the ages of 18 and 21 who currently receive SSI and are classified as students.

**Q: How much do these regulatory changes cost ?**

A: The increase and index of the TWP earnings level cost \$27 million over five years and updating the Student Earned Income Exclusion and indexing it costs \$16 million over 5 years. The costs for these proposals will be offset by other pending regulatory proposals.

For SGA, the baselines for the DI, SSI, Medicare and Medicaid all assume that SGA is periodically updated. Although it would not have to be offset, any increase to the SGA would result in more individuals being able to meet that aspect of the definition of disability, compared to a static SGA. The amount in the baseline representing the

difference in benefits paid by indexing the SGA compared to holding it constant is about \$2.1 billion over ten years.

**Q: What's a timeline of someone on SSDI returning to work?**

**A:** The **Trial Work Period** is nine months long. These do not have to be consecutive months -- they just have to occur within a 60-month rolling period. Any month the DI beneficiary earns more than the TWP service amount (SSA rule would increase it to \$530/month) counts as a TWP month. However, the beneficiary maintains full benefits (cash and health) no matter how much they earn in a month.

If an individual is working at SGA at the end of the 9 months they get a **3 month "grace period"** before their cash benefits are affected.

The **extended period of eligibility** is for a consecutive 36 month period and begins the month after the TWP ends. It is in this period that an individual does not receive cash benefits (they maintain health benefits) in months when their earnings exceed **Substantial Gainful Activity (SGA)**. The SGA level is currently \$700 a month; the SSA rule would index it to the national average wage index.

As described above, the SGA is a continuing eligibility tool for the DI program. The SGA level is also used for determining initial eligibility for both DI and SSI beneficiaries.

**Executive Order on Increasing the Opportunity for Individuals with Disabilities to be Employed in the Federal Government (100,000 hires)**

**Q: What does the Executive Order do?**

**A:** The Executive Order expands outreach efforts to enable Federal agencies to hire 100,000 people.

**Q: Is this a realistic number?**

**A:** Yes. This is an ambitious but achievable number. If current hiring trends continue without change, Federal agencies would hire approximately 62,500 people with disabilities over the next five years. Approximately 8,000 of those people would have severe disabilities. The new number exceeds current hiring trends by 60%, and reflects this Administration's strong commitment to making the Federal Government a model employer by recruiting a diverse and well-qualified workforce. The President recognizes the significance of the increased number and believes that the Federal government is ready to meet this challenge.

**Q: Why is the President doing this?**

**A:** The Executive Order is part of the Administration's continuing commitment to increase opportunities for individuals with disabilities. Despite their qualifications for employment, persons with disabilities, and most notably persons with severe disabilities, are not sought after by potential employers. This is often because employers fail to understand the many ways that disabilities can be accommodated on the job. Therefore, President Clinton and Vice President Gore have made a commitment that the Federal government will take the lead in demonstrating that individuals with disabilities can successfully compete and perform in a wide range of jobs.

**Q: How are agencies going to do this?**

**A:** Agencies will begin by reviewing their current and future mission needs to identify those areas where recruitment will be necessary during the next five years. Recruitment efforts will then be increased to reach out to the largely untapped pool of individuals with disabilities who have the skills needed to advance the agency's mission. A variety of hiring authorities exist that will facilitate agency efforts.

**Q: Is this a quota or a goal?**

**A:** 100,000 is not a quota; it is a realistic hiring goal that the federal government will be able to achieve through expanded outreach and increased efforts to understand and provide the reasonable accommodations already required by federal law. This goal is a realistic one because there is a large pool of qualified individuals with disabilities who are never made aware of available employment opportunities, or who could perform the essential functions of a wide variety of federal jobs if their disabilities are reasonably accommodated. Today's Presidential directive on Employing People with Significant Disabilities to Fill Federal Agency Jobs that can be Performed at Alternative Worksites will also help federal agencies achieve this goal.

**Q: How will this initiative impact other Administration efforts to create a more diverse and representational Federal workforce?**

**A:** The initiative to increase the employment of people with disabilities complements, and does not compete with, the Administration's other efforts to increase the employment of underrepresented groups, such as racial or ethnic minorities. Disabilities do not respect racial, gender, ethnic or religious boundaries. By committing to increase its efforts at recruiting individuals with disabilities, the Federal government will continue to adhere to the overarching goal of creating a diverse workforce that accurately reflects the American population.

**Q: How was this number determined?**

A: A group of human resource managers reviewed current Federal hiring patterns, information about the future pool of job applicants, and Administration policy objectives. Based on this information, and the anticipated increases from expanded outreach efforts and use of appropriate accommodations, the group determined that the Federal government will be able to hire 100,000 individuals with disabilities over a five year period.

**Q: Why is this a five year number?**

A: This is a significant increase (60% over five years) in current hiring trends. Agencies will need time to develop and implement new initiatives to effectively recruit and hire people with disabilities. OPM and the Human Resources Management Council will also need time to coordinate recruiting efforts so that key educational and vocational organizations that assist people with disabilities in finding jobs are not overwhelmed.

**Q: Are there related activities the Administration will carry out to support this effort?**

A: Yes. The President is also issuing an Executive Order requiring Federal agencies to establish systems for facilitating accommodations for individuals with disabilities, and a Presidential Memorandum directing agencies to examine the feasibility of relocating certain jobs to home-based or other off-site facilities to expand employment opportunities for individuals with disabilities.

**Q: How will progress be tracked?**

A: OPM will track progress using data from the Central Personnel Data File beginning with hires of employees with disabilities on October 1, 2000.

**Q: How is disability defined for the purpose of these Federal employment statistics?**

A: An employee is considered disabled if he/she has a physical or mental impairment substantially limits one or more major life activities. Examples are speech, vision, hearing and orthopedic impairments, , paralysis, mental illness, diabetes, and heart disease.

**Q: How many current Federal employees have a disability?**

A: Over 122,000 Federal employees (7.2% of the workforce) have self-identified as having a disabling impairment. Over 20,000 of those employees (1.2% of the workforce) have severe disabilities. These statistics have held relatively steady in recent years. It is highly likely that these counts are low because employees either fail to, or choose not to, self-identify as having a disabling condition.

**Q: What types of positions will be filled by people with disabilities?**

A: The Executive Order specifically calls on agencies to recruit individuals with disabilities for positions in the full range of levels and occupations in the Federal government.

**Q: Are individuals with disabilities required to notify a Federal agency of their disability at the time they are hired?**

A: No. An applicant is not expected to notify a prospective employer about a disability. In some cases, an applicant may choose to notify an agency of a disability in order to request reasonable accommodation.

The Federal government will update the self-identification form for disabilities to be given to all new employees. When approved, OPM will undertake a government-wide information campaign to inform employees of the importance of self-identifying and that such information will be confidential.

### **Executive Order on Reasonable Accommodations**

**Q: What does the Executive Order on reasonable accommodation require?**

A: This Executive Order requires that all Federal agencies establish effective procedures for processing requests for reasonable accommodation by employees with disabilities and applicants for employment with disabilities.

**Q: What is reasonable accommodation and why is it important?**

A: A reasonable accommodation is any change in the work environment or in the way a job is performed that enables a person with a disability to enjoy equal employment opportunities. Although many individuals with disabilities can apply for and perform jobs without any reasonable accommodations, workplace barriers may keep others from performing jobs which they could do with some form of accommodation. These barriers may be physical obstacles (such as inaccessible buildings or computer equipment), or they may be procedural obstacles (such as rules concerning when work is performed, when breaks are taken, or how job tasks are performed). Reasonable accommodation removes workplace barriers for individuals with disabilities.

**Q: Why is it important to require that Federal agencies establish procedures for processing requests for reasonable accommodation?**

A: If an individual with a disability needs a reasonable accommodation in order to perform his or her job, it is essential Federal agencies handle the request in a prompt, fair and efficient manner.

**Q: Doesn't the law already require that Federal agencies provide reasonable accommodations to employees and applicants?**

A: The Rehabilitation Act of 1973 does require that Federal agencies provide reasonable accommodations to their employees and job applicants. This Executive Order gives the agencies more specific guidance on how to develop procedures governing the reasonable accommodation process.

**Q: What are some of the specific provisions of the Executive Order?**

A: The Executive Order provides that agencies must explain in their reasonable accommodation policies that employees or applicants may initiate the reasonable accommodation process either orally or in writing, and that time limits for decision-making should be as short as reasonably possible. It requires that agencies explain how they will process requests and from whom the employee or applicant will receive a final, written decision. It emphasizes that reassignment is a form of reasonable accommodation.

**Q: Can agencies request medical information to support requests for reasonable accommodation?**

A: Agencies may require the employee or applicant to provide appropriate medical documentation if the disability and/or need for accommodation is not obvious. Agencies may request supplemental medical information if the information initially submitted is insufficient. Agencies may also have the medical information reviewed by a medical expert of the agency's choosing, at the agency's expense.

**Q: What rights does an employee or applicant have to challenge an agency's failure to comply with the Executive Order requirements?**

A: The Executive Order does not create any legally enforceable rights. However, it encourages agencies to use their informal dispute resolution processes to allow individuals to seek reconsideration of denials of reasonable accommodation. It also explains that individuals may pursue the rights that they already have under the Rehabilitation Act through the federal sector equal employment opportunity (EEO) process.

**Q: When are the agencies' reasonable accommodation procedures due?**

A: Agencies must submit their reasonable accommodation procedures to the Equal Employment Opportunity Commission within one year of the date of the Executive Order.

**Q: Will further guidance be provided regarding the Executive Order?**

A: Yes. The Equal Employment Opportunity Commission is responsible for issuing guidance to implement the provisions of the Executive Order within ninety (90) days of the Executive Order.

**Executive Memorandum: Renewing the Federal Government's Commitment to Ensuring that Federal Programs are Free from Disability-Based Discrimination**

**Q: What will this Presidential Directive accomplish?**

A: The Directive's core requirement is that all agencies engage in a plan to ensure that today's federal programs are free from disability-based discrimination. It contains specific steps designed to reach this goal, including:

- requiring the EEOC and the Department of Justice to set specific priorities and an implementation schedule for a multi-year plan to eliminate disability-based discrimination throughout the federal government;
- encouraging the Presidential Task Force on the Employment of Adults with Disabilities and the Interagency Disability Coordinating Council to provide input to ensure that diverse viewpoints are considered during the development of the Strategic Plan;
- directing agencies to take some initial specific steps as part of the Strategic Plan, as discussed below.

**Q: Does the directive change any of the primary responsibilities of the EEOC or the Department of Justice?**

A: No. While it establishes a mechanism for the EEOC and the Department of Justice to consult with each other and with the Presidential Task Force and the IDCC, the EEOC remains the agency with coordination, policy-setting, and enforcement authority for the employment opportunity requirements of title V of the Rehabilitation Act. Likewise, the Department of Justice remains the agency with coordination authority over the other nondiscrimination requirements of the Rehabilitation Act. The Directive clarifies that EEOC and the Department of Justice are the lead agencies, while the Presidential Task Force and the IDCC play important consultative roles.

**Q: Why is the Directive necessary at this time?**

A: Title V of the Rehabilitation Act of 1973 provided the foundation upon which the Americans with Disabilities Act (ADA) was built. Title V prohibits discrimination against — and directs affirmative action for — people with disabilities in Federal employment and prohibits discrimination against people with disabilities in all other Federal programs.

As we celebrate the 10<sup>th</sup> anniversary of the ADA, we should take this opportunity to renew our commitment to ensure that people with disabilities have equal employment opportunities within the Federal government and are fully able to participate in all Federal government programs.

Over the last 20 years — while the regulations implementing Title V have been in place — 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 Title V may be out of date. For example:

Employment discrimination. The nature of the workplace has changed. 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 is better able to provide the services Americans need if 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.

**Q: Why not just require agencies to thoroughly update their self-evaluations and transition plans?**

A: While there is a clear need to reevaluate the tools we use to implement Title V 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 the Rehabilitation Act, the Directive requires agencies to engage in a "Strategic 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 current employment practices remain free from discrimination.

**Q: What are the kinds of things that will be included in the Strategic Plan?**

A: The first two steps under the Strategic Plan will be for agencies to:

- Ensure that agency programs on federal Internet and Intranet sites are accessible to people with disabilities; 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 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; and
- Make reasonable policy modifications to allow participation by qualified people with disabilities.

**Q: What is the IDCC? How is it different from the Presidential Task Force on Employment of Adults with Disabilities?**

A: The Interagency Disability Coordinating Council (IDCC) was established under the Rehabilitation Act, (29 U.S.C. § 794c), as a mechanism to provide consistent implementation of Title V. The Attorney General is Chair of the IDCC, pursuant to Executive Order 12250.

In comparison, the Presidential Task Force on Employment of Adults with Disabilities was created in 1998 by Executive Order 13078 to create a coordinated and aggressive national policy to bring adults with disabilities into gainful employment at a rate that is as close as possible to that of the general population. Many of the IDCC member agencies are also represented on the Task Force, but the IDCC has a broader statutory mandate that makes it the appropriate entity to address the broad range of issues identified by the Task Force.

**Executive Memorandum: Employing People with Significant Disabilities to Fill Federal Agency Jobs that can be Performed at Alternative Worksites**

**Q: What does the Executive Memorandum on promoting telecommuting opportunities for people with disabilities do?**

A: To harness the power of new technologies to promote employment of people with significant disabilities, the Executive Memorandum calls on the head of each Federal Agency that already operates customer service centers to identify positions that could be relocated to home-based or off-site facilities and provide employment opportunities for people who have significant disabilities. If the head of the Agency determines that it is feasible and appropriate to establish home-based positions, they are then required to develop a plan and guidelines that encourages the recruitment and employment of individuals with disabilities for such positions. The increasing use of off-site work stations to carry out significant and competitive work activities provides a critical new source of employment opportunities for individuals with significant disabilities. It's in the interest of the Federal government to utilize the skills of people with significant disabilities by recruiting them for appropriate off-site, home-based employment opportunities.

**Q: How many qualified individuals with disabilities do we estimate would want to work from home in these "high tech" type jobs?**

A: Vocational rehabilitation counselors estimate that approximately 12% of the individuals with disabilities in their caseload could, and would, succeed if enabled to work from home, but would NOT succeed in the same jobs if required to travel to distant and central locations on a daily basis.

**Q: What is the "growth potential" prognosis for "high tech" jobs that are performed at off-site locations?**

A: More than three million Americans worked as "inbound call center" customer service agents in 1999. These workers accepted telephone catalog orders; processed car, hotel, and plane reservations; and provided insurance, banking or software support. The Gartner Group has predicted that 25 - 40% of these customer service agents will be working from their homes within the next three to five years.

**Access America for People with Disabilities Website**

**Q: What is the *Access America for People with Disabilities* website?**

A: The *Access America for People with Disabilities* website was created to provide quick access to Federal government services, publications and other resources for people with disabilities and their families. Access America is a program initiated by Vice President Gore and, like the Access America for Seniors and the Access America for Students

websites, this new website will serve as “one-stop” electronic link to an enormous range of useful information.

**Q: Specifically, what information will be offered on the *Access America for People with Disabilities* website?**

A: The website will offer information and resources identified as being important to people with disabilities and their families. The website will contain information relating to children and youth; employment, self employment, and entrepreneurship; transportation; health care and long term services and supports; choice and self-determination; recreation and travel; civil rights and protections; college, adult and vocational education; housing; technology; income supports; tax credits and deductions; disability statistics; and emergency preparedness. There will also be special features, including “success stories” of individuals with disabilities; a “hot topics” corner discussing the newest disability issues and employment trends; and direct links to the White House, Congress and Federal agencies.

**Q: Why was there a need to develop *Access America for People with Disabilities*?**

A: In keeping with the President’s and Vice President’s vision of using information technology to increase and improve customer service, we wanted to build a website that would make it easier for individuals with disabilities and their families to get needed resources. We felt it was important to have all federal services and programs relevant to people with disabilities in one on-line location that was accurate, reliable and, most importantly, *fully accessible*. While a number of websites currently exist which provide information on disability or disability-related issues, *Access America for People with Disabilities* is the only totally accessible website specifically dedicated to Federal government services, programs, information and resources relevant to people with disabilities.

## **FIRST LADY’S ANNOUNCEMENTS**

**Q: What did the First Lady announce today?**

A: The First Lady announced a series of initiatives intended to improve opportunities and provide supports for young people with disabilities to successfully transition from education to work.

**Social Security Disability Initiative: Increasing the SSI Earned Income Exclusion for Students (See Q&A in POTUS section)**

**Youth to Work Initiative**

**Q: What is the Youth-to-Work initiative?**

**A:** The Youth-to-Work initiative is an interagency effort to construct and coordinate, under the leadership of the President's Task Force on Employment of Adults with Disabilities, research, programs and services focused on supporting young people with disabilities as they transition to the workforce. The Youth-to-Work Initiative will include interagency collaboration between the Departments of Labor, Education, Health and Human Services, the Social Security Administration, the Office of Personnel Management, and other appropriate Federal agencies.

**Q: Why is the initiative important?**

**A:** Young people with disabilities face many barriers to employment including low educational and employment expectations, as well as low educational attainment. And, many young people do not know how to access government programs that could support their transition to work.

As of 1999, there were 416,000 youth between the ages of 18 and 24 on Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI). Less than one percent of this population currently leaves these programs to join the workforce.

With the labor market demanding higher levels of education and skills, the completion of high school and further education is critical. Improving the postschool, transition, and independent living results of young people with disabilities will result in an increase in their employment opportunities.

**Q: How will this initiative be implemented?**

**A:** Through an amendment to Executive Order 13078, which created the Presidential Task Force on Employment of Adults with Disabilities, the mandate of the Task Force will be expanded to focus on youth.

**Q: What are the components of the initiative?**

**A:** The Youth-to-Work Initiative will:

- Design and coordinate a public awareness campaign to promote high expectations and effective transitioning of young people with disabilities. The campaign will include a one-stop information center. It will also educate parents of youth, businesses, and the general public about how young people with disabilities can be productive members of our society;
- Coordinate and implement research activities, demonstration programs, and interagency cross-training activities;

- Work to ensure that young people with disabilities are included in all youth programs mandated under the Workforce Investment Act (WIA);
- Increase access to health care and resources; and
- Create a Youth Advisory Council to assist in conducting these and other appropriate activities.

### **Partnership between Task Force and Able to Work Consortium**

**Q: What is the Able to Work Consortium?**

**A:** The Able to Work Consortium is a group of 10 major corporations representing technology, pharmaceuticals, banking, investment, manufacturing, and communications that have volunteered to lead by example by showing that workers with disabilities contribute to the bottom line like other employees. These 10 corporations will actively serve as mentors to other companies to increase the number of companies actively hiring young people with disabilities.

**Q: Which 10 corporations are participating in this partnership?**

**A:** Microsoft, IBM, Dell, Bristol-Meyers Squibb, Ford Motor Company, Booz Allen & Hamilton, Lucent Technologies, Caterpillar, Royal Bank of Canada, and Merrill Lynch.

### **VICE PRESIDENTIAL ANNOUNCEMENTS**

**Q: What did the Vice President announce yesterday?**

**A:** Vice President Gore announced that the Clinton-Gore Administration will launch a series of major new initiatives designed to promote the delivery of home and community-based services for people with disabilities of all ages. The initiatives include a new \$50 million investment in FY 2001 to help states more easily offer services to people with disabilities of all ages in the most integrated setting appropriate to their needs; new guidance to state Medicaid directors that will clarify Medicaid coverage for home and community based services and help them comply with the *Olmstead* Supreme Court ruling; and a new public-private partnership between HHS, HUD, and the National Program Office on Self Determination to create new models to help individuals with disabilities in institutional settings transition into the community. In addition, the Vice President announced new measures to increase home ownership for persons with disabilities; expand incentives for employment for individuals with disabilities to a broader range of housing assistance programs; and promote the development of new assistive technology for people with disabilities.

## **Health Care / Olmstead**

**Q: What does the Supreme Court's decision in *Olmstead v. LC* have to do with the Americans with Disabilities Act?**

A: On June 22, 1999, the U.S. Supreme Court ruled in *Olmstead v. L.C.* that under the Americans With Disabilities Act (ADA) institutionalizing a person with a disability who can benefit from and wants to live in the community is discrimination. The case was brought by two Georgia women whose disabilities include mental retardation and mental illness. At the time the suit was filed, both plaintiffs were receiving mental health services in state institutions, despite the fact that State treatment professionals believed they could be appropriately served in the community. In its ruling, the Court said that institutionalization severely limits the person's ability to interact with family and friends, to work and to make a life for him or herself.

The ruling helps define the meaning of a provision in the ADA that requires State and local governments to administer their services "in the most integrated setting appropriate to the needs of qualified individuals with disabilities." The Court found that when a professional determines that an individual with a disability can live in the community -- and can be served there effectively -- the person must be given the choice of doing so. A choice that all of us would want if we or a member of our family or a friend were disabled.

At the same time, the Court acknowledged that states have limited resources and its decision doesn't require any state to incur excessive new costs. Instead, it require states to move at a reasonable pace to provide community-based alternatives. The Court also said states can meet their obligations by having comprehensive plans.

**Q: What is the purpose of the \$50 million Real Choice Systems Change Initiatives Grants?**

A: The system change grants will provide States with flexible resources to work with people with disabilities, families and others to identify and pursue affordable strategies for expanding the availability and quality of personal assistance and supports. This \$50 million grant initiative is drawn from Section 4 of the Medicaid Community Attendant Services and Supports Act of 1999 (MiCASSA) proposed by Senators Harkin and Specter. It will help states develop the comprehensive, effective working plans endorsed by the U.S. Supreme Court in *Olmstead v. L.C.*. Each State could use the funds for a variety of system change, capacity building and outreach activities designed to enable people with disabilities to have a real choice in where they want to live and carry services, *i.e.*, in their own homes and communities or in an institutional setting.

**Q: Why is this grant program important?**

A: The President and Vice President strongly believe that no one should have to live in an institution or nursing home if they can live in the community with the proper supports. States could use these funds for a variety of system change, capacity building and outreach activities designed to enable people with disabilities to have a real choice in where they want to live and receive services, whether in their own homes and communities or in an institutional setting.

**Q: What is the role and composition of the consumer task force?**

A: Every State that is awarded a system change grant will set up a consumer task force to assist it in the development, implementation, and evaluation of real choice systems change initiatives. Each task force will be made up of a broad range of individuals with disabilities from diverse backgrounds. It will include representatives from Developmental Disabilities Councils, State Independent Living Councils, Commissions on Aging, organizations that provide services to individuals with disabilities and consumers of long-term services and supports. A majority of its members will consist of individuals with disabilities or their representatives.

Consumers will provide vital input to the State on “what really works” from the perspective of those that the Medicaid program is designed to serve and support the State’s efforts to shift from a service delivery model that delivers care to one that provides services. The task force will also be instrumental in helping States identify and evaluate possible innovative practices that promote consumer empowerment or self-direction.

**Q: What types of activities can the grants fund?**

A: A State may use the funds for:

- Needs assessment and data gathering;
- Reducing institutional bias;
- Reducing the over medicalization of services;
- Interagency coordination and single point of entry activities;
- Training and technical assistance;
- Public awareness programs that provide information on the choices available to individuals with disabilities for receiving long-term services and support in the most integrated setting appropriate;
- Downsizing of large institutions to support the per capita increased fixed costs in institutions directly related to the movement of individuals with disabilities out of specific facilities and into the community;
- Transitional costs of assisting people with disabilities to move out of institutions and into the community;
- Support the operation of the Consumer Task Force;
- Time-limited demonstrations of new approaches;

- And other systems change activities necessary for developing, implementing, or evaluating the comprehensive statewide system of long term services and supports.

**Q: Why is HHS sending additional letters to the States regarding the *Olmstead* decision?**

A: 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 that provide needed policy clarifications in support of 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 to:

- Assist people with disabilities making successful transition from nursing homes and other institutions into the community;
- Expand access to home and community based services; and,
- Ensure comparability in Medicaid services.

**Q: What specific concerns related to the Medicaid program are addressed?**

A: People with disabilities who want, 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 HHS just issued to State Medicaid Director will help eliminate many of these barriers. Specifically, the clarifications will support States in:

- **Assisting People With Disabilities Make A Successful Transition From Nursing Homes And Other Institutions Into The Community Under a Home and Community Based Services (HCBS) Waiver:**

- ***Accessing HCBS Waiver Services:*** The new guidance 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. The letter makes clear that HCFA will accept a provisional plan of care for the first 60 days of service in the community.
- ***Community Transition Expenses:*** The new guidance 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 under a HCBS waiver. This can include paying for up to six months of case management to identify and obtain needed

services for the person by the time he or she leaves the facility, as well as accessibility assessments and modifications to the home or apartment the person is moving into.

- ***Avoiding Reinstitutionalization:*** The new guidance indicates that HCFA will now allow States to use Medicaid to continue to pay for personal care for a period up to 30 days under a HCBS waiver 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.
- **Clarifying The Availability Of Home And Community Based Services:** The new guidance 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.
  - ***Habilitation:*** The new guidance makes clear that habilitation services can be provided to individuals with the full range of developmental, physical and mental disabilities under a waiver. This is important because habilitation services focus on assisting individuals to acquire, retain and improve skills important for living in the community. In many States, however, only people with developmental disabilities have been eligible for these very flexible and individualized services. This important clarification, therefore, enables people – regardless of “label” – to benefit from such services.
  - ***Out of State Services:*** The new guidance explains how a Medicaid program can pay for services provided in another state when it is in the person's best interest to do so. Examples of situations when a Medicaid program should consider paying for such services would include the need to access services in rural or other underserved areas, situations when an individual needs to be near their family, and instances when young people with disabilities attend college out of State.
- **Assuring Comparability In Medicaid Services:** HCFA's new guidance to State Medicaid Directors addresses barriers to independence and community participation in two key areas:
  - ***Home Health:*** The new guidance informs States that they may not require that people be "homebound" in order to receive Medicaid home health services. Some States have applied Medicare homebound requirement in their Medicaid program. HCFA points out, however, that there is nothing in the Medicaid law itself that can be construed to permit this. State policies that impose the requirement that one must be homebound to receive Medicaid home health services can create barriers to community participation. Specifically, HCFA

indicates that such a State-imposed limit violates Medicaid's requirement that home health services be made available on a comparable basis to anyone on Medicaid who would qualify based on their needs.

States may 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 ***Nurse Delegation***: The new 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 other qualified providers can be authorized to perform. HCFA hopes that this guidance can help other States to eliminate a layer of the unnecessary medicalization of people's lives (which many find extremely intrusive) as well as conserve taxpayer dollars.

**Q: What is the National Mental Health Coalition to Promote Community Based Care?**

A: The Center for Mental Health Services at the Substance Abuse and Mental Health Services Administration is establishing a national coalition to promote community-based care for individuals with mental illnesses and substance abuse disorders. This critical and exciting initiative will serve as an impetus to marshal collective expertise of a number of public and private organizations to address the serious issues raised by the *Olmstead* decision. The major responsibility of the national coalition will be to promote development of local coalitions to focus on specific content areas such as employment, housing, case management, and crisis services, which are necessary for the enhancement of community support systems that will enable the transition of individuals from institutions into their communities. These local coalitions will be responsible for ensuring that model practices, policies, and guidelines are available at the local level. These model practices will focus on content areas of importance to providing the necessary services and supports in the communities, and will target specific, measurable goals.

**Q: What organizations will be involved in the national coalition?**

A: The partners comprising the national coalition will include both traditional partners in the mental health and substance abuse treatment fields, such as professional organizations representing State mental health and substance abuse directors and protection and advocacy organizations, as well as non-traditional partners such as, civil rights groups, housing and employment organizations and agencies, hospital administrators, and others. This will be a national coalition of broad based organizations with local chapters through which State and local coalitions can be developed.

**Q: What is the benefit of developing a national coalition and local coalitions?**

A: With appropriate services, millions of people with disabilities can lead full, productive lives in their communities. But to live in the community, people need to be able to access not only the medical and mental health services they need, but also very important services such as housing, vocational rehabilitation, and employment services that will enable them to support themselves in the community. SAMHSA's intent in developing a broad based coalition is to bring together all of the service delivery providers needed to empower individuals with disabilities to return to their communities. SAMHSA intends to demonstrate that this national level effort can serve as a model for State, County, and local governments in improving the quality of life for persons with mental health and substance abuse disorders. National and local coalitions serve as focal points for a call to action under the *Olmstead* Supreme Court decision to enable individuals to live quality lives in the community.

**Q: How will SAMHSA carry out this project?**

A: A three-year contract is being developed, with \$1 million provided each year, beginning with FY 2000. The contractor will assist SAMHSA in forming the national coalition, which will develop guidelines for develop local coalitions, and act as a resource to assist the local coalitions in developing linkages between systems serving individuals with mental health and substance abuse problems .

#### **HUD Incentives for Employment**

**Q: What's new here?**

A: The most significant change here is extending the earned income disregard, as it applies to individuals with disabilities, to HUD's tenant-based Section 8 housing vouchers, as well as to a few other programs (HOME, the Housing Opportunities for Persons with AIDS, and Supportive Housing for the Homeless). With the rule the Administration proposes to publish shortly, two of HUD's largest assistance programs, public housing and tenant-based housing vouchers, are now covered.

In implementing the public housing reform law of 1998, HUD instituted a grace period during which increased earned income of public housing residents who have been previously unemployed for 1 or more years, or participating in a job training/self-sufficiency program, or receiving TANF benefits within the past 6 months is entirely disregarded for a full year, with 50% disregarded in the second year. The new rule will extend the incentive, as it applies to individuals with disabilities to four other housing programs.

The rule also will make clear that certain deductions to adjusted annual income – including a \$400 mandatory deduction for any disabled family plus certain deductions to off-set medical expenses, reasonable attendant care and auxiliary apparatus expenses, and certain child care expenses – apply to all HUD housing assistance.

**Q: So the deductions are nothing new?**

A: It is significant that for the first time in one single regulation, HUD will clarify that these important deductions apply across the board. This clarification re-emphasizes HUD's commitment to assisting individuals with disabilities reach their full potential.

**Q: How much will this new regulation cost?**

A: The costs are expected to be minimal.

**Q: How many people will this serve?**

A: HUD estimates that this change could help as many as 227,000 people. That is the total number eligible; the actual number of recipients who actually receive the disregard is likely to be lower.

**Q: Why don't you extend these benefits to all housing assistance recipients? Why just individuals with disabilities?**

A: This new rule targets an issue of uniquely pressing concern – the employment of individuals with disabilities. The percentage of individuals with significant disabilities who are unemployed has been estimated at as high as 70 to 75%, a rate higher than any other comparable group, and it certainly makes sense to start with the most intractable problems before tackling others. However, providing work supports and incentives for welfare recipients and other low-income families is a high priority for this Administration, and we are exploring options for extending similar work incentives to all housing assistance recipients.

### **Access Housing 2000**

**Q: How many people will this serve?**

A: The proposed demonstration project begins with four hundred beneficiaries, but at full implementation it would reach two thousand. The larger partnership will serve as many individuals as resources can be found, but will hopefully serve as a vital conduit for resources from a wide variety of public and private sources, including foundations.

**Q: When do you expect the demonstration program to be up and running?**

A: There are many operational details to be worked out, but the partners are committed to taking the framework agreement announced today and bringing it to fruition as soon as possible.

**Q: Aren't you turning people out in to communities that may not be ready for them?**

A: It is important with any program like this to prepare not just the individual but also the community for the transition out of institutional care, and we hope that some of the targeted outreach does just that. Services that may be provided in conjunction with the housing vouchers include counseling to assure the successful transition into community living.

### **Home Ownership Letter**

**Q: Is this creating an unnecessary risk for the FHA insurance fund?**

A: No, the mortgagee letter simply points out credit factors and considerations that are unique to persons with disabilities, but that are well within FHA's overall structure of sound underwriting principles. FHA/HUD knows from years of experience that many persons with disabilities have sufficient resources, capacity and determination to be successfully home owners.

**Q: What kind of flexibility do they have to actually make home ownership a reality for individuals with disabilities?**

A: FHA leads the market in permitting flexible underwriting on very low down payment loans. Through this Mortgagee Letter, FHA is formally re-emphasizing existing underwriting guidelines that encourage our lender partners to fairly account for tax free disability income from state and federal sources and consider compensating factors in the case of borrowers who do not meet FHA's prescribed debt to income standards. This is another example of how FHA serves borrowers who have the capacity to be successful homeowners, but who are not well served by the conventional market, due to modest blemishes on their credit record. FHA is more tolerant of modest credit problems in the past, and this Mortgagee Letter expressly demonstrates how lenders can fairly and accurately assess the credit worthiness of persons with disabilities.

### **Executive Memorandum On Strategy For The Development And Transfer Of Assistive Technology And Universal Design**

**Q: What does the Executive Memorandum on development and transfer of assistive technology and universal design require?**

A: This Executive Memorandum requires two things. First, it requires that the Interagency Committee on Disability Research (ICDR) publish a report identify priority areas for the advancement of assistive technologies and universal design capabilities. Secondly, it requires that all Federal agencies develop a strategy for enhancing the transfer of technology that can contribute to the needs and requirements of people with disabilities identified in the ICDR report.

**Q: What is assistive technology?**

A: Assistive technology consists of products and devices that are used to maintain or improve function and capabilities of people with disabilities.

**Q: What is universal design?**

A: Universal design is the concept of designing products and environments that can be used by all people, to the greatest extent possible, without the need for adaptation or specialized design.

**Q: What is meant by technology transfer?**

A: Technology transfer refers to the process of where technology is developed by one organization or entity for a specific purpose, but is then adopted and used by another entity for another purpose.

**Q: Why are technology transfers important?**

A: Technology transfers are important because they stimulate economic growth and a better quality of life for all Americans. It is not uncommon to find that many consumer products that Americans use in their homes everyday were not originally designed for home use. For example, cordless tools were developed by NASA for astronauts to use in space. These same cordless tools are now being used by millions of Americans for everyday tasks around the home.

**Q: Can technology transfers specifically help people with disabilities?**

A: Yes. The best of many examples of how technology transfers have helped people with disabilities is the cold suit, also known as liquid-cooled garments. The cold suit was originally developed by NASA to regulate the body temperature of astronauts in space. Through research and development it has been found to also effectively protect people who are prone to overheating due to conditions such as multiple sclerosis and cystic fibrosis. Another example is the group of materials known as Shape Memory Alloys developed for use in micro-gravity experiments. The knowledge gained from these experiments has proven to be useful in treatment of human bone-repair. Yet another example, are the composite materials developed for space exploration which are now being used to make lightweight wheelchairs, making mobility for people in wheelchairs easier.

Similarly, technology created for use and to meet the needs of people with disabilities has also had cross-over appeal to people without disabilities. For example, laptop computers were developed for use by people in wheelchairs or with limited mobility. Curb-cuts and ramps, also created for people who use wheelchairs, are also used by individuals using baby strollers or luggage on wheels. Closed caption television, which

was developed for people with hearing impairments, is often utilized by individuals in situations where sound would be a distraction to the environment. The list is lengthy but these are just a few examples of how technology transfers benefit all Americans.

**Q: Why is it important to require Federal agencies to develop strategies for enhancing technology transfers?**

A: The emerging economic trend of increasing "globalization" of the marketplace mandates that Federal agencies address the barriers that impede the full participation of people with disabilities in all aspects of society. Technology transfers and universal design concepts are essential to meeting this challenge.

**Q: What are the current barriers to technology transfers?**

A: The greatest barrier to technology transfers is the lack of collaborative research efforts. Development in this area is done, mostly in isolation, without the benefit of the exchange of information **and** efficient funding. As a result, progress in the technology transfer arena is erratic. For people with disabilities, who can most benefit from technology transfers, this translates into a loss of employment and other opportunities.

**Q: What is the ultimate goal of the Executive Memorandum?**

A: The ultimate goal of the EM is to tap into the potential and exciting benefit of cooperation between Federal agencies regarding technology transfers and universal design. The end result will be the significant improvement of the quality of life for people with disabilities and increasing their ability to participate in the workplace and other facets of society.

## **ADA ENFORCEMENT**

**Q: What has the Clinton-Gore Administration done to promote the Americans with Disabilities Act?**

A: Since the law took effect the combined efforts of Departments of Justice and Transportation, the Equal Employment Opportunity Commission (EEOC), and the Federal Communications Commission has resulted in hundreds of settlements improving access across the country – EEOC alone has resolved almost 130,000 discrimination complaints under the act and brought more than \$261 million in benefits to plaintiffs. These agencies, along with a number of others, have also engaged in extensive efforts to educate the public about the law.

**Q: Is this Administration just about suing covered entities under the ADA?**

A: No. The Department of Justice and the EEOC each have instituted voluntary national mediation programs that have resulted in many cases reaching satisfactory resolutions. Additionally, the Departments of Justice, EEOC, FCC and DOT provide education, outreach, and technical assistance to the private sector, public sector and individuals with disabilities in order to promote understanding and voluntary compliance with the Act.

**Q: Have these activities resulted in systemic changes to the exclusion and isolation that plagued people with disabilities?**

A: Yes, for example the **Department of Justice has done the following:**

- Established architect liability. This insures that designers of new buildings are responsible for insuring they comply with the ADA.
- Established franchiser liability for new hotel construction.
- Established the principle of “line of sight over standing spectators.” In new stadiums, wheelchair users can now see the playing field along with everyone else.
- Established the principle of “comparable sight lines” in stadium-style movie theaters.
- Insuring that 9-1-1 emergency centers are accessible to individuals who are deaf, hard-of-hearing or who have speech impairments.
- Established the principle that professional courses must provide sign-language interpreters.
- Established that unjustified isolation of people in institutions is discrimination under the ADA. In 1999, the U.S. Supreme Court endorsed this position in *Olmstead v. L.C.*
- Established the principle that overly broad questions about an individual’s mental health history violates the ADA

**The EEOC has done the following:**

- Obtained over \$300 million on behalf of more than 20,000 charging parties
- Obtained non-monetary benefits for over 10,000 individuals under Title I
- Resolved over 130,000 ADA charges since Title I was implemented in July 1992
- Launched voluntary national mediation program that has mediated about 2,000 ADA charges with a success rate of over 60%
- Development and issuance of policy guidance that plays a central role in EEOC’s efforts to promote understanding and voluntary compliance with the ADA

**The Department of Transportation has done the following:**

- Issued the final rule on over-the-road buses
- Eliminated the \$2,500 cap on the liability of airlines to passengers for loss or damage to their wheelchairs.
- Issued policy guidance stressing access for persons with disabilities to all modes of transportation and calling accessibility in transit an important civil right.
- Required priority seating for travelers with disabilities

**The Federal Communications Commission has done the following:**

- Issued a Memorandum Opinion and Order denying Home Shopping Club's petition for Waiver of Closed Captioning Requirements
- Passed Section 255 of the Telecommunications Act
- Issued a public notice on an implementation deadline for TTY access to digital wireless systems for 9-1-1 calls
- Issued Public Notice of Proposed Rulemaking on compatibility of Digital Television receivers and cable systems
- Overhauled Telecommunications Relay Service (TRS) rules to improve access to telephone service for people with hearing and speech disabilities.

### **Presidential Task Force on Employment of Adults with Disabilities**

**Q: Since signing the Executive Order to create the Presidential Task Force on Employment of Adults with Disabilities, what has occurred to increase the employment for people with disabilities?**

**A:** The Task Force, chaired by Secretary of Labor Alexis M. Herman has provided the President and the Vice President with two reports outlining their policy and program reviews and making recommendations on ways to eliminate the barriers that were found.

**Q: What are the results of the Task Force recommendations to date?**

**A:** As a result of the Task Force recommendations, the Administration has:

- Worked to pass and fully fund the Ticket to Work and Work Incentives Improvement Act law, signed into law on December 17, 1999;
- Provided \$20 million in FY 1999 budget for the Work Incentives Grants;
- Held a White House Mental Health Summit;
- Published final rules that raise, from \$500 to \$700, the monthly earnings guideline used to determine whether work done by persons with disabilities (other than blindness) is "substantial gainful activity" in SSA;
- Released a letter from the Health Care Financing Administration to all State Medicaid Directors clarifying the ADA with respect to states offering appropriate community-based services;
- In national radio address, released the plan, "Accessing Opportunity: The Plan for Employment of People with Disabilities in the Federal Government;
- Signed Executive Order 13124, amending civil service rules relating to Federal employees with "psychiatric disabilities";
- Increased entrepreneurial opportunities for people with disabilities through action of SBA and SSA.

**In 1999 the Task Force recommended, and the Administration carried out, the following actions:**

- ✓ Propose in FY 2000 budget funding for the establishment of an Office of Disability Policy to be headed by an Assistant Secretary at the Department of Labor;

- ✓ Strengthened enforcement of Section 503 of the Rehabilitation Act of 1973, as amended and the notice of proposed rulemaking has been completed;
- ✓ Developed a Youth-to-Work Initiative by amending the Executive Order that created the Task Force to specifically focus on youth with disabilities;
- ✓ Establish an earned income disregard for tenants with disabilities living in other-than-public housing authorities who return to work and exempted any disability related expenses incurred when a tenant goes to work from the "countable" income used to determine rents;
- ✓ Include a \$1,000 tax credit for individuals with disabilities to defray work related expenses in FY 2000 budget;
- ✓ Include increased funding to accelerate the development and adoption of information and communication technologies and expand state loan assistive technology program in FY 2000 budget;
- ✓ Continue to fight for a strong Patients Bill of Rights;
- ✓ Created "Access America for People with Disabilities" a "one-stop" web-site people with disabilities;
- ✓ Develop a comprehensive strategy related to transportation for people with disabilities;
- ✓ Direct all federal agencies to explore ways to encourage hiring of people with disabilities in the area of telecommuting; and
- ✓ Explore options for raising the Earned Income Exclusion in the SSI program for both adults and students, in order to encourage work efforts.

## **Federal Hiring of Minorities and Individuals with Disabilities Compared to Private Sector Employment Data**

Establishment Data from the Office Current Establishment Statistics (1995)\* indicates:

- 117 million persons currently on the nonfarm payrolls of major industry
- 2.41% of 117 million (total employment) is with the Federal government

Survey of Income and Program Participation (1994)\* indicates:

- 17 million persons with disabilities with labor force activity\*\*
- If people with disabilities were hired at the same rate as the private sector (2.41% of 17 million):

Then there should be approximately:

- 408,000 people with disabilities working in the Federal government:

OPM reports\*:

140,000 - 145,000 working in the Federal government

Therefore, in the Federal government people with disabilities are represented at:

36% of what they should be

\* This data is some of the better data available. These time frames generally reflect the current situation in the Federal government, though there has been a recent decline in the number of people with disabilities working in the federal government.

\*\*With labor force activity means the sum of employed and unemployed. Employed means that a the person worked any time during one-month reference period. Unemployed means that the person did not work but looked for work or was on layoff during reference period. There are also over 12 million people with disabilities not in the labor force.

### **Percentage Representation by Other Groups**

|        | New Hires FY99 | Federal Population | Civilian Population |
|--------|----------------|--------------------|---------------------|
| Blacks | 13,903 / 19.5% | 17.4%              | 11.3%               |

|           |              |      |       |
|-----------|--------------|------|-------|
| Hispanics | 5,943/8.3%   | 6.4% | 11.4% |
| Whites    | 46,676/65.3% | 70%  | 72.9% |

**Andrea Kane**

Record Type: Record

To: Barbara Chow/OMB/EOP@EOP, Jennifer E. McGee/OPD/EOP@EOP, Bruce N. Reed/OPD/EOP@EOP  
cc:  
Subject: fed. hiring EO

Here are some points that may address questions you had about the EO

----- Forwarded by Andrea Kane/OPD/EOP on 07/13/2000 09:52 AM -----



**J. Eric Gould**

07/13/2000 09:48:23 AM

Record Type: Record

To: Andrea Kane/OPD/EOP  
cc:  
Subject: fed. hiring EO

Fed govt. will hire 1,082,000 people over next 5 years

65,500 would have disabilities if we do nothing

if we call for 100,000 hires of people with disabilities, govt must hire 37,500 more over five years

that is 7,500 more per year.

This is a 60% increase in hires of people with disabilities.

No targets in EO on types of disability.

Personnel people at the agencies have worked with OPM and are comfortable about meeting this goal.

J. Eric Gould

07/26/2000 05:38:46 PM

Record Type: Record

To: Anna Richter/OPD/EOP@EOP  
cc: Andrea Kane/OPD/EOP, Lisa M. Brown/OVP/EOP@EOP, Michelle M. Aronowitz/WHO/EOP@EOP  
bcc:  
Subject: Re: ADA ? -- I apologize if I am overlooking this in the guidance....

Q A question on the ADA. Is the President in any way concerned about the way the law has been applied, or its impact on small businesses?

MR. LOCKHART: I'm not aware of any concern on that particular front from the President.

**are there any concerns?**

Because of the special circumstances of small businesses, we've taken a number of steps safeguards to ensure that businesses and other public accommodations would have adequate notice of their obligations under the Act and ample time to take steps to bring themselves into compliance. This Administration has made these safeguards a priority.

Educating entities covered by the Act about their obligations has been a top priority for this Administration. With the assistance of the Internal Revenue Service, we notified, each year for seven years, over six million businesses of their ADA responsibilities and how to obtain information on how to comply. Our toll-free ADA Information Line, established in 1994, received more than 100,000 calls in Fiscal Year 1999. In addition, we have published and disseminated 40 technical assistance documents, including approximately 500,000 copies of the *ADA Guide for Small Businesses*. All of our technical assistance documents are available 24 hours a day through our "Fax-on-Demand" system or on our "ADA Home Page" on the Internet, which was viewed at least six million times last year. In addition we have provided funds to several trade associations to develop and disseminate industry-specific guides for hotels and motels, grocery stores, restaurants, builders and contractors, medical professionals, child care providers, and small businesses generally. We sent a packet of 33 ADA educational documents to approximately 6,000 Chambers of Commerce and placed an "ADA Information File", containing 94 ADA publications in 15,000 local public libraries.

Since 1991, the Department of Education has funded ten regional Disability and Business Technical Assistance Centers, which provide training and technical assistance to businesses in their communities.

As we approach the tenth anniversary of the ADA, many businesses have made their operations and facilities accessible to people with disabilities. In the process they have discovered the possibilities of new markets for their goods and services. We continue to extend compliance assistance to all businesses seeking to comply in good faith with the ADA.

Q There's a bill up on the Hill that would require people to give 90 days notice before filing a lawsuit. It's designed to combat people that have filed more than 100 lawsuits over signs and parking lots and things like that. Do you know if the administration supports that?

MR. LOCKHART: I don't know. I can check on that.

**do we have a position?**

Yes - the Administration opposes H.R. 3590, the "ADA Notification Act." The proposed legislation would prohibit individuals from bringing lawsuits to enforce title III of the Americans with Disabilities Act ("ADA") without first providing notice of the alleged violation to the defendant and then waiting 90 days for the defendant to take corrective action. We believe that this proposed legislation would work to undermine voluntary compliance with the Americans with Disabilities Act and that it would unduly burden legitimate ADA enforcement activity.

There may be attorneys who are engaged in frivolous or harassing litigation under the ADA. The appropriate mechanism for addressing allegations of such behavior lies with the ethics and disciplinary bodies of State bar associations or with the court where the litigation is pending.

Anna Richter



**Anna Richter**

07/26/2000 04:40:48 PM

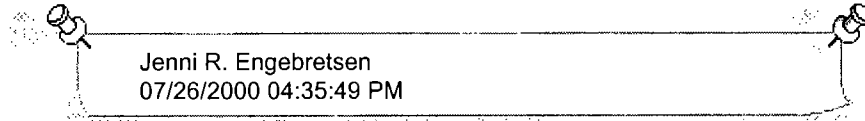
Record Type: Record

To: J. Eric Gould/OPD/EOP@EOP, Andrea Kane/OPD/EOP@EOP

cc:

Subject: ADA ? -- I apologize if I am overlooking this in the guidance....

----- Forwarded by Anna Richter/OPD/EOP on 07/26/2000 04:40 PM -----



Jenni R. Engebretsen  
07/26/2000 04:35:49 PM

Record Type: Record

To: Anna Richter/OPD/EOP@EOP, Kristen A. Triggs/OMB/EOP@EOP, Daniel R. Wilson/OMB/EOP@EOP

cc:

Subject: ADA ? -- I apologize if I am overlooking this in the guidance....

Q A question on the ADA. Is the President in any way concerned about the way the law has been applied, or its impact on small businesses?

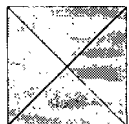
MR. LOCKHART: I'm not aware of any concern on that particular front from the President.

**are there any concerns?**

Q There's a bill up on the Hill that would require people to give 90 days notice before filing a lawsuit. It's designed to combat people that have filed more than 100 lawsuits over signs and parking lots and things like that. Do you know if the administration supports that?

MR. LOCKHART: I don't know. I can check on that.

**do we have a position?**



**U.S. Department of Justice**

**Office of Legislative Affairs**

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*Washington, D.C. 20530*

The Honorable Charles Canady  
Chairman  
Subcommittee on the Constitution  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairman Canady:

I am writing to you to express the Administration's opposition to H.R. 3590, the "ADA Notification Act." The proposed legislation would prohibit individuals from bringing lawsuits to enforce title III of the Americans with Disabilities Act ("ADA") without first providing notice of the alleged violation to the defendant and then waiting 90 days for the defendant to take corrective action. We believe that this proposed legislation would work to undermine voluntary compliance with the Americans with Disabilities Act and that it would unduly burden legitimate ADA enforcement activity.

There may be attorneys who are engaged in frivolous or harassing litigation under the ADA. The appropriate mechanism for addressing allegations of such behavior lies with the ethics and disciplinary bodies of State bar associations or with the court where the litigation is pending. Rule 11 of the Federal Rules of Civil Procedure and its State equivalents prohibit the filing of frivolous lawsuits and entities sued in such actions may recover attorneys fees and costs. In such an action, a court may also sanction attorneys, parties, and law firms and may assess monetary damages or penalties. When the Department of Justice is made aware of such allegations, we will refer them to the appropriate State bar association, as we did in the Florida matter referred to us by Congressman Foley.

In 1990, President Bush and overwhelming bipartisan majorities in the Congress took strong steps to limit the need

and incentive for litigation under title III of the statute. They delayed the ADA's effective date, prevented damages awards in private suits brought by persons with disabilities, and mandated a comprehensive technical assistance program to foster voluntary compliance with the Act.

The ADA itself, as crafted by Congress, included a number of safeguards to ensure that businesses and other public accommodations would have adequate notice of their obligations under the Act and ample time to take steps to bring themselves into compliance. Under section 310(a) of the Act, although the ADA was enacted on July 26, 1990, its requirements for public accommodations did not take effect for another 18 months (until January 26, 1992), six months after final regulations were issued. In addition, under section 310(b), Congress provided further protection from suits for up to a year (until January 26, 1993) for small businesses.

Congress also mandated the establishment of an unprecedented technical assistance program to educate persons who operate public accommodations and people with disabilities of their rights and responsibilities under the Act. Educating entities covered by the Act about their obligations has been a top priority for the Department of Justice. With the assistance of the Internal Revenue Service, we notified, each year for seven years, over six million businesses of their ADA responsibilities and how to obtain information on how to comply. Our toll-free ADA Information Line, established in 1994, received more than 100,000 calls in Fiscal Year 1999. In addition, we have published and disseminated 40 technical assistance documents, including approximately 500,000 copies of the *ADA Guide for Small Businesses*. All of our technical assistance documents are available 24 hours a day through our "Fax-on-Demand" system or on our "ADA Home Page" on the Internet, which was viewed at least six million times last year. In addition we have provided funds to several trade associations to develop and disseminate industry-specific guides for hotels and motels, grocery stores, restaurants, builders and contractors, medical professionals, child care providers, and small businesses generally. We sent a packet of 33 ADA educational documents to approximately 6,000 Chambers of Commerce and placed an "ADA Information File", containing 94 ADA publications in 15,000 local public libraries.

Since 1991, the Department of Education has funded ten regional Disability and Business Technical Assistance Centers, which provide training and technical assistance to businesses in their communities.

As we approach the tenth anniversary of the ADA, many businesses have made their operations and facilities accessible

to people with disabilities. In the process they have discovered the possibilities of new markets for their goods and services. We continue to extend compliance assistance to all businesses seeking to comply in good faith with the ADA.

To the extent that other businesses have adopted a policy of "foot-dragging" or "wait and see," they should not be rewarded. Certainly, they should not receive an unfair competitive advantage over businesses that have already complied in good faith with the law. Nor should Congress take steps to encourage businesses not to move toward ADA compliance until legal action is threatened. This would create disincentives for voluntary compliance and make it much harder for those who have legitimate ADA legal claims.

Thank you for the opportunity to present our views. Please do not hesitate to call upon us if we may be of additional assistance. The Office of Management and Budget has advised us that, from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

Robert Raben  
Assistant Attorney General

IDENTICAL LETTER SENT TO THE HONORABLE MEL WATT, RANKING MEMBER,  
JUDICIARY SUBCOMMITTEE ON THE CONSTITUTION



**MARTHA HENNEGHAN** <mhennegh@os.dhhs.gov>  
07/26/2000 10:26:18 AM

Please respond to mhennegh@os.dhhs.gov

Record Type: Record

To: HHSPRESS@LIST.NIH.GOV

cc:

Subject: HHS Statement & Fact Sheet/10th Anniversary of the ADA Act

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Date: July 26, 2000

FOR IMMEDIATE RELEASE

Contact: HHS Press Office, (202) 690-6343

Headline: STATEMENT BY DONNA E. SHALALA

Secretary of Health and Human Services

Regarding the 10th Anniversary of the Americans with Disabilities Act

Today, as we celebrate the 10th anniversary of the enactment of the Americans with Disabilities Act, we can be proud of the progress we have made toward fulfilling the principles and meeting the goals of this monumental law. The ADA strengthens our nation by making equal opportunity accessible to all.

Thanks to advances in the law, health care, education and technology, more Americans with disabilities than ever before are taking their rightful place making important contributions to American life than ever before. Old stereotypes are beginning to be shattered and barriers are slowly but surely coming down.

HHS plays a role in making the promise of the ADA real in the lives of millions of people every day by:

- enabling toddlers with and without disabilities to learn and grow together in inclusive Head Start and child care programs,
- assisting states to improve the availability and quality of home and community based services for people with disabilities,
- affording people with disabilities the choices and supports they need to move out of nursing homes into their own homes,
- fighting to eradicate the stigma and discrimination that people with mental illness and other disabilities still face daily,
- expanding vital Medicare and Medicaid coverage to people with disabilities who work,
- investing in technologies and approaches that enable people with disabilities of every age to lead meaningful lives of their own choosing, and
- setting a clear agenda to enhance the health and wellness of people with disabilities in Healthy People 2010.

Achieving the success of these and other efforts has taken a great deal of

time, creativity and commitment from the professionals at HHS, in state and local governments and in the disability community itself. Building on this level of dedication, I feel certain that the second decade of the ADA will provide even greater assurances of equality of opportunity, full participation, independent living, and economic self-sufficiency for Americans with disabilities of all ages.

###

#### HHS FACT SHEET

July 26, 2000

Contact: HHS Press Office, (202) 690-6343

#### HHS and the Americans with Disabilities Act: Accomplishments Since Enactment of ADA

- \*\* Promoting independence and self-determination
- \*\* Addressing special health needs
- \*\* Supporting social service infrastructure
- \*\* Leading research efforts

· Enabling people with disabilities to live in their community. HHS is working with states to uphold the Supreme Court's Olmstead ruling to enable as many people with disabilities as possible to live in their community. In the 1999 case, the U.S. Supreme Court ruled that under the ADA, unjustifiable institutionalization of a person with a disability who can live in the community is discrimination. In January 2000, HHS sent guidance to state Medicaid directors to encourage cooperative efforts with leaders in the disability community to help states develop plans to enable people with disabilities to live in the most integrated setting that is possible given their state's resources. Additional guidance is being sent to state Medicaid directors this month providing further clarification on the flexibility states have to provide services in integrated settings under the Medicaid program. These efforts continue the progress made through the home and community-based Medicaid waivers that enable many people with disabilities to receive Medicaid-covered health care assistance to help them live in their communities.

· Helping people with disabilities become self-supporting without losing health coverage through Medicaid. HHS is implementing the Ticket to Work and Work Incentives Improvement Act of 1999. The department is working with state Medicaid directors to enable people with disabilities who earn too much money to qualify for Medicaid to buy into the program, or to enable states to extend the income limits of Medicaid programs for people with disabilities. Beginning in fiscal year 2001 and continuing for the next five years, HHS is offering states federal Medicaid infrastructure grants of at least \$625,000 to assist states with designing and implementing expanded Medicaid eligibility options for people with disabilities. The total award over five years will be \$150 million.

- Enabling people with disabilities to control their own health care and supporting services. In 1996, HHS and the Robert Wood Johnson Foundation announced state grants to support "Cash and Counseling" demonstration projects to provide people with disabilities more control over the long-term care supports they receive. These experiments now underway in Arkansas, New Jersey and Florida offer cash allowances and supportive services to enable people with disabilities to purchase the care services they feel will best meet their needs. In addition, HHS is partnering with state agencies and consumer groups in the Resource Network on Home and Community Based Services to drive the expansion of quality, consumer-directed and cost-effective services in home and community based settings.

- Targeting health goals for Americans with disabilities. Healthy People 2010, which establishes national goals to improve America's health, includes specific targets for people with disabilities, including reducing the number of people with disabilities who report feelings of depression that prevent them from being active, and increasing the proportion of adults with disabilities who participate in social activities. Healthy People 2010 also aims at preventing disability.

- Supporting children with special health care needs to achieve greater success in adulthood. In 1995, HRSA's Maternal and Child Health Bureau began funding the "Healthy and Ready to Work" program, designed to help children with special health care needs to successfully make the transition to adult life in the community. Some 6,000 youths with special health needs benefit from \$2.5 million in program grants to help provide training and support in promoting self-determination and leadership skills.

- Helping older Americans with disabilities. Administration on Aging programs serve older Americans with disabilities through state and area agencies on aging. In fiscal year 2001, AoA is requesting \$125 million to enable state and area agencies on aging to help caregivers of older persons with disabilities by providing support services such as support groups, respite and adult day care. This year, AoA has awarded funds to the National Center for Senior Housing Research to develop innovative solutions to address mobility and other housing issues for older Americans with limitations in physical functioning. AoA also administers the Alzheimer's Disease Demonstration Grant to States Program to develop models for serving persons with Alzheimer's disease and their families.

- Providing assistance to people with developmental disabilities. Administration on Developmental Disabilities programs increase independence and provide community supports for people with disabilities that begin early in life. ADD funds three state-based grant programs that address issues such as diagnosis, early intervention, prevention of secondary disabilities, assistive technology, education, community supports, housing, transportation, self-determination and employment.

- Special efforts to help Americans with mental illness. HHS programs and initiatives focus on greater diagnosis and treatment of mental illness. In 1999, Surgeon General David Satcher issued the report, "Mental Health: A Report of the Surgeon General," to provide an overview of the status of mental health treatment and ways to improve the quality of mental health care in the United States. In addition, HHS' Substance Abuse and Mental Health Services

Administration is focusing on improving the employment prospects of those living with psychiatric disabilities. The agency is currently completing the largest study ever conducted of programs to help people with mental illness to find and keep jobs. The study, Employment Intervention Demonstration Program, will be highlighted at the National Employment Summit next summer.

- Providing funding and leadership in research. The National Institutes of Health support and conduct research that lays the groundwork for understanding causes of disability and for developing innovative new treatments or assistance for people with disabilities. For example, in the past 10 years NIH-sponsored research has discovered genes related to blindness caused by glaucoma and macular degeneration and has demonstrated the first effective treatment to significantly reduce the disability of patients shortly after a spinal cord injury. In addition, the National Institute on Deafness and Other Communication Disorders is collaborating with the Department of Veterans Affairs and with NASA to support the development of better hearing aids.

Over the past decade, the Agency for Healthcare Research and Quality (AHRQ) has conducted research to help policymakers plan for meeting the health needs of people with disabilities by examining their access to and use of health services, including Medicaid and managed care. AHRQ has used this information to host workshops to educate state health officials and to conduct outreach to people with disabilities to provide them with the information they need to make their own health care coverage decisions.

The Office of Disability, Aging and Long-Term Care Policy supports and conducts research and analysis of HHS policies and programs that support the independence, health and long-term care of people with disabilities. Over the past 10 years, the office has been responsible for policy coordination and research related to nursing home and community-based services, informal caregiving, the integration of acute and long-term care, Medicare post-acute services and home care, managed care for people with disabilities, long-term rehabilitation services, childhood disability and the link between employment and health policies.

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Note: For a Fact Sheet on HHS and Disabilities and other HHS Press Releases and Facts pertaining to the subject of this announcement, please visit:  
<http://www.hhs.gov/news/>.

Final 7/25/00 11:15 pm  
Sam Afridi

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

Acknowledge: Justin Dart, conscience of the movement—tireless efforts to rally support for the ADA in every state; First Lady; Members of Congress from both sides of the aisle who reflect the bipartisan commitment of the ADA; Senator Harkin; Senator Hatch; Senators Kennedy; Weicker; Congressmen Hoyer, Owens, Bartlett, Coehlo who all played an instrumental role 10 years ago; all of my appointees—I'm proud we have the most diverse Administration in history, including more Americans with disabilities. They were selected not because of their disability—but because of their ability to serve the American people; I also want to recognize all of the young people on stage.

Senator Harkin spoke of his brother, Frank. [*note: Frank Harkin passed away last month*]. But he didn't tell you about the first ADA anniversary that I celebrated as President in 1993. I made the first-ever call from the White House through the nationwide relay service, which allows people who are deaf to use the phone. Tom and I called Frank at home in Cumming, Iowa. History will surely record that momentous event. Because when we tried to call...the line was busy. Frank was calling all his friends to say 'hello' on the phone for the first time in his life.

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

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

Today, we renew our commitment to those values. We're here because the FDR Memorial is more than a monument to one of our nation's greatest leaders. It is a symbol of who we are as a nation: In America, everyone deserves a chance, everyone has a role to play, and we all do better when we help each other. That's what this Memorial represents. And that's what the ADA is about.

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

The ADA changed our landscape in ways some may no longer even notice. Curb cuts, braille signs, closed captioning, these are a part of everyday life.

But perhaps more than changing the way America looks, the ADA helped to change the way we see one another. Every day, it's lowering more of the invisible barriers—the barriers in attitudes—the barriers that for too long perpetuated the false belief that “disabled” meant “unable”.

I'm proud of the progress we've made together to advance the goals of inclusion, empowerment and independence. I was proud to come here and sign the Jeffords-Kennedy Work Incentives Improvement Act last December—the last bill signing of the 20<sup>th</sup> century. I'm proud that we're in the midst of the longest economic expansion in our history and more Americans with disabilities are working than ever before. But far too many Americans with disabilities who want to work are still not working. As long as any American is denied equal opportunity and full participation, we have work to do. This is an American challenge. If we want to keep our economy strong, we need to draw from the talent, the energy, the God-given potential of all our people.

So on this anniversary, we're looking forward. Yesterday, the Vice President announced a number of new steps we're taking to promote real choices in home and community-based services and supports. Today, I want to add to what Hillary said by announcing additional actions we are taking to advance the goals of the ADA and help more Americans lead productive self-sufficient lives.

First, we're doing more to remove the barriers to work for people with disabilities. Last year, we raised the limit people can earn while still keeping Social Security disability benefits. Today, I am announcing that from now on, this earnings limit will be automatically adjusted every year based on the national average wage index. This will reward work, expand opportunity and benefit as many as 400,000 Americans with disabilities.

Second, when it comes to the employment of people with disabilities, the federal government must lead by example. Our federal workforce is the smallest in more than 40 years. But as we make new hires, we need to ensure we are tapping into the deepest pool of talent. Today, I am signing an executive order calling on the federal government to hire 100,000 people with disabilities by the fifteenth anniversary of the ADA. Mark Moore is on stage today. He's a law student who helped draft that executive order. I thank him and all those at the Office of Personnel Management for their work.

Third, members of the Senate and House have introduced the bipartisan Family Opportunity Act which ensures that children with disabilities can keep their Medicaid coverage even if their parents have returned to work. I pledge to work with Congress to enact legislation that achieves those goals this year.

Fourth, I am announcing a new website that will serve as a one-stop electronic resource link for people with disabilities. You can log on and get the latest information on tax credits and deductions, locate the nearest employment and training center, or learn more about the civil rights and protections guaranteed by the ADA. It's called Access America--[www.disability.gov](http://www.disability.gov).

Fifth, and finally, I am renewing my call to Congress to act on pending legislation that will improve the lives of people with disabilities. As we build on the success of the ADA, we must be vigilant in defending the rights we have already secured. My budget includes significant increases in ADA enforcement. I urge Congress to pass it. I also ask Congress to pass our \$1,000 tax credit to help workers with disabilities pay for support services and technologies they need to stay on the job, and our \$3,000 tax credit for Americans of all ages with long-term care needs.

It's also time for a strong hate crimes bill that protects people with disabilities—a real Patients' Bill of Rights that covers all Americans in all health plans—and affordable, accessible prescription drug coverage for all Medicare beneficiaries, including the 5 million with disabilities.

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

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

###

**PRESIDENT CLINTON AND VICE PRESIDENT GORE  
WORKING ON BEHALF OF AMERICANS WITH DISABILITIES  
ACCOMPLISHMENTS AT A GLANCE  
July 26, 2000**

**Creating the Presidential Task Force on Employment of Adults with Disabilities** - Two years ago, President Clinton created the Presidential Task Force on Employment of Adults with Disabilities, chaired by Secretary of Labor Alexis Herman, and charged the Task Force with developing a coordinated and aggressive national policy to bring adults with disabilities into gainful employment at a rate that is as close as possible to that of the general adult population. The heads of 18 cabinet and sub-cabinet agencies sit on the Task Force, and President Clinton and Vice President Gore have given its work the highest priority through accepting all the recommendations in the first and second reports from the Task Force.

**Signing the Ticket to Work and Work Incentives Improvement Act of 1999 (TWWIIA)** President Clinton supported and signed this landmark legislation, which creates two new options for states to offer the Medicaid buy-in for workers with disabilities and provides \$150 million in grants to encourage states to take this option; creates a new \$250 million Medicaid buy-in demonstration to help people whose disability is not yet so severe that they cannot work; extends Medicare coverage for an additional 4-and-a-half years for people in the disability insurance system who return to work; and enhances employment-related services for individuals with disabilities through the new "Ticket to Work" Program.

**Signing the Workforce Investment Act (WIA) of 1998** - President Clinton signed WIA, which provides the framework for a unique national workforce preparation and employment system designed to meet both the needs of the nation's businesses and the needs of job seekers and those who want to further their careers. It also included reauthorization of the Rehabilitation Act, adding stronger linkages between the vocational rehabilitation system and the general workforce development system so that people with disabilities have increased employment training and job options. Changes to Section 508 of the Rehabilitation Act also strengthened the obligations of the Federal government to provide accessible information technology to their employees and customers, thus leveraging the Federal government's considerable purchasing power to encourage private industry to develop universally designed technology that is accessible to almost everyone.

**Ensuring a Quality Education for Children with Disabilities** - In 1997 President Clinton enacted an improved and stronger Individuals with Disabilities Education Act. The new law focused attention not merely on ensuring access to public schools for the nation's six million students with disabilities, but also on ensuring that these students are held to the same high standards as their peers. Today, state grants to support IDEA implementation have increased by 143 percent and record numbers of students with disabilities are now learning alongside non-disabled students in thousands of classrooms across the nation.

**Making the Federal Government a Model Employer** - President Clinton directed Federal agencies to increase efforts to recruit and hire people with disabilities which resulted in OPM

issuing “Accessing Opportunity: The Plan for Employment of People with Disabilities in the Federal Government” to serve as a framework for Federal departments and agencies to use in creating strategies and initiatives to recruit, hire, develop, and retain more persons with disabilities. President Clinton also signed an Executive Order ensuring that individuals with psychiatric disabilities are given the same Federal hiring opportunities as persons with significant disabilities and mental retardation. Furthermore, the President directed OPM to make mental health coverage more affordable and accessible for all Federal employees by ensuring that by 2001 Federal Employee Health Benefits Program (FEHBP) plans provide coverage for clinically proven treatments for mental illness and substance abuse in a manner identical to coverage for other medical conditions.

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July 26, 2000

## Clinton Orders Hiring More Disabled

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**Filed at 12:23 p.m. EDT****By The Associated Press**

WASHINGTON (AP) -- Marking the 10th anniversary of a law that ensured disabled Americans "can live like people," President Clinton ordered federal agencies Wednesday to hire 100,000 people with disabilities over the next five years.

Clinton issued a directive instructing all federal agencies to recruit disabled candidates for jobs at every level in the federal government, and establish procedures for accommodating their particular disabilities. The White House said the move would exceed current federal hiring trends by 60 percent.

The president announced his plan from the FDR Memorial at a ceremony marking the 10th anniversary of the Americans with Disabilities Act.

"They want sympathy, no, self determination, yes," Clinton said. "They don't want excuses. Instead, they want opportunity in terms of jobs and careers."

Clinton also unveiled a new Web site that would provide disabled people and their families with information on a variety of topics, such as employment, entrepreneurship, transportation, health care, education and support services.

"A lot of what the Americans with Disabilities Act is all about is to make sure that people can live like people, can do things other folks take for granted," Clinton said. "When you look at the young people on this stage, you know you have given them a better today. We should leave here committed to giving them a better tomorrow."

First lady Hillary Rodham Clinton announced a new "youth to work initiative" to help ease the transition from school to work for disabled young people.

"Passing the ADA was the beginning, not the end, of our commitment to ensure all people have the rights they are entitled to," Mrs. Clinton said. "We have a new generation of Americans who want to work, expect to work, are graduating from high school, going to college."

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Karin Kullman

07/26/2000 08:51:57 AM

Record Type: Record

To: See the distribution list at the bottom of this message

CC:

Subject: FINAL: MoCs attending ADA Ceremony

----- Forwarded by Karin Kullman/OPD/EOP on 07/26/2000 08:51 AM -----

Marty J. Hoffmann

07/25/2000 09:12:33 PM

Record Type: Record

To: See the distribution list at the bottom of this message

CC:

Subject: FINAL: MoCs attending ADA Ceremony

The following is a final list of Members (current & former) attending the ADA ceremony.  
Sen. Specter & Rep. Payne have been added to the list.

EVENT: Americans with Disabilities Act 10th Anniversary  
DATE: Wednesday, July 26, 2000  
TIME: 10:30 AM-11:30 PM  
Location: Franklin D. Roosevelt (FDR) Memorial  
PRESS: Open  
Participants: The First Lady  
Sen. Harkin  
Sen. Hatch  
Justin Dart  
The President

Members are invited to arrive at 10:10 AM and enter through the Main Entrance of FDR Memorial. Parking is available on West Basin Road. Members will be seated in VIP seating.

**MEMBERS ATTENDING (19):**

Sen. Tom Harkin (D-IA)  
Sen. Orrin Hatch (R-UT)  
Sen. James Jeffords (R-VT)  
Sen. Ted Kennedy (D-MA) + Mrs. Kennedy and son, Ted Kennedy, Jr.  
Sen. Carl Levin (D-MI)  
Sen. Arlen Specter (R-PA)

Rep. Benjamin Cardin (D-MD)  
Rep. Eliot Engel (D-NY)  
Rep Steny Hoyer (D-MD)  
Rep. Sander Levin (D-MI)  
Rep. Jim McDermott (D-WA)  
Rep. Michael McNulty (D-NY)  
Rep. Connie Morella (R-MD)  
Rep. Major Owens (D-NY)  
Rep. Donald Payne (D-NJ)

Former Members Attending:  
Former Sen. Howard Metzenbaum  
Former Rep. Tony Coelho  
Former Rep. Lowell Weicker  
Former Rep. Steve Bartlett

Message Sent To: \_\_\_\_\_

July 25, 2000

**10<sup>th</sup> Anniversary of the American with Disabilities Act**

**DATE:** July 26, 2000  
**LOCATION:** FDR Memorial  
**BRIEFING TIME:** 10:15am – 10:20am  
**EVENT TIME:** 10:35am – 11:35am  
**FROM:** Mary Beth Cahill  
Bruce Reed

**I. PURPOSE**

To commemorate the 10<sup>th</sup> Anniversary of the American with Disabilities Act (ADA), demonstrate the Administration's commitment to disability issues, highlight the Administration's accomplishments, and unveil new initiatives.

**II. BACKGROUND**

On July 26, 2000, people throughout the country will celebrate the 10th Anniversary of the ADA, which was signed into law by President Bush on the South Lawn on July 26, 1990. A variety of activities have been planned, by public as well as private groups, for the weeks leading up to and following the July 26 anniversary.

For people with disabilities, the ADA is analogous to the Civil Rights Act of 1964. It provides the basic foundation of nondiscrimination against people with disabilities – in the areas of employment, state and local governments, public accommodations, and telecommunications. The Supreme Court has issued several rulings on the ADA in recent months – with mixed results for the rights of people with disabilities. The Court will hear a case this fall that could rule on the constitutionality of the ADA's application to states.

For more than a year, advocates have been organizing a nationwide, coordinated celebration of the ADA 10th Anniversary: "The Spirit of ADA Torch Relay." The national host organization is the American Association of People with Disabilities (AAPD). The Torch Relay includes: 1) a "Spirit of ADA" Pledge renewing commitment to the rights of people with disabilities; and, 2) a nationwide torch relay from June 11 to August 7, with local events held at 24 relay sites (beginning in Houston, then traversing the country from San Francisco to New York). The Vice President, Members of the Cabinet and other Administration officials have participated in relay sites across the country. The "Spirit of ADA" Torch officially arrived in Washington, D.C. yesterday at

an event held at the FDR Memorial. Tony Coehlo and other dignitaries participated in this ceremony. Justin Dart will present you with a replica of the ADA torch.

Today you will unveil new steps that your Administration is taking to advance the rights of people with disabilities as full participants in society and preserve the spirit and intent of the ADA, which include:

**ASSISTING DISABLED SOCIAL SECURITY BENEFICIARIES WHO ARE WORKING OR WANT TO GO TO WORK.** These proposals reflect the ADA's focus on helping individuals with disabilities to fully participate in the workforce by reducing the barriers that Social Security beneficiaries face when they return to work.

- **Automatically adjusting the Substantial Gainful Activity (SGA) level for individuals with disabilities.** To encourage additional disabled individuals to return to work with enhanced security, you are proposing to increase the SGA levels to reflect the annual increases in the national average wage index. Since the beginning of the Social Security disability program in 1956, there have been no regularly scheduled increases in SGA, and last year, your Administration increased the amount Social Security disability beneficiaries can earn and continue to receive their benefits from \$500 to \$700 per month. Each year, approximately 400,000 disability beneficiaries participate in the workforce, and many hesitate to work because they cannot afford to give up critical benefits.
- **Increase the amount of monthly earning that count during a trial work period for Social Security beneficiaries who go to work.** This increase will encourage beneficiaries with disabilities to contribute their talent and energy to the workforce and test their ability to maintain a level of work activity without affecting their disability benefits by increasing from \$200 to \$530 the minimum amount of monthly earnings that count toward a monthly work period. In the future, the amount will be automatically adjusted based on any annual increases in the national average wage index.

**INCREASING THE OPPORTUNITY FOR INDIVIDUALS WITH DISABILITIES TO BE EMPLOYED IN THE FEDERAL GOVERNMENT.** You will issue an Executive Order calling on Federal agencies to hire 100,000 people with disabilities over a five-year period. This will exceed current hiring trends by 60 percent, and reflects your Administration's strong commitment to making the Federal government a model employer by recruiting a diverse and well-qualified workforce. You will also direct Federal agencies to establish effective procedures for processing requests for reasonable accommodation by employees and job applicants with disabilities to enable a person with a disability to enjoy equal employment opportunities. Finally, you will call on Federal agencies that already operate customer service centers to identify positions that could be relocated to home-based or off-site facilities. If the agencies determine that it is feasible

and appropriate to establish home-based positions, they are then required to develop a plan and guidelines that encourage the recruitment and employment of individuals with disabilities for such positions.

**RENEWING THE FEDERAL GOVERNMENT'S COMMITMENT TO ENSURING THAT FEDERAL PROGRAMS ARE FREE FROM DISABILITY-BASED DISCRIMINATION.** You will direct all Federal agencies to engage in a plan to ensure that today's Federal programs are free from disability-based discrimination, using specific steps designed by the Department of Justice and the Equal Employment Opportunity Commission (EEOC) to reach this important goal.

**ACCESS AMERICA FOR PEOPLE WITH DISABILITIES WEBSITE.** You will announce a new website, *Access America for People with Disabilities* - [www.disAbility.gov](http://www.disAbility.gov). - that will serve as a "one-stop" electronic link to an enormous range of useful information to people with disabilities and their families. The website contains information relating to children and youth; employment, self employment and entrepreneurship; transportation; health care and long term services and supports; choice and self-determination; recreation and travel; civil rights and protections; college, adult and vocational education; housing; technology; income supports; tax credits and deductions; disability statistics; and emergency preparedness.

**SUPPORTING LEGISLATION TO INCREASE ACCESS TO MEDICAID FOR WORKING FAMILIES WITH DISABLED CHILDREN.** Today, you will applaud the bipartisan efforts by members of Congress to pass the Grassley- Kennedy- Sessions- Waxman Family Opportunity Act of 2000, sponsored by a bipartisan majority in the Senate and a growing coalition in the House. This bill, which is the next logical step beyond the Jeffords-Kennedy Work Incentives Improvement Act, creates a new Medicaid buy-in option and will help thousands of children with disabilities that lose their Medicaid coverage because of increased family income due to employment. It will also include a time-limited demonstration that extends Medicaid coverage to children who have a disabling condition that, without health care coverage, would cause them to become so severely disabled as to be eligible for SSI.

The First Lady will unveil several initiatives to address the barriers to employment for youth with disabilities, which include: 1) increasing the amount that students who receive SSI can earn while continuing to receive SSI benefits from \$400 to \$1,290, and the yearly exclusion from \$1,620 to \$5,200; 2) amending your Executive Order that established the Presidential Taskforce on Employment of Adults with Disabilities to create the Youth to Work Initiative to focus the mission on the important issue of helping young people make the transition from school to work; and 3) creating a public-private partnership with a variety of corporations to help ensure that youth with disabilities are afforded the employment opportunities needed to lead to meaningful careers.

**HELPING DISABLED INDIVIDUALS LIVE AND WORK IN THEIR COMMUNITIES.** Yesterday, Vice President Gore announced that your Administration

would launch a series of major new initiatives designed to promote the delivery of home- and community-based care for people with disabilities of all ages. These initiatives include a new \$50 million investment in FY 2001 to help states more easily offer services to people with disabilities of all ages in the setting most appropriate to their needs; new guidance to state Medicaid directors to help them comply with the recent *Olmstead* Supreme Court ruling requiring Medicaid coverage for home and community based services; and a new public-private partnership between the Administration and the Robert Wood Johnson Foundation to help individuals with disabilities in institutional settings transition into community-based care. In addition, the Vice President announced new action to increase home ownership; expand incentives for employment for individuals with disabilities to a broader range of housing assistance programs; and promote the development of new assistive technology for people with disabilities.

**URGING CONGRESS TO ACT NOW ON NATIONAL PRIORITIES FOR PEOPLE WITH DISABILITIES.** You will call on Congress to act now on national priorities that will address the unique needs of individuals with disabilities and are fully funded in your budget, including:

- **A new \$1,000 tax credit to offset the formal and informal employment related costs incurred by working people with disabilities.**
- **A new \$3,000 long-term care tax credit.**
- **Providing an affordable, accessible Medicare prescription drug benefit option for all beneficiaries.**
- **A strong, enforceable Patients' Bill of Rights.**
- **Establishing an Office of Disability Policy.** You will express support for the establishment of an Office of Disability Policy within the Department of Labor, and improving access for adults with disabilities to employment services offered through one-stop career center systems. Your budget includes \$21 million for the Office of Disability Policy, which was recommended by the Presidential Task Force on Employment of Adults with Disabilities.

### **III. PARTICIPANTS**

Pre-brief:

Mary Beth Cahill  
Bruce Reed  
Loretta Ucelli  
Terry Edmonds  
Eric Gould  
Kay Casstevens  
Samir Afridi

Event Participants:

**YOU**

Mrs. Clinton

Senator Harkin

Senator Hatch

Justin Dart

**V. SEQUENCE OF EVENTS**

- **YOU** to the FDR Memorial and will be greeted by Vikki Keys, Deputy Superintendent, National Park Service and Rachel Frantum, Park Ranger.
- Off -stage announcement of **YOU**, accompanied by Mrs. Clinton, Senator Harkin, Senator Hatch and Justin Dart.
- Beth Gray will perform the National Anthem
- Mrs. Clinton will open the program and introduce Senator Harkin.
- Senator Harkin will make brief remarks and Senator Hatch
- Senator Hatch will make brief remarks and introduce Justin Dart
- Justin Dart will make brief remarks, present you with the ADA Ceremonial torch and introduce you.
- You will deliver remarks and depart the FDR Memorial.

**VI. MEDIA**

Open Press.

**VII. REMARKS**

Provided by Speechwriting.

**ATTACHMENTS**

Justin Dart bio

Beth Gray bio

## Short bios of stage participants

### **Justin Dart – Community Activist**

Justin Dart, Jr., 1998 recipient of the Presidential Medal of Freedom, has recorded five decades of advocacy for human rights in U.S.A., Mexico, Japan and other nations. He has served five gubernatorial, one Congressional and five Presidential appointments in the area of disability policy. He has founded and acted as the CEO of two small businesses and one that started with four persons, and grew to 26,000 employees and sales representatives. During the past 20 years he has visited each of the fifty United States at least five times to advocate for the passage and implementation of the historic Americans with Disabilities Act, and the empowerment of people with and without disabilities. In 1993 he resigned as Chairman of the President's on Employment of People with Disabilities in order to be a full time advocate for a society that empowers all to live their God given potential. In 1999 the Smithsonian Institution asked for and received his trademark cowboy hat and boots, his pen that signed the ADA and his Freedom of Medal.

### **Beth Gray - Vocalist**

Beth Gray is a 19 year old vocalist from North Little Rock, Arkansas, who has Optic Nerve Hypoplasia. In high school, she was listed in Who's Who Among American High School Students, was named Most Talented Female, and was a member of the Tri-M Music Honor Society. As a sophomore at Ouachita Baptist University, in Arkadelphia, Arkansas, Beth is on a vocal scholarship and is majoring in Choral Music Education. An active member of the Ouachita Singers, Ouachita Concert Choir, EEE Women's Social Club, and the Baptist Student Union, she hopes to one day become a professional musician or an elementary music teacher. Beth is a 2000 Panasonic Young Soloist Award recipient, and has had opportunities to perform at the Kennedy Center and the Russian Embassy hosted by VSA arts. Earlier this year Beth was crowned Miss West Central Arkansas. Most recently she competed in the Miss Arkansas Pageant where, in addition to a top 10 finish, she won best newcomer talent and newcomer total points categories.

**Marques (*pronounced Mark*) Moore** of Austin, Texas, became quadriplegic in a bullriding accident in 1990. Marques is currently a law student at University of Texas and plans to pursue a career in public interest civil rights work. Since his accident, Marques has become very involved in the disability community, including serving on the Kentucky Statewide Independent Living Council, advocating for disability awareness, and counseling rehab patients throughout the United States. Mark is currently a legal intern at OPM.

**Meira Kirschbaum**, age 11 of Montgomery County, MD is a deaf student in the at Maryland School for the Deaf. Meira participates in various activities, including an integrated county sports program. Meira also enjoys reading and is fluent in American Sign Language. One day, she hopes to become a veterinarian.

**Lynn Amelia "Amy" Herstein**, age 13, is a blind seventh grader at Don Logan Middle School in Ellicott City, Maryland. Lynn, is enrolled in mainstream classes and also receives instruction to learn Braille. Lynn is also very active in her school, where she participates in the Chorus, has worked on a school television production and makes the morning announcements to the school over the loud speaker each day.

**Mathew Cavedon**, age 10 of Bloomfield, Connecticut, who uses a wheelchair, was instrumental in getting Hadley's Playground off the ground. Hadley's Park Inc., is a non-profit organization dedicated to constructing unique playgrounds that allow all children, with and without disabilities, to play together. Hadley's Playground, the one acre boundry-less playground, is the first and model park, located in Potomac, Maryland.

**Anthony Thomas Adkins**, age 26, of Arlington, VA has cerebral palsy and presently lives with his mother. Currently, he volunteers at the Endependence Center, in Arlington, VA a disability resource library, where he is helping to create an online version of the resource library. From this experience, Anthony hopes to learn professional skills and eventually become more independent.

**Aaron Kaufman**, age 13 of Montgomery County, MD, is in the seventh grade. Aaron, who is orthopedically impaired and learning disabled and hopes to one day serve in the U.S. House of Representatives. He toured synagogues throughout the area to test their accessibility.

**Gwyn Hanley**, age 11, attends Woodley Hills Elementary School in Fairfax, Virginia and was diagnosed with severe Attention Deficit Hyperactive Disorder at a young age. With her parents' commitment and her individual perseverance, Gwyn has been able to enroll in mainstream classes and, last year, made the Honor Roll.

**Lurdes Graciela Avila**, age 18, is an autistic student and currently works at a local McDonald's during her free time. With the guidance of her mother and father, and the assistance of her teachers and counselor, Lurdes is planning to attend a special program at

Belair Community College, Maryland after graduation.

**Goyo Stinschfield**, age 24, from Strong, Maine, is a quadriplegic student at the University of Maine, where she majors in Rehabilitation Counseling and Substance Abuse Studies and is very active in youth leadership activities.

**Alyssia Rodriguez**, age 12, attends New York Public School PS 199 in Manhattan, NY. Alyssia was cast as the lead role in UCP's new Public Education television ad. Alyssia experienced a powerful and positive impact from involvement in the UCP television ad. With her growth in confidence, Alyssia is now being included in a regular reading class at her school, with the plan to transition to other classes with her non-disabled classmates.

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July 25, 2000

# Gore Unveils Disabled Rights Package

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Filed at 7:01 p.m. EDT

By The Associated Press

WASHINGTON (AP) -- Vice President Al Gore unveiled a \$2.7 billion package designed to bolster programs for the disabled by opening the workplace and improving home-care programs.

"There are millions of Americans who are held back, not because they have a disability, but because that disability is misunderstood," said Gore, in a speech to about 800 activists at the National Council on Independent Living meeting. "They are not recognized for the abilities they have."

Aides said the package aims specifically at opening the workplace to the disabled, citing statistics showing that up to 75 percent of those with serious disabilities are unemployed or underemployed.

✓ That's wrong and together we're going to change it," said Gore. Gore's proposals drew loud cheers from advocates representing the nation's 54 million disabled.

New spending in the measure would be spread over 10 years, and while aides conceded the package was relatively small they argued it represented a new commitment to the disabled.

Under the proposal, Gore would create a "Fund for Independence" designed to improve home- and community-based services which help the disabled enter the workplace.

He also would increase funding for independent living programs to \$75 million, up from the current \$40 million.

Gore also is calling for a \$1,000 tax credit for expenses incurred to return to work, yet another step designed to increase the number of disabled people who hold jobs.

Another piece of the program would double the \$35 million

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currently spend on research into new assistive technologies. In an effort to assure that the disabled have their rights protected, the package also would spend \$50 million increasing enforcement of laws banning discrimination against the disabled.

The measure also includes incentives for states to expand coverage of home care expenses under the Medicaid program.

While the package is modest, aides said it builds on earlier proposals Gore has offered that largely benefit the disabled.

Those include increases in special education funding, and expansion of the Medicare program to cover the soaring cost of prescription drugs.

In December, President Clinton signed legislation allowing more people with disabilities to keep their health insurance when they go to work and making it easier for them to get rehabilitation services.

The timing of Gore's announcement Tuesday was carefully planned. A weeklong series of events begins Wednesday, the 10th anniversary of the signing into law of the Americans with Disabilities Act.

That measure is a broad ban on discrimination against those with disabilities, and many advocates are gathering in Washington for the celebratory events.

These advocates, while relatively small in number, are passionate about their cause and can be a political force.

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● **J. Eric Gould**

07/25/2000 10:07:12 AM

Record Type: Record

To: Karin Kullman/OPD/EOP@EOP, Anna Richter/OPD/EOP@EOP

cc: Andrea Kane/OPD/EOP, Jonathan M. Young/WHO/EOP@EOP

Subject: ADA event rollout

Jonathan and I are going to do rollout calls with a handful of key community folks this evening at 10:00.

## **FOR INTERNAL USE ONLY**

### **QUESTIONS AND ANSWERS**

#### **Incentives for Employment**

**Q:** What's new here?

**A:** The most significant change here is extending the earned income disregard, as it applies to individuals with disabilities, to HUD's Section 8 Housing Choice Voucher programs as well as to a few other programs, in addition to the public housing program to which it already applies. The rule also will make clear that certain deductions to adjusted annual income – including a \$400 mandatory deduction for any disabled family plus certain deductions to off-set medical expenses, reasonable attendant care and auxiliary apparatus expenses, and certain child care expenses – apply to all HUD housing assistance

**Q:** So the deductions are nothing new?

**A:** It is significant that for the first time in one single regulation, HUD will clarify that these important deductions apply across the board. This clarification re-emphasizes HUD's commitment to assisting individuals with disabilities reach their full potential.

**Q:** How much will this new regulation cost?

**A:** We believe the costs will be minimal.

**Q:** How many people will this serve?

**A:** HUD estimates that this change could help as many as 227,000 people. That is the number eligible; the actual number of recipients who actually receive the disregard is likely to be lower.

**Q:** Isn't this a pretty minimal benefit?

**A:** Not at all – this was, after all, the centerpiece of the changes in the recent sweeping public housing reform act that HUD is now implementing. Just as this was an important work incentive for residents of public housing, so too will it be for disabled recipients of other HUD assistance.

**Q:** Why don't you extend these benefits to all housing assistance recipients? Why just individuals with disabilities?

**A:** This new rule targets an issue of uniquely pressing concern – the employment of individuals with disability. The percentage of individuals with significant disabilities

who are unemployed has been estimated at as high as 70 to 75%, a rate higher than any other comparable group, and it certainly makes sense to start with the most intractable problems before tackling others. However, providing work supports and incentives for welfare recipients and other low-income families is a high priority for this Administration, and we are exploring options for extending similar work incentives to all housing assistance recipients.

Q: But doesn't this just create an incentive for individuals to claim disability?

A: We certainly hope not. Any time you have a program that benefits individuals with disabilities, there is the risk that it will create a perverse incentive, but we have confidence in the ability of HUD to monitor its grantees to ensure that the program is not misused.

Q: When will these changes take effect?

A: We are currently developing a proposed rule, and the Administration must complete the ordinary rule-making process before these changes become final. They are slated to take effect in FY2001.

Q: Why don't these changes apply to all HUD programs?

A: HUD has examined its statutory authority and has extended these benefits, for individuals with disabilities, to those programs in which the Department has administrative authority to do so. For the remaining programs, the Administration will work with Congress to give HUD the necessary authority.

Q: But does the statutory authority have anything to do with these being disability-related benefits?

A: No. We are in the process of exploring options for extending these benefits to all low-income working families in assisted housing. However, this proposed rule responds specifically to one of the recommendations of the President's Task Force and will address the unique and pressing need to help more individuals with disabilities move into the workforce. Extending the disregards to a broader population could have greater cost implications that need to be considered.

## **Access Housing 2000**

Q: How many people will this serve?

A: The proposed demonstration project begins with four hundred beneficiaries, but at full implementation it would ideally reach two thousand. The larger partnership will serve as many individuals as resources can be found, but will hopefully serve as a vital conduit for resources from a wide variety of public and private sources, including foundations.

Q: How will the disparate components of the demonstration project work together?

A: The idea at the core of the proposed demonstration project is that there are a variety of disparate resources that can work in conjunction to help facilitate the transition from institutional settings to community living for individuals with disabilities. The agencies involved will sit down together and also with the many other partners we hope to see involved in local coalitions to help this effort to work out the best mechanisms for getting all the resources possible to the recipients. Obviously, the agencies will have to work within their existing authority, but there are many creative ways that current resources may be targeted to produce the best results.

Q: When do you expect the demonstration program to be up and running?

A: There are many operational details to be worked out, but the partners are committed to taking the framework agreement announced today and bringing it to fruition as soon as possible.

Q: Who else would you like to see involved in this?

A: As many other government agencies and private entities as we can. Access Housing 2000 is about partnership and about focusing the attention of the nation on the pressing need to assist individuals with disabilities make the transition from institutional settings to community living.

Q: How much money is Robert Wood Johnson Foundation getting out of this?

A: No grant or contract funds have been awarded, and all funds will have to go through the necessary process.

Q: Aren't you turning people out in to communities that may not be ready for them?

A: It is important with any program like this to prepare not just the individual but also the community for the transition out of institutional care, and we hope that some of the targeted outreach does just that. Services that may be provided in conjunction with the housing vouchers include counseling to assure the successful transition into community living.

Q: Haven't you had a hard time obligating your Section 8 vouchers – why delay any further?

A: We have not had any difficulties obligating vouchers designated for individuals with disabilities, and we don't anticipate that this proposed demonstration project would create any.

Q: Where are these vouchers coming from?

A: The initial group of 400 vouchers is from a FY2000 congressional appropriation specifically targeted for non-elderly persons with disabilities. Appropriations will need to be identified for additional vouchers in future years

Q: Will individuals in institutions get to jump the waiting lines at public housing authorities where other, equally worthy people aren't being served?

A: The 400 vouchers is a new commitment of funds and has been specifically designated by Congress for non-elderly persons with disabilities.

## **Home Ownership Letter**

Q: Is this creating an unnecessary risk for the FHA insurance fund?

A: No, the mortgagee letter simply points out credit factors and considerations that are unique to persons with disabilities, but that are well within FHA's overall structure of sound underwriting principles. FHA/HUD knows from years of experience that many persons with disabilities have sufficient resources, capacity and determination to be successfully home owners.

Q: When will the letter go out?

A: We anticipate that the letter will be sent out this week.

Q: How many FHA mortgagees will receive the letter?

A: The Mortgagee Letter will go all of FHA's approximately 10,000 lender partners.

Q: What kind of flexibility do they have to actually make home ownership a reality for individuals with disabilities?

A: FHA leads the market in permitting flexible underwriting on very low down payment loans. Through this Mortgagee Letter, FHA is formally re-emphasizing existing underwriting guidelines that encourage our lender partners to fairly account for tax free disability income from state and federal sources and consider compensating factors in the case of borrowers who do not meet FHA's prescribed debt to income standards. This is another example of how FHA serves borrowers who have the capacity to be successful homeowners, but who are not well served by the conventional market, due to modest blemishes on their credit record. FHA is more tolerant of modest credit problems in the past, and this Mortgagee Letter expressly demonstrates how lenders can fairly and accurately assess the credit worthiness of persons with disabilities.

PRESIDENTIAL TASK FORCE ON  
EMPLOYMENT OF ADULTS WITH DISABILITIES

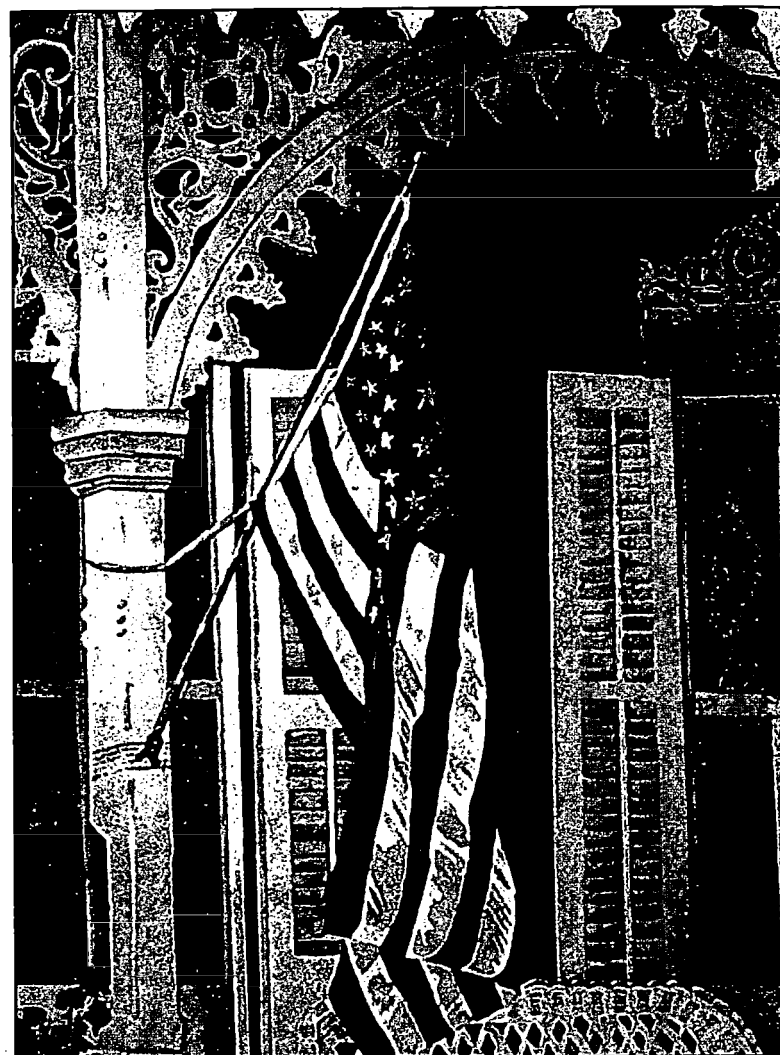
To further the spirit and intent of the ADA, President Clinton and Vice President Gore created the Task Force. Its mandate is to establish a coordinated and aggressive national strategy to significantly increase the number of adults with disabilities in gainful and rewarding employment.

The President and Vice President have acted promptly to implement the Task Force's recommendations, supporting a progressive disability agenda that embodies the principles of independence, empowerment and full societal inclusion for all people with disabilities.

COVER ARTWORK

Peggy Joan Winters, "Cape May, N.J.",  
watercolor (27" x 34"), 1993

Born and raised in Baltimore, Maryland, Peggy Joan Winters spent many hours painting even as a young child. Her early training was interrupted by a severe flare up of Juvenile Rheumatoid Arthritis which she developed at age three. The inflammation of Winter's fingers made it impossible for her to attend art classes and complete assignments. After a long hospitalization, her chronic disease was brought under control. She later went to work as a full-time office manager, but never forgot her dream of becoming a painter. In 1984, she began to paint again, resumed her course work and eventually acquired her B.A. degree with honors. Since 1990 her watercolors have been exhibited throughout the United States. Winters is a participating artist of VSA arts.



THE TENTH ANNIVERSARY OF  
THE SIGNING OF  
THE AMERICANS WITH DISABILITIES ACT



## THE AMERICANS WITH DISABILITIES ACT

Ten years ago, on July 26, 1990, the Americans with Disabilities Act – the Nation's most comprehensive civil rights statute – was signed into law. The passage of the ADA was the culmination of the tireless work of millions of Americans with disabilities, their families and friends, and advocacy groups from across the country.

The ADA's civil rights protections ensure equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities, transportation and telecommunications.

The ADA is a comprehensive law with a simple goal: opening up everyday American life to persons with disabilities. The ADA has resulted in the removal of architectural and communication barriers and the elimination of discriminatory policies. Because of the ADA, persons with disabilities can now expect to have accommodations at the job site, find lifts on buses, call 9-1-1 for emergencies with a TTY, participate in town meetings, enjoy a meal at a local restaurant, and watch a movie in a theater.

If we rededicate ourselves to the job we started with the ADA, we can make this century a new era of opportunity. We can create a world where nobody is denied access to the American dream – where everyone has the chance to go as far as their hard work and skills can take them.

THE VICE PRESIDENT AND MRS. GORE

INVITE YOU TO

A SUMMER EVENING ON THE LAWN

TO CELEBRATE THE

TENTH ANNIVERSARY OF THE

SIGNING OF THE ADA

WITH SPECIAL GUEST

JOSÉ FELICIANO



TUESDAY, JULY 25, 2000

AT SIX O'CLOCK



THE VICE PRESIDENT'S RESIDENCE

34TH STREET AND MASSACHUSETTS AVENUE, N.W.

WASHINGTON, D.C.



RSVP 202-456-7077

CASUAL ATTIRE

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Goals and Accomplishments:  
Working on Behalf of Americans  
with Disabilities

20pgs



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GOALS AND ACCOMPLISHMENTS

WORKING  
ON BEHALF

PRESIDENT CLINTON

OF

AMERICANS

WITH

AND VICE PRESIDENT GORE

DISABILITIES

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GMA?

J. Eric Gould

07/24/2000 01:33:27 PM

Record Type: Record

To: Andrea Kane/OPD/EOP

cc:

Subject: paper for Bruce

I think this stuff is easier to work with for his purposes.



Sum. of Exec. actions.d Summary of Executive Actions



accomp2pg.do. Two page doc. on accomplishments



ssabackground.dq Background and talkers on SSA proposals



fedhirebackgrd.dq Background on fed. hiring EO

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**ADA DISABILITY EVENT**  
**SOCIAL SECURITY DISABILITY INITIATIVES**  
**July 26, 2000**  
**DRAFT – July 24, 2000**

**President Clinton Announces Two Important Proposals to Assist Social Security Beneficiaries who are Working or Want to Work**

**1. Automatically adjust the SGA level for individuals with impairments other than blindness, based on any annual increases in the national average wage index. Since the beginning of the Social Security disability program in 1956, there have been no regularly scheduled increases in SGA.**

- Both the Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) programs have a very strict definition of disability. The disability must be expected to last for at least 12 months or to result in death.
  - The Social Security Administration (SSA) uses a technical term called “substantial gainful activity” (SGA) to determine if work is substantial enough to make a person ineligible for benefits. Currently, monthly earnings of \$700 or more are considered SGA and will make a person ineligible for benefits. SSA has special rules for blind persons.
  - Disability benefits will continue unless the disabling condition improves or the disabled person returns to performing “substantial” work.

These changes truly represent the spirit of the Americans with Disabilities Act. These proposals will reduce the barriers that Social Security beneficiaries face when they return to work. Last year, the Administration increased the amount that Social Security disability beneficiaries can earn and continue to receive their benefits. This increase has made it possible for disability beneficiaries across the country to lead more productive self-sufficient lives. Now, through regulation, the President is proposing to increase annually the Substantial Gainful Activity (SGA) level. This will ensure that persons with disabilities who return to work will be able to count on having a limit that accurately reflects increases in wages.

**2. Increase from \$200 to \$530 the minimum amount of monthly earnings for a month to count during a trial work period for individuals who are Social Security beneficiaries and work. The President is also proposing to automatically adjust the amount thereafter based on any annual increases in the national average wage index.**

- A Trial Work Period (TWP) allows a disabled individual receiving Social Security disability benefits to test their ability to work for at least 9 months. During the TWP, an individual will receive full disability benefits regardless of how high their earnings might be so long as they continue to have a disabling impairment.

- The TWP continues until the individual accumulates 9 months (not necessarily consecutive) of “services” that they performed within a rolling 60-consecutive-month period.
- A trial work month is any month in which an individual’s total earnings are more than \$200 or, if self-employed, they earn more than \$200 (after expenses) or spend more than 40 hours in their own business.
- When nine trial work months are successfully completed within 60 months, SSA reviews the work to see if the earnings are “substantial.” Generally, \$700 per month is considered “substantial” earnings. If earnings do not average more than \$700 a month, benefits will generally continue. If earnings average more than \$700 a month, benefits will continue for three more months before they stop.
- For 36 months after a successful TWP, if a person is still disabled, they will be eligible to receive a monthly disability benefit without a new application for any month earnings drop below \$700.

Many beneficiaries are leery of attempting to work for fear of inadvertently earning too much and losing critically important cash and medical benefits. Now, through regulation, the President is proposing that the amount a beneficiary can earn in a month before it will be counted toward the 9-month trial work period be increased from \$200 to \$530. In addition, he is proposing that we index this amount annually. This increase will encourage beneficiaries with disabilities to contribute their talent and energy to the workforce.

### **The First Lady will Announce an Important Proposal to Assist Disabled Students who Receive SSI**

*basis*  
**Increase the maximum monthly earned income exclusion for students who receive SSI from \$400 to \$1,290 and the yearly exclusion from \$1,620 to \$5,200. The President is also proposing to automatically adjust these amounts thereafter based on any annual increases in the cost-of-living index.**

- If a person receiving SSI is under age 22, not married or head of household, and regularly attending school, SSA does not count up to \$400 of earned income per month when figuring that person’s SSI payment amount. The maximum yearly exclusion is \$1,620.

Young people with disabilities face enormous challenges when attempting to enter the workplace. We must find ways to bridge the transition from education to employment. The First Lady is proposing to increase the amount that students who receive SSI can earn while continuing to receive the important protection that SSI provides. In addition, we are proposing that this increase be indexed to reflect the annual increase in the cost-of-living.

### **Background**

**SSA administers two disability programs, Social Security Disability Insurance and**

## **Supplemental Security Income.**

- **Social Security benefits are an earned benefit.** Workers pay taxes into the system, and when they become disabled, they may be eligible to receive benefits based on their earnings. Their spouses and dependent children may also qualify.
- **SSI is a federal program that makes monthly payments to disabled people who have limited income and resources.** The program is administered by the Social Security Administration but the funds do not come from the Social Security trust funds. Benefits are paid from the general revenue. There are no benefit provisions for spouses and dependent children.
  - Whether a person can get SSI also depends on what they own and how much income they have. Income includes wages, Social Security benefits and pensions. Income also includes non-cash items received, such as food, clothing or shelter.
  - For students receiving SSI, some wages or scholarships may not count.

## **THE PRESIDENT'S EXECUTIVE ORDER ON INCREASING THE OPPORTUNITY FOR INDIVIDUALS WITH DISABILITIES EMPLOYED BY THE FEDERAL GOVERNMENT**

"Seventy-five percent of Americans with disabilities remain unemployed, and of those, 72% say they want to go to work. This is not just a missed opportunity for Americans with disabilities -- it is a missed opportunity for America."

- President Bill Clinton, June 4, 1999 -

On July 26, 2000, President Clinton will sign an Executive Order directing federal agencies to increase their efforts to hire individuals with disabilities at all levels of the government. This will continue his objective of making the federal government a model employer and an example to private employers.

- In five years, federal agencies will be able to hire 100,000 people with disabilities.
- This is a 60% increase over the current hiring rate and reflects President Clinton and Vice President Gore's strong commitment to making the Federal Government a model employer by recruiting a diverse and well qualified workforce.
- Currently, there are 122,000 federal employees with disabilities, which make up 7.2% of the workforce. Of the entire federal workforce, 1.2% are severely disabled. It is highly likely that these counts are low because employees either fail to, or choose not to, self-identify as having a disabling condition.
- The Executive Order specifically calls on agencies to recruit for the full range of levels and occupations in the federal government.
- Each agency will be asked to submit a plan by September 25, 2000. OPM will work with agencies to assure the overall success of the initiative.
- An employee is considered disabled if he or she has a physical or mental impairment, which substantially limits one or more major life activities. For example, speech, vision, hearing and orthopedic impairments, missing extremities, paralysis, mental illness, diabetes and heart disease.
- If current hiring trends continue without change, Federal agencies would hire approximately 62,500 people with disabilities over the next five years. Approximately 8,000 of those people would have severe disabilities.
- The Federal Government is our nation's largest employer with 1.8 million employees. Each year the Government hires approximately 200,000 each year and of those 12,000 (5.9%) are people with disabilities. If we do nothing, Federal hires will be 1,082,000 over the next five years and 62,500 will have a disability. 100,000 new hires represents 9.2 percent of all new Federal hires.

**SUMMARY OF EXECUTIVE ORDERS AND PRESIDENTIAL  
MEMORANDUMS RELATED TO PERSONS WITH DISABILITIES**  
**July 26, 2000**

**Executive Order: Increasing the Opportunity for Individuals with Disabilities to be Employed in the Federal Government**

- Federal agencies will be able to hire at least 100,000 individuals with disabilities by September 30, 2005, into the full range of levels and occupations in the Federal government. This is a 60% increase over the current hiring rate.
- To ensure that individuals with disabilities are given the same employment opportunities as are afforded to non-disabled individuals, the President has directed Federal agencies to:
  - Use all available hiring authorities;
  - Expand their outreach efforts; and
  - Increase efforts to accommodate individuals with disabilities
- The Director will be issuing a guidance memorandum for agencies to assist them in their outreach and recruitment efforts, and to ensure that they comply with this Executive Order.

**Executive Order: Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation**

- Federal agencies will establish written procedures for the processing of reasonable accommodation requests.
- These procedures will:
  - inform disabled individuals how to make a request for reasonable accommodation;
  - explain the types of information that an individual must provide for the agency to make a decision on such a request; and
  - advise individuals of their rights if an agency denies a reasonable accommodation request.
- This Order is designed to eliminate the great variation that currently exists in each agency's reasonable accommodation procedures. The EEOC will be issuing guidance on this order.

**Presidential Memorandum: Employing People with Significant Disabilities to Fill Federal Agency Jobs that can be Performed at Alternate Work Sites, Including the Home**

- As a result of recent technological advances, customer service representatives can work from their homes or other off-site locations just as if they were working in the “call/contact” center at the agency. Therefore, the President has directed each agency that operates customer service call/contact centers to identify positions that can be relocated to home-based or other off-site facilities.
- There are other activities, such the processing of insurance claims and financial transactions, that can also be performed at an off-site location. All agencies must determine the appropriateness of using home-based or other off-site positions to carry out these types of work activities.
- When an agency determines that it is feasible to establish home-based or off-site positions for a particular work activity, the agency must develop a plan that focuses on recruiting and hiring individuals with significant disabilities for these positions.

**Presidential Memorandum: Renewing the Commitment to Ensure that Federal Programs are Free from Disability-Based Discrimination**

- This memorandum reaffirms the federal government’s commitment to ensuring that agencies’ programs are free from discrimination, and are readily usable by persons with disabilities.
- Agencies must make all programs offered on their Internet and Intranet sites accessible to persons with disabilities by July 27, 2001.

**Presidential Memorandum: Assistive Technology and Universal Design**

VP

- To accelerate the development of assistive technology and technology that enables universal design, the Interagency Committee on Disability Research will publish a report identifying priority areas for the advancement of such technology.
- After this report is published, each agency that participates in the Small Business Innovation Research program will develop a strategy for enhancing the development of this technology.

**PRESIDENT CLINTON AND VICE PRESIDENT GORE  
WORKING ON BEHALF OF AMERICANS WITH DISABILITIES  
ACCOMPLISHMENTS AT A GLANCE**

July 26, 2000

**Creating the Presidential Task Force on Employment of Adults with Disabilities** - Two years ago, President Clinton created the Presidential Task Force on Employment of Adults with Disabilities, chaired by Secretary of Labor Alexis Herman, and charged the Task Force with developing a coordinated and aggressive national policy to bring adults with disabilities into gainful employment at a rate that is as close as possible to that of the general adult population. The heads of 18 cabinet and sub-cabinet agencies sit on the Task Force, and President Clinton and Vice President Gore have given its work the highest priority through accepting all the recommendations in the first and second reports from the Task Force.

**Signing the Ticket to Work and Work Incentives Improvement Act of 1999 (TWWIA)**

President Clinton supported and signed this important bill, making health insurance available and affordable when an individual with disabilities goes to work or develops a significant disability while working, and giving people with disabilities more choices and greater access to employment services and training. 12/99

**Signing the Workforce Investment Act (WIA) of 1998** - President Clinton signed WIA, which provides the framework for a unique national workforce preparation and employment system designed to meet both the needs of the nation's businesses and the needs of job seekers and those who want to further their careers. It also included reauthorization of the Rehabilitation Act, adding stronger linkages between the vocational rehabilitation system and the general workforce development system so that people with disabilities have increased employment training and job options. Changes to Section 508 of the Rehabilitation Act also strengthened the obligations of the Federal government to provide accessible information technology to their employees and customers, thus enabling the Federal government to use its considerable purchasing power to move private industry toward developing universally designed technology that is accessible to almost everyone.

**Reauthorizing the Individuals with Disabilities Education Act (IDEA) to Support Quality Education for Children with Disabilities**

- In 1997 President Clinton enacted an improved and stronger IDEA, and during the Clinton -Gore Administration funding for the basic IDEA grant program has increased by 100%.

**Making the Federal Government a Model Employer** - President Clinton directed Federal agencies to increase efforts to recruit and hire people with disabilities which resulted in OPM issuing "Accessing Opportunity: The Plan for Employment of People with Disabilities in the Federal Government" to serve as a framework for Federal departments and agencies to use in creating strategies and initiatives to recruit, hire, develop, and retain more persons with disabilities. President Clinton also signed an Executive Order ensuring that individuals with psychiatric disabilities are given the same Federal hiring opportunities as persons with significant disabilities and mental retardation. Furthermore, the President directed OPM to make mental

health coverage more affordable and accessible for all Federal employees by ensuring that by 2001 Federal Employee Health Benefit Program (FEHBP) plans provide coverage for mental illness in a manner identical to coverage for other medical conditions.

## **Deliverables for the ADA Events July 25 & 26**

**President**

**Theme: Employment Opportunities and Equality**

| <b>SUBJECT</b>                                                                                                             | <b>DESCRIPTION</b>                                                                                                                                                                                                                                                                                           | <b>FORMAT</b>   | <b>STATUS</b> | <b>ANNOUNCE</b> |
|----------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------|-----------------|
| Increase the number of individuals with disabilities employed in the federal government.                                   | The Federal Government will hire 100,000 qualified individuals with disabilities over 5 years into all levels and occupations of the Government.                                                                                                                                                             | Executive Order | DPC           | July 26, 2000   |
| Requiring Federal agencies to establish effective written procedures for processing requests for reasonable accommodation. | Federal agencies shall establish effective written procedures for processing requests for reasonable accommodations for people with disabilities.                                                                                                                                                            | Executive Order | DPC           | July 26, 2000   |
| Section 504 Enforcement                                                                                                    | Federal agencies will work with the Department of Justice and EEOC to develop plans to evaluate agency programs, activities and facilities for compliance with sections 501 and 504 of the Rehabilitation Act, which prohibits discrimination on the basis of disability in federal programs and activities. | Executive Memo  | DPC           | July 26, 2000   |

|                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                        |                |     |               |
|-------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-----|---------------|
| Encourage Federal Agencies with Customer Service Call Centers to Explore Ways to Hire People with Disabilities (TF '99) | Agencies operating customer service centers shall examine the feasibility and appropriateness of using home-based employees as customer service representatives. If it is appropriate to establish home-based positions, agencies shall implement procedures that encourage the recruitment and employment of people with significant disabilities for such positions. | Executive Memo | DPC | July 26, 2000 |
|-------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-----|---------------|

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|---------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-------------|---------------|
| Raise SSI Earned Income Exclusion to Encourage Work Efforts – SSA (TF'99)       | <p>SSA is proposing significant changes to the amounts that disabled adult beneficiaries can earn while remaining eligible for benefits under various circumstances. Under these proposals, future increases to these amounts would be linked to the national average wage or the consumer price index. The proposed changes may affect as many as 500,000 Social Security beneficiaries with disabilities.</p> <ul style="list-style-type: none"> <li>• Raising the earnings amount under the trial work period. Annually adjust per the average wage index the earnings guidelines that shows whether work done by persons with impairments other than blindness is substantial gainful activity, rather than by current rules that set the SGA level through regulation.</li> <li>• Increase (from \$200 to \$530) the amount of monthly earnings that is currently considered work during the trial work period, during which DI beneficiaries can receive full benefits regardless of how high their earnings might be. In addition, the amount of monthly earnings would be annually adjusted based on increases in the national average wage.</li> </ul> | Regulatory Change       | OMB         | July 26, 2000 |
| Create “Access America for People with Disabilities” Web Site – SSA/DOL (TF'99) | Provide information and services offered by virtually every major federal government agency, by linking to an abundance of helpful Federal agency sites, programs and services.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Announcement of Website | Done        | July 26, 2000 |
| Strong, Enforceable Patient's Bill of Rights (TF '99)                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Legislation             | In Congress | Pending       |

|                                                                                      |                                                                                                                                                                          |                 |             |         |
|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------|---------|
| Tax Credit to Assist Adults with Disabilities with Expenses Related to Work (TF '99) | Provide flexible ways to assist people with disabilities in defraying the costs of personal attendant services, technologies and other services required for employment. | Budget Proposal | In Congress | Pending |
|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------|---------|

## Vice President

### Theme: Integration and Technology

| SUBJECT                                                                                                                                                                                                                                                             | DESCRIPTION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | FORMAT          | STATUS  | ANNOUNCE                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------|----------------------------------------------------|
| <p>Technology:</p> <ul style="list-style-type: none"> <li>Development/ Adoption of Information and Communication Technologies Used by People with Disabilities (TF '99)</li> <li>Reiterate the \$35 million in our 2001 budget for accessible technology</li> </ul> | <p>This would accelerate the development and deployment of assistive technology and technology that enables universal design. Assistive technology is used to maintain or improve the functional capabilities of people with disabilities. Universal design is the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. The development of assistive technologies and products that incorporate universal design principles can significantly improve the quality of life for people with disabilities, and increase their ability to participate in the workplace.</p> | Executive Order | Pending | <p>?</p> <p>July 25, 2000</p> <p>July 25, 2000</p> |

|                                                                                              |                                                                                                                                                                                                                           |                                                 |                                            |                      |
|----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|--------------------------------------------|----------------------|
| <ul style="list-style-type: none"> <li>• Systems Change Capacity Building Grants</li> </ul>  | <p>This initiative would fund states to engage in system change activities designed to build and enhance their capacity to provide personal assistance services and supports to people with disabilities of all ages.</p> | <p>Grant - \$50 million over 5 years</p>        | <p>Pending (OMB searching for funding)</p> | <p>July 25, 2000</p> |
| <ul style="list-style-type: none"> <li>• SMD letters clarifying Olmstead decision</li> </ul> | <p>These letters would provide guidance to states clarifying additional flexibility that exists for providing home and community based care services and reiterates current policy on eligibility for benefits.</p>       | <p>None</p>                                     | <p>Close to resolution.</p>                |                      |
| <ul style="list-style-type: none"> <li>• Medicaid Technical Assistance Consortia</li> </ul>  |                                                                                                                                                                                                                           | <p>Partnership – TF, Educ, SAMHSA, HHS/HCFA</p> |                                            |                      |
| <ul style="list-style-type: none"> <li>• Support for Kennedy/Grassley Bill</li> </ul>        | <p>Kids version of the Jeffords – Kennedy Bill</p>                                                                                                                                                                        | <p>Pending</p>                                  |                                            |                      |
| <p>Incentives for Employment</p>                                                             | <p>Issuing regulatory change to extend incentives for persons with disabilities to all of HUD's housing assistance, including Section 8, 811, 202, the Rental Supplement program, and the Rental Assistance program.</p>  |                                                 |                                            |                      |

|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                       |                         |               |
|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|-------------------------|---------------|
| Access Housing 2000 | This initiative through cooperative agreement between HHS/HUD and Robert W. Johnson would expand accessible, affordable housing to enable individuals currently residing in a nursing home or institution to move into the community.                                                                                                                                                                                                                                                                     | Bob Williams/<br>Henry Claypool/<br>Nestor Davidson and<br>Becky Ogle | Discussion:<br>OMB/HCFA | July 25, 2000 |
| 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. |                                                                       |                         |               |

|                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |  |  |
|--------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
| Creating of a National Mental Health Coalition to Promote Community-Based Care | SAMHSA will support the 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. This technical assistance effort will link with the Private Industry Councils looking at employability, housing authorities, case managers, professional organizations, social security services and Access Housing 2000 Initiative. |  |  |  |
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**First Lady**  
**Theme: Youth**

| SUBJECT                                                                                  | DESCRIPTION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | FORMAT                                       | STATUS | ANNOUNCE      |
|------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|--------|---------------|
| Develop Youth to Work Initiative – DOL, Education, HHS, SSA, OPM, TF and Others (TF '99) | To ensure improvement in the education, transition, employment, health and independent living outcomes of young people with disabilities, all Federal agencies will coordinate and cooperate with the Task Force to: (1) strengthen interagency research, demonstration, and training activities; (2) create a public awareness campaign focused on young people with disabilities; (3) ensure that young people with disabilities are included in all youth programs mandated under the Workforce Investment Act; (4) increase access to health care and resources through an Interagency Council on Health and Ready to Work; (5) increase participation in postsecondary education and training; and (6) create a Youth Advisory Council to assist the Task Force in conducting these and other appropriate activities. | Amend Task Force Executive Order             |        | July 26, 2000 |
| Partnership between Task Force and Able to Work Consortium                               | This initiative would be a public/private partnership to ensure that youth with disabilities are afforded the opportunity to have meaningful internships that lead to real careers                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Task Force and Able to Work Consortium talks |        |               |

|                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                      |      |               |
|----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|------|---------------|
| SSI Regulation – Student Earned Income Exclusion                     | 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 CPI.                                                                                                                                                                                                                  |                                      |      |               |
| Youth Councils                                                       | The Department of Labor will issue guidance to the Workforce Investment partners on the creation of newly authorized Youth Councils under the Workforce Investment Act. This guidance, among other things, will call for the inclusion of young people and other parties representing the interests of youth with disabilities on these councils. (August)                                                                                                      | DOL Guidance                         |      |               |
| Significant Disability                                               | <p>The Department of Labor will issue guidance to the Workforce Investment partners on the following:</p> <ul style="list-style-type: none"> <li>• Emphasizing need for states to be aggressive in ensuring that WIA structures address the concerns of people with disabilities in their programs; and</li> <li>• Encouraging outreach to and inclusion of state MR/DD Directors and state Medicaid Directors on state Workforce Investment Boards.</li> </ul> |                                      |      |               |
| Guidance on Non-Harassment of Students with Disabilities – Education | The Department of Education will issue a “Dear Colleague Letter” to offer schools guidance to address student harassment based on disability.                                                                                                                                                                                                                                                                                                                   | Dear Colleague Letter from Education | Done | July 26, 2000 |
| Improving Education: The Promise of Inclusive Schooling              | The Department of Education has just published through one of its grantees the National Institute on Urban School Improvement, a pamphlet designed to facilitate the unification of current general and special education.                                                                                                                                                                                                                                      |                                      |      |               |

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| Youth Leadership Project                                                                     | The Department of Education will publish a grant announcement in late August to establish a Youth with Disabilities Leadership Development project. This project, to be awarded in October, is jointly funded with the Task Force, the Department of Labor and Health and Human Services, the Social Security Administration, and the President's Committee on Employment of People with Disabilities and the National Council on Disability.                  |  |  |  |
| High States Testing Guide and Guidance on District Assessments of Students with Disabilities | The Department of Education recently published for public comment a guide to high stakes assessment which includes a small section that discusses the "Testing of Students with Disabilities: (Final version-September). In addition, the Department of Education will issue guidance in the form of commonly asked questions and answers around the inclusion of students with disabilities in statewide and district assessment. (Late July or early August) |  |  |  |

# HUD

| SUBJECT                                            | DESCRIPTION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Consolidated Planning For Community Development    | <ul style="list-style-type: none"> <li>• HUD is requiring all states and localities that have already developed a Consolidated 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."</li> </ul> |
| Tax Credits                                        | <ul style="list-style-type: none"> <li>• HUD is entering into a Memorandum of Understanding (MOU) with the Department of 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.</li> </ul>                                                                                               |
| Data Collection                                    | <ul style="list-style-type: none"> <li>• HUD is modifying its Tenant Rental Assistance Certification System (TRACS) to identify which units of the 30,000 assisted projects in the Department's multifamily inventory are accessible to persons with disabilities.</li> </ul>                                                                                                                                                                                                                                                      |
| Outreach and Information on Regulatory Enforcement | <ul style="list-style-type: none"> <li>• HUD will issue a notice to reemphasize the responsibility of Community Development 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.</li> </ul>                                                                                                                                                                                                           |
| Neighborhood Network Centers                       | <ul style="list-style-type: none"> <li>• Over the next year, HUD will review and modify the current Neighborhood Network form to include questions regarding the Centers' accessibility and what needs there might be to make the Centers accessible.</li> </ul>                                                                                                                                                                                                                                                                   |

**HHS/ SAMHSA/ HCFA**

| SUBJECT                 | DESCRIPTION                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Improving Employability | <ul style="list-style-type: none"><li>• <u>Providing Employers with the Tools and Kno</u><br/>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.</li></ul> |

## TRANSPORTATION

| SUBJECT                                                                           | DESCRIPTION                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Comprehensive Plan of Action                                                      | DOT has conducted the initial interagency coordination, and has completed its "Comprehensive Plan of Action," addressing the lack of transportation services and systems for persons with disabilities, as directed by the President and recommended by the President's Task Force on Employment of Adults with Disabilities. The Plan, designed specifically to address barriers to "finding and keeping jobs," will issue shortly.                                                |
| New Regulations                                                                   | Announce the issuance of two new regulations: one on DOT's adoption of Access Board's Updated Accessibility Guidelines and one extensive supplemental rule on safety standards for platform lifts and for motor vehicles using platform lifts.                                                                                                                                                                                                                                      |
| Report on "Designing Sidewalks and Trails for Access: A Best Practices Guide"     | 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.                                                                                                                             |
| Report to Congress on Commercial Drivers Licenses for Insulin-dependent Diabetics | Working to complete a number of other deliverables, including issuance of a Report to Congress on Commercial Drivers Licenses 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." |

|                                                                                                           |                                                                                                                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Plan of Action to Address Transportation Services and Systems for People wit Disabilities (TF '99)</p> | <p>This comprehensive plan would be to concentrate federal efforts on developing an interagency action plan that addresses the lack of public transportation as a major employment barrier for people with disabilities.</p> |
|-----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## DOL

| SUBJECT                                                                                                                               | DESCRIPTION                                                                                                                                                                                                                                                                                                                                                                  |
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| Create Office of Disability Policy Headed by Assistant Secretary – DOL (TF'99)                                                        | This office headed by an Assistant Secretary would bring a permanent and heightened focus on disability employment issues at the DOL                                                                                                                                                                                                                                         |
| Strengthen Enforcement of Employment – related Nondiscrimination Provisions of ADA and Rehabilitation Act – DOJ, Labor, EEOC (TF '99) | Supplements the comprehensive compliance reviews with a variety of different means for assessing a contractor's compliance with Section 503 and its implementing regulations. Section 503 of the Rehabilitation Act of 1973 requires government contractors and subcontractors to take affirmative action to employ and advance in employment individuals with disabilities. |

## FCC

| SUBJECT                                                                                                                                                                                                                                                                               | DESCRIPTION                                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The Use of N11 Codes and Other Abbreviated Dialing Arrangements (CC Docket No. 92-105)                                                                                                                                                                                                | The Commission will consider a Second Report and Order concerning the nationwide implementation of 711 access to telecommunications relay services (TRS).                                             |
| The Implementation of Video Description of Video Programming (MM Docket No. 99-339)                                                                                                                                                                                                   | The Commission will consider a Report and Order concerning rules requiring certain broadcast stations and multi-channel video programming distributors to provide programming with video description. |
| 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) | The Commission will consider a Report and Order concerning technical standards for the display of closed captions on digital television (DTV) receivers.                                              |

- The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Friday, July 21, 2000, they are all expected to pass 5 – 0.

## EEOC

| SUBJECT                                                                                                      | DESCRIPTION                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Issuance of guidance on “Employers’ access to medical information about their employees.”                    | This guidance will help to ensure that qualified workers are not discriminated against because of medical conditions they have or medications they are taking that are unrelated to job performance, or because an employer thinks the worker may acquire some condition in the future. |
| Issuance of guidance to explain Executive Order prohibition on genetic discrimination in federal employment. | The EO protects the federal civilian workforce; it prohibits discrimination based on genetic test results of the employee, family medical history, and genetic test results of family members.                                                                                          |

- \* EEOC will hold a full Commission meeting on July 27, 2000 on the Americans with Disabilities Act.
- \* EEOC published on their website the Accomplishment and Highlights of EEOC actions.

## DOJ

| SUBJECT                                                                                                          | DESCRIPTION                                                                                                                                                                                 |
|------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| AG will announce initiative to ensure that local government programs are accessible to people with disabilities. |                                                                                                                                                                                             |
| Release “Enforcing the ADA: Looking Back On a Decade of Access.”                                                 | Report 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. |

## OPM

| SUBJECT                                                                                                | DESCRIPTION                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Showcase success stories of the Federal government as a model employer.                                | Last October, the President released “Assessing Opportunity: The Plan for Employment of People with Disabilities in the Federal Government, which the VP asked OPM to develop. OPM is compiling success stories from federal agencies and departments, which showcase stories of the Federal Government as a model employer. |
| Announce final regulation to make 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.                                                                                                                                                         |

  
Karin Kullman

07/19/2000 04:57:29 PM

Record Type: Record

To: J. Eric Gould/OPD/EOP@EOP  
cc: stephanie a. cutter/who/eop@eop, devorah r. adler/opd/eop@eop, victoria l. valentine/who/eop@eop, Andrea Kane/OPD/EOP@EOP  
bcc:  
Subject: Re: ada 

Bruce is fine with the plan of leaking for day of, and is fine with doing the SSI income exclusions as the leak. He was also fine with Pear, but didn't have strong feelings about it. My sense from him on the federal hiring numbers is that it would be fine to throw in with one leak, but not to do as a separate leak.  
J. Eric Gould 07/19/2000 12:13:42 PM

  
J. Eric Gould

07/19/2000 12:13:42 PM

Record Type: Record

To: Stephanie A. Cutter/WHO/EOP@EOP  
cc: Karin Kullman/OPD/EOP@EOP, Devorah R. Adler/OPD/EOP@EOP, Victoria L. Valentine/WHO/EOP@EOP, Andrea Kane/OPD/EOP  
bcc:  
Subject: Re: ada 

You're correct - the SSI income exclusions and the increased federal hiring of disabled individuals are the big ones. Pear would be a good person to go to but we need to coordinate with Chris/Devorah and VP world because VP has health announcements that also fall into Pear's domain. Do you want a list of disability reporters for the major papers?  
Stephanie A. Cutter

  
Stephanie A. Cutter  
07/19/2000 11:11:56 AM

Record Type: Record

To: Karin Kullman/OPD/EOP@EOP, Devorah R. Adler/OPD/EOP@EOP, J. Eric Gould/OPD/EOP@EOP  
cc: Victoria L. Valentine/WHO/EOP@EOP  
Subject: ada

just spoke with sara g. the press office wants to leak whatever the strongest deliverables are for POTUS.

Eric, is that the SSI earned income exclusion and federal hires? Devorah/Eric, do you have any recommendations of a reporter that would make sense for this? we should think about elevating this above the washington post.