

FOIA MARKER

**This is not a textual record. This is used as an
administrative marker by the William J. Clinton
Presidential Library Staff.**

Collection/Record Group: Clinton Presidential Records

Subgroup/Office of Origin: Domestic Policy Council

Series/Staff Member: Andrea Kane

Subseries:

OA/ID Number: 20326

FolderID:

Folder Title:

Disabilities--Task Force Directives

Stack:

S

Row:

95

Section:

3

Shelf:

3

Position:

1

A SAMPLE OF ACCOMPLISHMENTS OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

At the dawn of the new millennium, America is enjoying the greatest prosperity in recent history. Some segments of our diverse national population, however, are being left behind. At HUD, our job is to ensure that all persons including the 50 million Americans with disabilities, have an equal opportunity to fully participate in this economy and all aspects of American life. As we celebrate the tenth anniversary of the Americans with Disabilities Act, the following few pages describe what HUD has been doing to make sure no one is left on the threshold in this new millennium.

I. BUDGET

HUD has increased its funding for fair housing activities and disability-rights related activities dramatically over the last several years. In FY 1998, the budget for fair housing was \$30 million. In FY 1999, it increased to \$40 million (a 33% increase) to its highest level ever. In FY 2000, the Department surpassed even the 1999 level, obtaining a fair housing budget of \$44 million. For FY 2001, HUD has proposed \$50 million for fair housing activities, recognizing that the steady budget increases during Secretary Cuomo's tenure have better positioned the Department to make substantive gains in reducing housing discrimination.

The budget increases over the last several years have benefitted two major HUD programs designed to attack housing discrimination. The **Fair Housing Assistance Program (FHAP)** provides Federal funds to support a network of State and local civil rights agencies that enforce laws that are substantially equivalent to the Federal Fair Housing Act; these agencies process housing discrimination complaints based on race, color, religion, sex, national origin, disability, or family status. The **Fair Housing Initiatives Program (FHIP)** funds fair housing groups and other organizations and agencies that carry out enforcement (including private litigation), provide education and outreach activities, and monitor the activities of developers and real estate companies for compliance with the Fair Housing Act.

As discrimination based on disability continues to be the second most frequent complaint filed with the Department and the substantially-equivalent state and local fair housing agencies, much of this funding goes to promote housing opportunities for people with disabilities. The budget has also supported the following disability-specific activities:

- In FY 1998, the Department provided a set-aside of \$900,000 in the Fair Housing Initiatives Program to fund five organizations whose focus was to pursue fair housing rights and opportunities on behalf of people with disabilities.
- In both FY 1999 and FY 2000, the Department set aside \$750,000 for organizations that

perform education and outreach regarding the requirements of the Fair Housing Act pertaining to individuals with disabilities.

- The Department's FY 2000 FHIP Notice of Funding Availability earmarks \$1 million to fund collaborative activities involving disability rights advocacy groups, housing industry organizations, and other agencies and institutions to encourage the adoption of building codes at the state and local levels that are consistent with the accessibility requirements of the Fair Housing Act.
- The Department has provided a \$1 million grant to fund a two-year pilot program, the Project of Accessibility Training and Technical Assistance, to assist builders, developers, architects, building code officials and others on the accessibility requirements of the Fair Housing Act. The pilot will establish a training and technical assistance center in one region of the country. The Department has proposed \$2.5 million in its FY 2001 budget to expand this program to four regions of the country.
- The Department was authorized in the FY 2000 budget to spend up to 25% of the section 811 budget on tenant-based housing, which resulted in approximately 1800 vouchers for mainstreaming individuals with disabilities. The Department has requested authorization to spend up to 50% of its FY 2001 811 budget on tenant-based housing.

II. Enforcement of Fair-Housing and Disability-Rights Laws

Under the Fair Housing Act, after complaints of race discrimination, complaints alleging housing discrimination on the basis of disability have been the most frequent type of complaint filed with HUD and state and local fair housing agencies with substantially-equivalent authority. HUD and state and local agencies have obtained successful resolutions in disability cases more frequently than in any other category of cases. Since 1997, HUD and substantially-equivalent state and local agencies have obtained over \$7.2 million in over 830 cases it has helped resolve, or, on average about \$8,600 per case.

III. Collaboration with the Department of Justice

HUD and the Department of Justice have worked together in identifying cases where it is alleged that the respondent has built inaccessible housing, in violation of the Fair Housing Act. HUD and the Department of Justice create teams consisting of representatives from both agencies to review complaints filed with HUD to determine which are pattern and practice cases that will be handled by the Department of Justice.

IV. PUBLIC NOTICE ON ACCESSIBILITY

HUD issued in December 1999 a public notice reminding recipients of Federal funds of their obligation to comply with pertinent laws and implementing regulations which provide for non-discrimination and accessibility in Federally funded housing and non-housing programs for people with disabilities. The notice included information on key compliance elements of the relevant regulations and examples and resources to enhance recipients' compliance efforts.

V. AROUND THE COUNTRY

Florida. On August 2, 2000, in Miami, Florida, HUD is sponsoring a Workshop on Affordable Housing for Citizens with Disabilities. The workshop is geared for non-profits, lenders, developers, and other interested persons. The objectives of the workshop are to: discuss the housing needs of citizens with disabilities; provide information about various housing assistance programs and opportunities for developing affordable housing for people with disabilities; and educate on fair housing requirements.

Kentucky. The Housing Authority of Jefferson County, in partnership with the Center for Accessible Living, operates the Mainstream Housing Opportunities program which provides rental assistance vouchers and supportive services to non-elderly persons with disabilities. This rental assistance promotes affordable and independent living for people with disabilities, a group who has been identified by HUD as having one of the worst-case housing needs of any group in the United States.

Delaware. The Terry Apartments, a housing development in Wilmington, DE, for the elderly and non-elderly persons with disabilities, established a Neighborhood Network computer center in September 1999, out of a partnership among HUD, the Interstate Realty Company, and the University of Delaware. Through a Memorandum of Understanding between HUD and the University of Delaware, graduate students are helping train residents with disabilities on general computer skills and how to use the Internet for job searches and other purposes.

Pittsburgh. HUD's partnership with the REALTORS Association of Metropolitan Pittsburgh is an on going association designed to increase awareness among REALTORS, and housing choices for persons with disabilities. The partnership has produced a training session, "Opening New Markets - Resources for REALTORS." The event was attended by The Pennsylvania Human Relations Commission, Pennsylvania Housing Finance Agency, Urban Redevelopment Authority of Pittsburgh, Accessibility Development Associates, Inc., HUD Community Builders and a number of officers and members of the REALTORS Association of Metropolitan Pittsburgh. The session focused on identifying, advertising and promoting accessibility features in the sales listings for single family homes. The training also identified sources of home mortgage and home rehabilitation financing for persons with disabilities.

VI. A FEW BEST PRACTICES

- **HUD Work on Uniform Building Codes for Compliance with Fair Housing Accessibility Guidelines:** Reviewed building codes and prepared report regarding their respective consistency with the Fair Housing Act accessible design and construction requirements.
- **Contract with William Worn Architects to Further Design Accessibility Compliance:** Provided technical assistance on how housing providers can achieve compliance with the Fair Housing Act's design and construction requirements.
- **Mississippi Home of Your Own - A Program for Disability Studies at the University of Southern Mississippi:** The program helps counsel and provide financial support to prospective homebuyers with disabilities.
- **Disabled Dealer Magazine of Georgia:** Each issue advertises houses with accessible features and publishes articles on accessible public buildings, vans, meeting spaces, and other information to help people with disabilities fully participate in society.
- **Truckee Meadows Fair Housing - Building Permit Tracking Process:** Sent letters to builders and owners who were preparing to construct new multifamily housing to remind them of their Fair Housing Act obligations to regarding accessibility prior to construction.
- **Massachusetts Housing Finance Agency:** Prepared a program that was later repeated in other parts of the country that educated housing providers on their Fair Housing Act obligations to make reasonable accommodations in rules and procedures for people with disabilities in order to afford those persons equal enjoyment of their housing.

HHS/Substance Abuse and Mental Health Services Administration

Key Accomplishments 10th Anniversary of the ADA

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

- (5) Working From Within to Make A Difference - SAMHSA has assessed its own hiring practices and has conducted training and orientation sessions for managers and supervisors on the subject of "reasonable accommodations for all employees. SAMHSA created a disability committee to focus on employment matters within the agency to continue to identify areas of need and make improvements. SAMHSA hosted a Disability Film Fest in recognition of Disability Awareness Month to increase staff awareness of the issues and concerns that affect persons with disabilities.

**MEMORANDUM FOR THE SECRETARY
THE DEPUTY SECRETARY**

FROM: NANCY E. MCFADDEN

**SUBJECT: Tenth Anniversary of the ADA—July 2000:
Disability-related Accomplishments and New Initiatives**

As I mentioned at the senior staff meeting, I had asked my staff to pull together a list of disability-related accomplishments and new initiatives related to the work of the Office of General Counsel, in preparation for the tenth anniversary of the passage of the ADA on July 26, 2000. We have also included accomplishments or initiatives related to other offices to the extent we are aware of them. While we know that much good work is being done in the disability area by the Departmental Office of Civil Rights and our Modal Administrations, we may not have captured each and every possible accomplishment or initiative, but have primarily focused on those to which this Office has made a contribution.

Attachment

cc: Jerry Malone
Norma Krayem
Eugene Conti
Mary Trupo
Ronald Stroman
Michael Winter

I. Accomplishments

- * Issued DOT Final Rule on Over-the-Road buses in September 1999, requiring accessibility of new Over-the-Road buses and bus service.
- * Issued DOT Final Rule in August 1999 eliminating \$2,500 cap on liability of airlines to passengers for loss or damage to their wheelchairs and other assistive devices.
- * Secretary issued Departmental Accessibility Policy Statement in July 1999, stressing access for persons with a disability to all modes of transportation and deeming accessibility in transit as an important civil right.
- * Issued DOT Final Rule requiring priority seating for disabled travelers to accommodate their disabilities and incorporating a general ADA requirement on reasonable accommodations into DOT's Air Carrier Access Act (ACAA) rules.
- * At request of DEAF-DOT and DOT/ADA, General Counsel issued March 27, 2000 memorandum to all Departmental managers and supervisors, stressing their legal obligations of affirmative action for persons with disabilities under Section 501 of the Rehabilitation Act.
- * Distribution of new DOT publications comprehensively outlining maximum access and guidelines on accessibility for sidewalks, trails, and airports.
- * Unveiling of new DOT website on accessibility, coordinating and integrating links to DOT, the federal government, and advocacy organizations.
- * Announcement of two million dollars in FTA Over-the-Road bus grants to assist in capital costs of making Over-the-Road buses accessible.
- * Worked to strengthen enforcement provisions of the ACAA, resulting in new AIR-21 provisions requiring investigations of each ACAA complaint; increasing the maximum civil penalty for ACAA violations to \$10,000; and bringing foreign air carriers under ACAA coverage.
- * Began investigating and enforcing cases against foreign air carriers for unreasonable discrimination against disabled air travelers for the first time. Until April 5, 2000, foreign air carriers were not covered by the ACAA, but unreasonable discrimination against disabled air travelers was otherwise prohibited by law. Two precedent-setting cease and desist orders – one against Lufthansa and the other against Alitalia – have already been issued by DOT.

- * Began to publish, on a monthly basis, in DOT's Air Travel Consumer Report, the number of disability-related complaints DOT receives for each major airline, providing useful information to disabled travelers.
- * Issued DOT Final Rule requiring lifts for small commuter aircraft to facilitate the boarding by individuals with disabilities; harmonizing requirements relating to airport facilities in the Department's Section 504 and ACAA regulations; and clarifying provisions concerning communicable diseases.

II. New Initiatives

**** Starred items are new initiatives requiring future action that we are trying to complete before the July 26, 2000 ADA anniversary**

- * Developing initiative for biennial Secretarial "Excellence in Accessibility" Award.**
- * Issuing Notice of Proposed Rulemaking to Adopt Access Board's Updated Accessibility Guidelines.**
- * Finalizing DOT Rule on Lifts for Aircraft w/31 plus seats which will require air carriers and airports to work jointly to make lifts or other boarding devices available for persons with a disability on aircraft of any size where level entry loading bridges or existing lifts are not currently available.
- * Issuing Notice of Proposed Rulemaking which will require air carriers to file with DOT detailed information on the disability-related complaints they receive, to be used for enforcement, educational, and other relevant purposes by DOT, disabled air travelers, and Congress.
- * Issuing Notice of Proposed Rulemaking seeking to amend DOT's ACAA regulation to cover foreign air carriers operating to and from the United States or code sharing with U.S. carriers.
- * Examining feasibility of DOT conducting regulatory negotiation on airline travel and additional accommodations needed for hearing-impaired passengers under the ACAA, including the elimination of barriers faced by deaf and hard-of-hearing airline travelers.
- * Working on proposals to establish two new safety standards for motor vehicles: first, an equipment standard specifying requirements for platform lifts, and, second, a vehicle standard for all vehicles equipped with lifts. The proposal would regulate platform lifts installed on all motor vehicles, including over-the-road buses, school buses, and multi-purpose vehicles and would impose additional interlock requirements, improved

wheelchair retention and platform slip resistance tests, and, in some instances, lesser compliance standards for lifts installed on vehicles typically used solely for private transport.

- * Providing legal advice and assisting the Departmental Office of Civil Rights in implementation of the next phase of the Section 504 Self-Evaluation process, including drafting portions of the Self-Evaluation, analyzing data from DOT personnel, planning publication and public comment period.
- * Working with Disability Resource Center personnel to assess and develop centralized job vacancy site on DOT's internet website for employees/applicants with a disability.
- * Providing legal counsel to Departmental Office of Civil Rights and ONE-DOT Section 501 Task Force to establish the DOT "Plan For Employing Persons with a Disability," to be submitted to the Secretary in June 2000, in response to Presidential and Office of Personnel Management directives.**
- * Providing legal advice and drafting a new Departmental Policy Statement on Section 501 Affirmative Action for Persons with a Disability, to be submitted with the DOT Plan, above, for Secretarial signature, in June 2000.**
- * Developing initiative to ensure that performance appraisals of all Departmental managers and supervisors and the Secretarial performance agreements of senior management at DOT reflect the mandates of Section 501 of the Rehabilitation Act, including recruiting, hiring, mentoring, training, and promoting individuals with a disability, in response to a listening session held by the General Counsel with the two disability advocacy groups at DOT.
- * Developing initiative to establish a competitive leadership development program for qualified persons with a disability, as part of the Department's affirmative obligations under Section 501 of the Rehabilitation Act, as well as the Administration's request that federal executive agencies develop new initiatives in this area.
- * Developing with the Department of Justice and the National Council on Disability the ACAA outreach plan mandated by AIR-21.**
- * Working with the Departments of Labor, Education, and Health and Human Services, the Social Security Administration, and other relevant "Presidential Task Force on Employment of Adults with Disabilities" members to develop by this summer a comprehensive plan of action to address the lack of transportation services and systems for persons with disabilities.**

Department of Agriculture Accomplishments

The Secretary's Advisory Committee for Employees with Disabilities (SACED) is a best practice that can be replicated at other agencies. The Secretary has approved a full-time staff for the SACED. The committee launched a SACED home page and held four SACED forums with employees throughout the country to listen to concerns, success stories, and suggestions from the disability community.

- ✓ Issued Departmental Regulation 4300-8 on reasonable accommodation, which announces a new policy to ensure that all employees have access to the equipment, software, and services they need to be productive.
- ✓ Established quarterly data collection for SACED review on the amount USDA offices are spending on accommodations, to determine the feasibility of Department-wide central funding.
- ✓ Assessed statistical data on representation of employees with disabilities and disabled veterans in the USDA workforce so the SACED can ensure appropriate representation at all levels. Developed and implemented an all-employee survey on employment and service delivery issues that achieved a 30 percent response rate and published a report entitled *Employee Survey on Disability Issues* in January 2000.
- ✓ USDA and GSA, working with the Federal Information Technology Accessibility Initiative, a federal interagency group, are planning to establish accessible technology centers, similar to the USDA TARGET Center, around the nation. The USDA TARGET Center provides demonstrations of assistive technologies and ergonomic solutions, evaluation of accommodations, and individual and work site needs assessments. Current locations under consideration include Georgia, Denver and California.
- ✓ Established a mentor program targeted for USDA employees with disabilities to expand opportunities for employee development and career advancement.
- ✓ Established an Employment Subcommittee to develop recruitment strategic plan with Departmental employment goals for hiring of persons with disabilities at all levels.

TREASURY

ACCOMPLISHMENTS

Tax Policy Initiatives

- The Work Opportunity Tax Credit, enacted in 1995, provides tax credits of up to \$2,400 per worker for businesses that hire individuals from certain targeted groups. One targeted group includes vocational rehabilitation clients who have completed state vocational rehabilitative services programs in accordance with approved individualized written plans for employment. A second targeted group consists of blind or disabled individuals who receive Supplemental Security Income (SSI) benefits.
- Since 1990, small businesses have been able to claim a 50% credit (up to \$5,000) for expenses incurred to comply with the ADA. Other businesses are allowed to expense currently (rather than to capitalize and deduct over time) preferential tax treatment for up to \$15,000 of expenses incurred to remove architectural barriers that impede access by the handicapped and elderly.

Community Development Financial Institutions (CDFI) Fund Initiatives

- **Bank Enterprise Award Program**

The Bank Enterprise Award (BEA) Program is the Fund's primary tool for pursuing its strategic plan goal of expanding banks' and thrifts' community development lending and investment activity. By providing incentives to these mainstream financial institutions, the Fund encourages them to increase their investments in underserved communities. These financial institutions do this in two ways: by providing loans, investments and services directly to the communities in need; and indirectly, by investing in local CDFIs or other community development programs, that then provide financial and development services to the communities.

The leveraging involved in this program is impressive. To date, the CDFI Fund has awarded \$88.6 million to banks and thrifts. This \$88.6 million reflects \$1.8 billion of investments by banks and thrifts in underserved communities. The Institutions awarded have invested \$1.4 billion in direct loans, investments and services in distressed communities, and \$437.4 million in equity investments and financial support to CDFIs.

- **Presidential Awards for Excellence in Microenterprise Development**

The Presidential Awards for Excellence in Microenterprise Development is a non-monetary program created and administered by the Fund at the request of the President. The awards, presented by the President, First Lady and the Secretary of the Treasury in an East Room ceremony, recognize and seek to bring attention to organizations that have demonstrated excellence in promoting micro-entrepreneurship. By recognizing outstanding microenterprise organizations, the Presidential Awards seek to promote sound lending practices and bring wider public attention to the important role and successes of



microenterprise development especially in enhancing economic opportunities among women, low-income people and minorities who have historically lacked access to traditional sources of credit. This program is one of the ways that the Fund is promoting performance best practices in the industry.



Internal Department and Bureau Noteworthy Accomplishments

DEPARTMENT

Treasury provided a recruiter to the President's Committee on Employment of People with Disabilities, and hired four (4) students from the Workforce Recruitment Program for College Students with Disabilities during the summer of 1999.

BUREAUS

- **INTERNAL REVENUE SERVICE (IRS)**

The Chiefs of EEO/Diversity and Communications and Liaison signed a captioning policy memorandum implementing the practice of captioning informational and all-employee broadcasts that originate from the IRS TV studio.

In an effort to improve the method of securing interpreting services, the Servicewide EEO/Diversity Office is conducting a pilot for centrally funded interpreting services.

The Information and Resources Accessibility Program (IRAP) Office was established to ensure employees with disabilities have access to a diverse selection of specialized electronic resources. The goal of the IRAP Office is to choose adaptive technology that will enable employees with disabilities to perform their essential job duties.

A team of managers and national Treasury Employees Union representatives developed a booklet to identify career paths for deaf employees.

The Brooklyn District participated in the Summer Youth Employment Program, affiliated with the Lexington School for the Deaf, by employing two summer interns.

The Disability Program Manager of the Arkansas-Oklahoma District participated in the "Young Adult Forum for Disability Concern and Challenge Air Program. This program assists people with disabilities to pursue college degrees and provides mentors to enhance their leadership qualities and learning skills.

- **THE BUREAU OF PUBLIC DEBT (BPD)**

BPD conducted a "Hidden Disabilities Panel" in which employees with hidden disabilities discussed their disabilities and stressed that not all disabilities are visible.

Department of the Interior
ADA Compliance

- DOI currently employs approximately 634 people with Targeted Disabilities
- The Department has established an aggressive process to hire and place many students identified by the Federal Workforce Recruitment Program for College Students with Disabilities. In 1999 DOI led all non-DOD agencies by hiring 40 students under this program.
- The Fish and Wildlife Service developed a partnership with the California Department of Vocational Rehabilitation to ensure that all employees and applicants receive reasonable accommodations and access to programs, facilities and activities.
- FWS completed construction on fishing piers, parking areas, observation decks, sidewalks and boardwalks to increase accessibility at several National Wildlife Refuges. In addition, several mobile wheelchairs were purchased to assist with movement in other spaces.
- Bureau of Land Management is engaged in identifying and removing barriers that restrict the hiring and placement of individuals with disabilities.
- The Bureau of Reclamation has an innovative program that allows professional staff to instruct at various colleges and universities to identify potential employees. As a result, four college students with disabilities were hired.
- In 1999 the Bureau of Indian Affairs completed the elimination of over 150 barriers to accessibility at a cost in excess of \$1,279,000. Projects included; entrance modifications, plumbing changes, ramps and alarm systems.
- Managers and supervisors of the Minerals Management Service have developed special appointment authorities under the Disability Employment Program.
- OSM (Office of Surface Mining) conducted and completed accessibility compliance reviews at several of their field locations.
- The National Park Service has provided training in accessibility to over 2000 Park and recreation professionals. It has also provided seminars on accessibility issues such as trail access, historic site access and playground design.

- NPS established a telephone HelpLine to provide technical advise to park and recreational professionals seeking to solve access problems.
- There have been a total of 339 projects approved by NPS that included accessibility as at least one of the components of the project. The total amount of funds involved in these projects exceeds \$82,500,000.
- The U.S. Geological Survey has designed and presented seven outstanding conferences featuring various issues related to employing people with disabilities. Some of the information presented included; companion dog program, accessibility technology, legal issues and improved communications.
- USGS has developed a pilot mentorship program that matches Federal employees with disabilities to students with similar disabilities.

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

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

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

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

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

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

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

The Department of Labor, the Department of Health and Human Services, and SSA worked together to develop and issue program announcements on grants and

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

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

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

**EEOC ACCOMPLISHMENTS
10th ANNIVERSARY OF THE ADA**

EEOC POLICY DEVELOPMENT UNDER ADA

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

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

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

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

3. Effects of Representations in Applications for Disability Benefits on the Determination of Whether an Individual is a "Qualified Individual with a Disability" Under the ADA (1997):

This guidance was instrumental in changing the course of judicial decision-making on an issue of paramount importance to many people with disabilities.

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

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

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

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

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

ADA LITIGATION HIGHLIGHTS

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

- In *EEOC v. The Kroger Company*, the Commission sought the removal of physical barriers that prevented a cashier with **paraplegia** from using defendant's restroom or break room because they were located down a flight of stairs. After he filed a discrimination charge with EEOC, the company built an accessible restroom and break room, which he could reach in his wheelchair. The defendant further agreed to provide the cashier with \$225,000 in compensatory and punitive damages.
- Some barriers are embedded in the way a job is done. Often people with disabilities can work productively with simple and inexpensive accommodations. In *EEOC v. Bloomingdale's, Inc.*, the Commission challenged the defendant's refusal to allow an employee to **sit on a stool 5 to 10 minutes per hour** when she became fatigued by her **systemic lupus**. The defendant settled the suit by providing her with \$75,000 in monetary relief and by agreeing to train its managers on the requirements of the ADA.
- In *EEOC v. United Public Workers, AFSCME, Local 646*, the Commission sought the provision of **sign language interpreters** at union meetings for two union members who are deaf. The union has now agreed to provide interpreters for hearing impaired members and accommodations for its members who have other disabilities. The union also provided the two union members with nearly \$50,000 in monetary relief.
- The Commission's litigation also has been directed at eliminating the barriers that exist only in the minds of people. Employers often operate on the basis of misapprehensions about individuals with disabilities. For example, in the very first lawsuit filed by EEOC under the ADA, *EEOC & Charles Wessel v. AIC Security Investigations, Ltd, et. al.*, EEOC won a jury verdict finding the defendant had unlawfully fired its Executive Director because he had **terminal brain cancer**. The former director was awarded \$222,000.
- In *EEOC v. Showbiz Pizza Time Inc., d/b/a Chuck E' Cheese*, EEOC claimed that a district manager fired a **developmentally disabled** custodian because the company did not employ "those type of people." A jury awarded the custodian back pay, \$70,000 in compensatory damages for emotional distress, and \$13 million in punitive damages (the punitive damages award was later reduced to \$230,000 because of the statutory cap on damages). The judge also ordered the company to give the custodian his job back.
- In *EEOC & John Doe v. Campbell University, Inc.*, the Commission successfully challenged the university's termination of a physical education instructor because he had **AIDS**. At the outset of the lawsuit, the court ordered the defendant to continue paying the instructor's health insurance benefits, pending trial. The university later agreed to provide the instructor with continued employment, salary and benefits, and with \$325,000 in monetary relief.
- In *EEOC v. Chomerics, Inc., et al.*, the Commission claimed that a chemical worker's coworkers and supervisor harassed and mocked him because of his disability (**cerebral**

palsy). The company agreed to provide the worker with \$98,000 in back pay and compensatory damages.

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

EEOC ADA CHARGES

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

EEOC ADA MEDIATION ACTIVITY

- During FY 1999, EEOC mediated approximately 1,813 ADA charges, and had a success

rate of 63%.

- In FY 1999, more than 24% of the cases mediated in EEOC's overall ADR program involved the ADA. Of those mediations, 22% involved the issue of reasonable accommodation, 4% involved the issue of hiring, 28% involved the issue of discharge, 8% involved the issue of harassment, and 10% involved the issue of terms and conditions of employment.
- During the two-year life of the mediation program, a total of \$17,182,754 in monetary benefits have been awarded through mediation in ADA cases. This is an average of \$11,231 for each of the 1,530 persons benefitted monetarily. In FY 1999, average mediated monetary benefits in ADA charges were \$11,172.
- Often ADA charges involve non-monetary relief, and 46% of ADA charges that were resolved through mediation involved a non-monetary benefit such as reasonable accommodation, rehire, policy change or training, for example.
- When mediated, the average charge processing time for ADA complaints is nearly cut in half; that is the time from the charging party walking in the door of EEOC to the time of resolution or impasse. On average, ADA charges take 286 days to reach a determination in EEOC's administrative process; while the processing time for mediated ADA charges took 151 days which results in a final resolution of the matter.
- In 1997, EEOC resolved a class disability claim affecting 27 individuals who had complained that a pre-placement health-screening questionnaire violated the ADA by requiring them to disclose medical conditions. In the settlement, the company agreed to stop using the questionnaire, offered the 27 individuals an opportunity to be reconsidered for employment under a modified application process, paid \$950,000 to the individuals, and augmented an internal training program, procedures, to ensure compliance with the ADA.
- Another EEOC mediation resolved a case involving a charging party who alleged that when an employer learned of his disability, cancer, it fired him. As a result of the mediation, the charging party was reinstated to his former position, with back pay. He also was given a reasonable accommodation of time off to attend any future chemotherapy treatments.
- Another mediation involved a charging party who had a serious health condition of congestive heart failure and was on a medical leave of absence. She filed a charge concerning her employer's alleged failure to reasonably accommodate her when she attempted to return to work. The charging party, who was no longer interested in returning to work for the employer, settled her charge for long term disability benefits and \$65,000.

EEOC OUTREACH

- EEOC conducted 3,439 outreach and education activities in which the ADA was the principal topic during the period 1991-1998.
- In FY 1999, EEOC field offices conducted 119 outreach events for disability rights audiences of nearly 7,000 persons. These included 63 oral presentations, 11 training sessions and 18 "stakeholder input" meetings where information was obtained on issues concerning this constituency.
- In 1999, EEOC conducted 2,550 field outreach events covering all laws enforced by the Commission. In approximately 24 % of those events, major topics of discussion were the ADA and "reasonable accommodation."
- Through a little over three quarters of FY 1999, EEOC conducted over 30 Technical Assistance Seminars, addressing topics on the ADA that included reasonable accommodation, psychiatric disabilities, leave issues, policy guidance, and a host of others. In those seminars EEOC reached over 5,000 participants all across the country.

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

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

development.

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

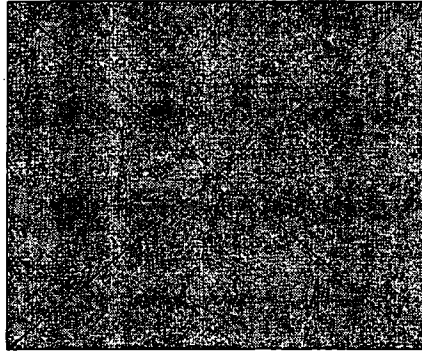
disabilities., without sacrificing protection of individual rights. In order to ensure compliance with IDEA 97 that supports positive results for children with disabilities, OSEP designed a continuous improvement monitoring system that includes:

- Increased collaboration between the Department of Education, State Educational Agencies and special education stakeholders
 - Providing ongoing technical assistance to the State to support the process
 - A State self-assessment
 - Increased stakeholder involvement in the process including parents, students, and advocacy organizations
 - Continued on-site review of State and local programs
 - An improvement planning process that is driven by the unique needs of the State
- **Expansion of the Part C Infants and Toddlers Program:** The last eight years have seen a dramatic expansion in services to infants and toddlers with disabilities and their families. Since the program is predicated on the belief that earlier intervention leads to better child outcomes, it is especially gratifying that the number of infants and toddlers served has shown steady growth and there is increasing evidence that infants and toddlers are being identified for services at an earlier age. Recognizing the interagency nature of services for young children with disabilities and their families, Congress established a Federal Interagency Coordinating Council (FICC) to coordinate and mobilize all available resources to assure appropriate services for the nation's infants and young children with disabilities and their families. This was done as a part of the reauthorization of P. L. 99-457, which became the Individuals with Disabilities Education Act Amendments (IDEA) of 1991
- **Sustained and effective support of IDEA through the Part D National Activities:** Part D National Programs continue to enhance the capacity of states to develop infrastructures to support the full and effect implementation of IDEA through a variety of strategies including: research, personnel preparation, technical assistance and dissemination, technology, and studies and evaluations. Activities under Part D have improved results for children with disabilities as well as their non-

disabled peers in families and schools throughout the United States and abroad. Three areas of significant investment are access to the general curriculum, inclusion in assessments and behavior. Investments in **access to the general curriculum** include a newly funded technical assistance center and a number of useful publications including: A Guide to the Individualized Education Program, A synthesis of the Literature that Informs Best Practices about Inclusive schooling and a series of synthesis on Improving instructional Practices for Students with Learning Disabilities. Our major investment in **assessment and accountability** is the funding of the National Center on Educational Outcomes. This Center conducts research and provides technical assistance on a variety of issues surrounding the assessment of children with disabilities. Several Part D investments have addressed **behavior** issues. These investments have resulted in improved outcomes for both students with disabilities as well as their non-disabled peers. The Center on Positive Behavioral Support offers technical assistance to states and districts helping to create safe effective learning environments. Notable publications in this area include the Early Warning Timely Response Guide and The Early Warning Action Guide both published in collaboration with the Department of Justice and Education and distributed nationwide. An additional technical assistance publication, Applying Positive Behavioral Support and Functional Behavioral Assessment in Schools has also been widely distributed.

- Completed reauthorization of the Rehabilitation Act which increased focus on consumer choice and involvement in the vocational rehabilitation process, incorporated automatic eligibility for SSDI and SSI recipients, and provided for increase collaboration with generic employment and training programs (August 1998).
- Release of final regulations implementing standards and indicators for the state vocational rehabilitation program focusing on quality employment outcomes and access to services for underserved populations (June 2000).
- Release of proposed rulemaking soliciting comment on a proposal to eliminate "extended employment" as a successful outcome under the vocational rehabilitation services program (June 2000).

- Issued joint letter with Department of Labor to provide guidance to the field on vocational rehabilitation involvement on State Workforce Boards.
- Sponsored, with Task Force, the very successful National Transition Summit "Bridging Systems to Improve Transition Results" (June 2000).
- Secretary Riley establishes (1993) a Disability Work Group on the Recruitment, Advancement and Access for People with Disabilities to conduct an evaluation of ED's policies and practices for compliance with Section 504 and make modifications, based on recommendations of the Work Group, if current policies and practices are in need of modification(s). (Co-chaired by Assistant Secretary/OSERS).
Outcomes: Many recommendations were made and implemented to strengthen policies covering accessibility, facilities, alternate formatting of materials, technology, training, etc.
- Establishment of a 504 coordinator position for the Department and subsequent hiring of a 504 coordinator in the Office of Management. Assistant Secretary (OSERS) was primary catalyst.
- Establishment of a Department managed Alternate Format Center to provide employees and customers with print materials in alternate format (braille).
- Establishment of a Department wide (annual) central pool of funds to directly support reasonable accommodations hires for individuals with disabilities.
- Development of a Department wide disability awareness training course for all employees that has become part of the Department's 20 hours of core curriculum training for managers.
- Development of Department guidelines and requirements covering information technology accessibility in compliance with section 508 of the Rehabilitation Act.
- Development of a handbook and policy guide for employees and



U.S. Department of State
Foreign Buildings Operations

Accomplishments Sheet

The U.S. Department of State Office of Foreign Buildings Operations is responsible for the design and construction of new U.S. embassies, consulates and embassy staff housing worldwide. In addition, FBO is responsible for renovating existing diplomatic facilities in order to bring them into current code and Department standards.

In 1998, FBO adapted the Policy and Procedures Directive entitled **Barrier-Free Accessibility Action Plan and Policy Implementation Plan** that provides guidance on barrier-free accessibility requirements.

All of FBO's designs for new and renovated diplomatic facilities represent and outreach to all Americans with disabilities and demonstrates to the world that we are committed to advancing the quality of life for all who work in and visit our diplomatic facilities.

Some of FBO's recent accomplishments in providing fully accessible buildings worldwide include:

Recently Completed New Embassy Office Buildings

Ottawa, Canada

Moscow, Russia

Recently Completed Ambassador's Residence Renovations

Ljubljana, Slovenia

London, England

Havana, Cuba

Berlin, Germany

New Embassy and Consulate Office Buildings Under Design or Construction

Istanbul, Turkey

Zagreb, Croatia

Dar Es Salaam, Tanzania

Nairobi, Kenya

Tunis, Tunisia

Kampala, Uganda

Doha, Qatar

Luanda, Angola

Embassy Staff Housing Facilities:

Rome, Italy

New Delhi, India

Paris, France

Kuwait City, Kuwait

Barrier Free Accessibility Action Plan

Where functional renovations of existing facilities are not planned, FBO has developed a Barrier-Free Accessibility Action Plan that identifies those facilities in need of fundamental accessibility improvements and investigates opportunities for continued progress in providing accessible facilities.

COMMERCE DEPARTMENT ACTIVITIES TO ASSIST PEOPLE WITH DISABILITIES

The Department is:

- Conducting an assessment to identify which resources of the Federal laboratory system can be matched to the needs of the assistive technology industry. Matching specific assistive technology companies with specific Federal laboratories will begin in the Autumn.
- Funding, with the Department of Labor, a Harvard study which will develop a methodology for accurately determining the number of people with disabilities in the workforce. This will include both those currently employed and those seeking employment.
- Funding programs to assist those with disabilities through the Technology Opportunity Program (TOP). TOP has contributed funding to eleven projects over the past year that improve the accessibility of people with disabilities. A list of these projects is attached.
- Developing, with Stanford University, assistive technology that more quickly returns injured or disabled workers to work in the "Archimedes Project." This new technology is portable, enabling employees with disabilities greater mobility to change work stations rather than being restricted to particular upgraded ones. (Featured at the July 25 demonstration)
- Creating an accessibility page on the Department's web site on which will be published accessibility research and activities.
- Establishing a central capability to aid bureaus in providing accessible technology to individuals with disabilities.
- Serving as an advisor to GSA and its contractors in the development of testing procedures to determine compliance with section 508 accessibility standards.
- Investigating overseas markets for US assistive technology exports. US assistive technology exports will drive down the cost of these products and stimulate the development of more assistive technology.

The Department has:

- Developed a low cost prototype as a possible alternative to conventional electronic Braille readers, spending about \$200 on materials for the machine. Braille readers typically carry price tags ranging from \$10,000 to \$15,000.
- Developed an electronic book reader and constructed a prototype. This research led to the filing of a patent application, "Modular Electronic Book". Under the Department's



1996 TOP Grant

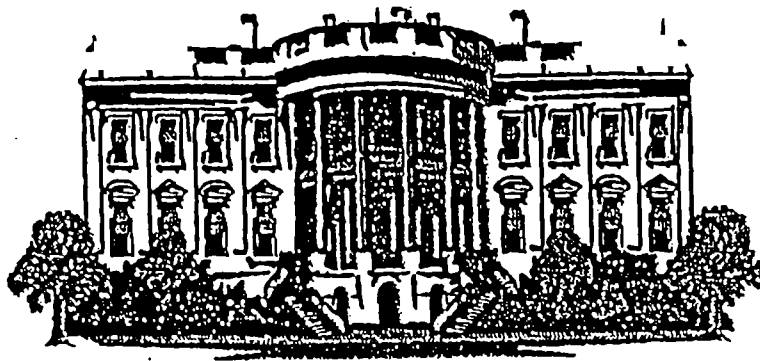
Madison, WI

Total Project Cost \$78,945

Federal Share \$37,505

Using a planning grant funded by TOP, Society's Assets goal was to determine the most cost effective technological approach to Connect American Sign Language (ASL) users with interpreters through the use of video teleconferencing. The VITAL (Video Interpreting Transmission Access Link) project could serve approximately 3,000 persons with hearing impairments. The VITAL project could investigate innovative ways to apply information technology to the needs of ASL users. This project can provide significant potential for replication in other communities across the country.





cc: Eric
Morgy

THE WHITE HOUSE

Domestic Policy Council

DATE: 7/12

FACSIMILE FOR: Becky Ogle

FAX: 693 4429
PHONE:

FACSIMILE FROM: Andrea Kane

FAX: 202-456-7431
PHONE: 202-456-5573

NUMBER OF PAGES (INCLUDING COVER): 11

COMMENTS: Becky - here are 10 pages

from the HUD public housing / section 8 rule

I mentioned that was published in March.

You may want to look at the whole rule - available
in Fed. Register or online.

(2) * * *

(i) To provide for deconcentration and income-mixing in accordance with the PHA plan (see § 903.7 of this title).

* * * * *

70. Amend § 960.205 as follows:

- a. Revise paragraph (b) introductory text to read as set forth below; and
- b. Revise paragraph (c) to read as set forth below

§ 960.205 Selection criteria.

* * * * *

(b) In selection of families for admission to its public housing program, or to occupy a public housing development or unit, the PHA is responsible for screening family behavior and suitability for tenancy. The PHA may consider all relevant information, which may include, but is not limited to:

* * * * *

(c) The requirements with respect to deconcentrating poverty and producing a mix of incomes in the PHA's public housing developments are found in the PHA Plan rule, at part 903 of this title.

* * * * *

71. Revise § 960.206 to read as follows:

§ 960.206 Waiting list: Local preferences in admission to public housing program.

(a) *Establishment of PHA local preferences.* (1) The PHA may adopt a system of local preference for selection of families admitted to the PHA's public housing program. The PHA system of selection preferences must be based on local housing needs and priorities as determined by the PHA. In determining such needs and priorities, the PHA shall use generally accepted data sources. Such sources include public comment on the PHA plan (as received pursuant to § 903.17 of this chapter), and on the consolidated plan for the relevant jurisdiction (as received pursuant to part 91 of this title).

(2) The PHA may limit the number of applicants that qualify for any local preference.

(3) PHA adoption and implementation of local preferences is subject to HUD requirements concerning income-targeting (§ 960.202(b)), deconcentration and income-mixing (§ 903.7), and selection preferences for developments designated exclusively for elderly or disabled families or for mixed population developments (§ 960.407).

(4) The PHA must inform all applicants about available preferences and must give applicants an opportunity to show that they qualify for available preferences.

(b) *Particular local preferences.*—(1) *Residency requirements or preferences.*

(i) Residency requirements are prohibited. Although a PHA is not prohibited from adopting a residency preference, the PHA may only adopt or implement residency preferences in accordance with non-discrimination and equal opportunity requirements listed at § 5.105(a) of this title.

(ii) A residency preference is a preference for admission of persons who reside in a specified geographic area ("residency preference area"). A county or municipality may be used as a residency preference area. An area smaller than a county or municipality may not be used as a residency preference area.

(iii) Any PHA residency preferences must be included in the statement of PHA policies that govern eligibility, selection and admission to the program, which is included in the PHA annual plan (or supporting documents) pursuant to part 903 of this chapter. Such policies must specify that use of a residency preference will not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, gender, religion, disability, or age of any member of an applicant family.

(iv) A residency preference must not be based on how long an applicant has resided or worked in a residency preference area.

(v) Applicants who are working or who have been notified that they are hired to work in a residency preference area must be treated as residents of the residency preference area. The PHA may treat graduates of, or active participants in, education and training programs in a residency preference area as residents of the residency preference area if the education or training program is designed to prepare individuals for the job market.

(2) *Preference for working families.* The PHA may adopt a preference for admission of working families (families where the head, spouse, or sole member, is employed). However, an applicant must be given the benefit of the working family preference if the head and spouse, or sole member is age 62 or older, or is a person with disabilities.

(3) *Preference for person with disabilities.* The PHA may adopt a preference for admission of families that include a person with disabilities. However, the PHA may not adopt a preference for persons with a specific disability.

(4) *Preference for victims of domestic violence.* The PHA should consider whether to adopt a local preference for admission of families that include victims of domestic violence.

(5) *Preference for single persons who are elderly, displaced, homeless or a person with disabilities.* The PHA may adopt a preference for admission of single persons who are age 62 or older, displaced, homeless, or persons with disabilities over other single persons.

(c) *Selection for particular unit.* In selecting a family to occupy a particular unit, the PHA may match characteristics of the family with the type of unit available, for example, number of bedrooms. In selection of families to occupy units with special accessibility features for persons with disabilities, the PHA must first offer such units to families which include persons with disabilities who require such accessibility features (see §§ 8.27 and 100.202 of this title).

(d) *Housing assistance limitation for single persons.* A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a resident family may not be provided a housing unit with two or more bedrooms.

(e) *Selection method.* (1) The PHA must use the following to select among applicants on the waiting list with the same priority for admission:

- (i) Date and time of application; or
- (ii) A drawing or other random choice technique.

(2) The method for selecting applicants must leave a clear audit trail that can be used to verify that each applicant has been selected in accordance with the method specified in the PHA plan.

§ 960.208 [Removed]

72. Remove § 960.208.

§ 960.207 [Redesignated]

73. Redesignate § 960.207 as § 960.208.

§§ 960.209 and 960.210 [Removed]

74. Remove §§ 960.209 and 960.210.
75. In part 960, add new subpart C, to read as follows:

Subpart C—Rent and Reexamination

Sec.

960.253 Choice of rent.

960.255 Self-sufficiency incentives—
Disallowance of increase in annual income.

960.257 Family income and composition: Regular and interim reexaminations.

960.259 Family information and verification.

960.261 Restriction on eviction of families based on income.

Subpart C—Rent and Reexamination

§ 960.253 Choice of rent.

(a) *Rent options.* (1) *Annual choice by family.* Once a year, the PHA must give

each family the opportunity to choose between the two methods for determining the amount of tenant rent payable monthly by the family. The family may choose to pay as tenant rent either a flat rent as determined in accordance with paragraph (b) of this section, or an income-based rent as determined in accordance with paragraph (c) of this section. Except for financial hardship cases as provided in paragraph (d) of this section, the family may not be offered this choice more than once a year.

(2) *Relation to minimum rent.* Regardless of whether the family chooses to pay a flat rent or income-based rent, the family must pay at least the minimum rent as determined in accordance with § 5.630 of this title.

(b) *Flat rent.* (1) The flat rent is based on the market rent charged for comparable units in the private unassisted rental market. It is equal to the estimated rent for which the PHA could promptly lease the public housing unit after preparation for occupancy.

(2) The PHA must use a reasonable method to determine the flat rent for a unit. To determine the flat rent, the PHA must consider:

- (i) The location, quality, size, unit type and age of the unit; and
- (ii) Any amenities, housing services, maintenance and utilities provided by the PHA.

(3) The flat rent is designed to encourage self-sufficiency and to avoid creating disincentives for continued residency by families who are attempting to become economically self-sufficient.

(4) If the family chooses to pay a flat rent, the PHA does not pay any utility reimbursement.

(5) The PHA must maintain records that document the method used to determine flat rents, and also show how flat rents are determined by the PHA in accordance with this method, and document flat rents offered to families under this method.

(c) *Income-based rent.* (1) An income-based rent is a tenant rent that is based on the family's income and the PHA's rent policies for determination of such rents.

(2) The PHA rent policies may specify that the PHA will use percentage of family income or some other reasonable system to determine income-based rents. The PHA rent policies may provide for depositing a portion of tenant rent in an escrow or savings account, for imposing a ceiling on tenant rents, for adoption of permissive income deductions (see § 5.611(b) of this title), or for another reasonable

system to determining the amount of income-based tenant rent.

(3) The income-based tenant rent must not exceed the total tenant payment (§ 5.628 of this title) for the family minus any applicable utility allowance for tenant-paid utilities. If the utility allowance exceeds the total tenant payment, the PHA shall pay such excess amount (the utility reimbursement) either to the family or directly to the utility supplier to pay the utility bill on behalf of the family. If the PHA elects to pay the utility supplier, the PHA must notify the family of the amount of utility reimbursement paid to the utility supplier.

(d) *Ceiling rent.* Instead of using flat rents, a PHA may retain ceiling rents that were authorized and established before October 1, 1999, for a period of three years from October 1, 1999. After this three year period, the PHA must adjust such ceiling rents to the level required for flat rents under this section; however, ceiling rents are subject to paragraph (a) of this section, the annual reexamination requirements, and the limitation that the tenant rent plus any utility allowance may not exceed the total tenant payment.

(e) *Information for families.* For the family to make an informed choice about its rent options, the PHA must provide sufficient information for an informed choice. Such information must include at least the following written information:

(1) The PHA's policies on switching type of rent in circumstances of financial hardship, and

(2) The dollar amounts of tenant rent for the family under each option. If the family chose a flat rent for the previous year, the PHA is required to provide the amount of income-based rent for the subsequent year only the year the PHA conducts an income reexamination or if the family specifically requests it and submits updated income information. For a family that chooses the flat rent option, the PHA must conduct a reexamination of family income at least once every three years.

(f) *Switch from flat rent to income-based rent because of hardship.* (1) A family that is paying a flat rent may at any time request a switch to payment of income-based rent (before the next annual option to select the type of rent) if the family is unable to pay flat rent because of financial hardship. The PHA must adopt written policies for determining when payment of flat rent is a financial hardship for the family.

(2) If the PHA determines that the family is unable to pay the flat rent because of financial hardship, the PHA must immediately allow the requested

switch to income-based rent. The PHA shall make the determination within a reasonable time after the family request.

(3) The PHA policies for determining when payment of flat rent is a financial hardship must provide that financial hardship include the following situations:

(i) The family has experienced a decrease in income because of changed circumstances, including loss or reduction of employment, death in the family, or reduction in or loss of earnings or other assistance;

(ii) The family has experienced an increase in expenses, because of changed circumstances, for medical costs, child care, transportation, education, or similar items; and

(iii) Such other situations determined by the PHA to be appropriate.

§ 960.255 Self-sufficiency incentives—Disallowance of increase in annual income.

(a) *Definitions.* The following definitions apply for purposes of this section.

Disallowance. Exclusion from annual income.

Previously unemployed includes a person who has earned, in the twelve months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

Qualified family. A family residing in public housing:

(i) Whose annual income increases as a result of employment of a family member who was unemployed for one or more years previous to employment;

(ii) Whose annual income increases as a result of increased earnings by a family member during participation in any economic self-sufficiency or other job training program; or

(iii) Whose annual income increases, as a result of new employment or increased earnings of a family member, during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the PHA in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work (WTW) programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance—provided that the total amount over a six-month period is at least \$500.

(b) *Disallowance of increase in annual income.* (1) *Initial twelve month exclusion.* During the cumulative twelve

requirements, and if the PHA denies the family's request to modify such amount, the PHA shall give the tenant written notice of such denial, with a brief explanation of the basis for the PHA determination of the amount of imputed welfare income. The PHA notice shall also state that if the tenant does not agree with the PHA determination, the tenant may request a grievance hearing in accordance with part 966, subpart B of this title to review the PHA determination. The tenant is not required to pay an escrow deposit pursuant to § 966.55(e) for the portion of tenant rent attributable to the imputed welfare income in order to obtain a grievance hearing on the PHA determination.

(2) *Section 8 participant.* A participant in the Section 8 tenant-based assistance program may request an informal hearing, in accordance with § 982.555 of this title, to review the PHA determination of the amount of imputed welfare income that must be included in the family's annual income in accordance with this section. If the family claims that such amount is not correctly calculated in accordance with HUD requirements, and if the PHA denies the family's request to modify such amount, the PHA shall give the family written notice of such denial, with a brief explanation of the basis for the PHA determination of the amount of imputed welfare income. Such notice shall also state that if the family does not agree with the PHA determination, the family may request an informal hearing on the determination under the PHA hearing procedure.

(e) *PHA relation with welfare agency.*

(1) The PHA must ask welfare agencies to inform the PHA of any specified welfare benefits reduction for a family member, the reason for such reduction, the term of any such reduction, and any subsequent welfare agency determination affecting the amount or term of a specified welfare benefits reduction. If the welfare agency determines a specified welfare benefits reduction for a family member, and gives the PHA written notice of such reduction, the family's annual incomes shall include the imputed welfare income because of the specified welfare benefits reduction.

(2) The PHA is responsible for determining the amount of imputed welfare income that is included in the family's annual income as a result of a specified welfare benefits reduction as determined by the welfare agency, and specified in the notice by the welfare agency to the PHA. However, the PHA is not responsible for determining whether a reduction of welfare benefits

by the welfare agency was correctly determined by the welfare agency in accordance with welfare program requirements and procedures, nor for providing the opportunity for review or hearing on such welfare agency determinations.

(3) Such welfare agency determinations are the responsibility of the welfare agency, and the family may seek appeal of such determinations through the welfare agency's normal due process procedures. The PHA shall be entitled to rely on the welfare agency notice to the PHA of the welfare agency's determination of a specified welfare benefits reduction.

§ 5.617 [Removed]

23. Remove § 5.617.

24. After § 5.615, add an undesignated center heading and new §§ 5.628, 5.630, 5.632, and 5.634 to read as follows:

Family Payment

§ 5.628 Total tenant payment.

(a) *Determining total tenant payment (TTP).* Total tenant payment is the highest of the following amounts, rounded to the nearest dollar:

(1) 30 percent of the family's monthly adjusted income;

(2) 10 percent of the family's monthly income;

(3) If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of those payments which is so designated;

or

(4) The minimum rent, as determined in accordance with § 5.630.

(b) *Determining TTP if family's welfare assistance is ratably reduced.* If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under paragraph (a)(3) of this section is the amount resulting from one application of the percentage.

§ 5.630 Minimum rent.

(a) *Minimum rent.* (1) The PHA must charge a family no less than a minimum monthly rent established by the responsible entity, except as described in paragraph (b) of this section.

(2) For the public housing program and the section 8 moderate rehabilitation, and certificate or voucher programs, the PHA may establish a minimum rent of up to \$50.

(3) For other section 8 programs, the minimum rent is \$25.

(b) *Financial hardship exemption from minimum rent.* (1) *When is family*

exempt from minimum rent? The responsible entity must grant an exemption from payment of minimum rent if the family is unable to pay the minimum rent because of financial hardship, as described in the responsible entity's written policies. Financial hardship includes these situations:

(i) When the family has lost eligibility for or is awaiting an eligibility determination for a Federal, State, or local assistance program, including a family that includes a member who is a noncitizen lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for title IV of the Personal Responsibility and Work Opportunity Act of 1996;

(ii) When the family would be evicted because it is unable to pay the minimum rent;

(iii) When the income of the family has decreased because of changed circumstances, including loss of employment;

(iv) When a death has occurred in the family; and

(v) Other circumstances determined by the responsible entity or HUD.

(2) *What happens if family requests a hardship exemption?* (i) *Public housing.*

(A) If a family requests a financial hardship exemption, the PHA must suspend the minimum rent requirement beginning the month following the family's request for a hardship exemption, and continuing until the PHA determines whether there is a qualifying financial hardship and whether it is temporary or long term.

(B) The PHA must promptly determine whether a qualifying hardship exists and whether it is temporary or long term.

(C) The PHA may not evict the family for nonpayment of minimum rent during the 90-day period beginning the month following the family's request for a hardship exemption.

(D) If the PHA determines that a qualifying financial hardship is temporary, the PHA must reinstate the minimum rent from the beginning of the suspension of the minimum rent. The PHA must offer the family a reasonable repayment agreement, on terms and conditions established by the PHA, for the amount of back minimum rent owed by the family.

(ii) *All section 8 programs.* (A) If a family requests a financial hardship exemption, the responsible entity must suspend the minimum rent requirement beginning the month following the family's request for a hardship exemption until the responsible entity

determines whether there is a qualifying financial hardship, and whether such hardship is temporary or long term.

(B) The responsible entity must promptly determine whether a qualifying hardship exists and whether it is temporary or long term.

(C) If the responsible entity determines that a qualifying financial hardship is temporary, the PHA must not impose the minimum rent during the 90-day period beginning the month following the date of the family's request for a hardship exemption. At the end of the 90-day suspension period, the responsible entity must reinstate the minimum rent from the beginning of the suspension. The family must be offered a reasonable repayment agreement, on terms and conditions established by the responsible entity, for the amount of back rent owed by the family.

(iii) *All programs.* (A) If the responsible entity determines there is no qualifying financial hardship exemption, the responsible entity must reinstate the minimum rent, including back rent owed from the beginning of the suspension. The family must pay the back rent on terms and conditions established by the responsible entity.

(B) If the responsible entity determines a qualifying financial hardship is long term, the responsible entity must exempt the family from the minimum rent requirements so long as such hardship continues. Such exemption shall apply from the beginning of the month following the family's request for a hardship exemption until the end of the qualifying financial hardship.

(C) The financial hardship exemption only applies to payment of the minimum rent (as determined pursuant to § 5.628(a)(4) and § 5.630), and not to the other elements used to calculate the total tenant payment (as determined pursuant to § 5.628(a)(1), (a)(2) and (a)(3)).

(3) *Public housing: Grievance hearing concerning PHA denial of request for hardship exemption.* If a public housing family requests a hearing under the PHA grievance procedure, to review the PHA's determination denying or limiting the family's claim to a financial hardship exemption, the family is not required to pay any escrow deposit in order to obtain a grievance hearing on such issues.

§ 5.632 Utility reimbursements.

(a) *Applicability.* This section is applicable to:

(1) The Section 8 programs other than the Section 8 voucher program (for distribution of a voucher housing assistance payment that exceeds rent to owner, see § 982.514(b) of this title);

(2) A public housing family paying an income-based rent (see § 960.253 of this title). (Utility reimbursement is not paid for a public housing family that is paying a flat rent.)

(b) *Payment of utility reimbursement.* (1) The responsible entity pays a utility reimbursement if the utility allowance (for tenant-paid utilities) exceeds the amount of the total tenant payment.

(2) In the public housing program (where the family is paying an income-based rent), the Section 8 moderate rehabilitation program and the Section 8 certificate or voucher program, the PHA may pay the utility reimbursement either to the family or directly to the utility supplier to pay the utility bill on behalf of the family. If the PHA elects to pay the utility supplier, the PHA must notify the family of the amount paid to the utility supplier.

(3) In the other Section 8 programs, the owner must pay the utility reimbursement either:

- (i) To the family, or
- (ii) With consent of the family, to the utility supplier to pay the utility bill on behalf of the family.

§ 5.634 Tenant rent.

(a) *Section 8 programs.* For Section 8 programs other than the Section 8 voucher program, tenant rent is total tenant payment minus any utility allowance.

(b) *Public housing.* See § 960.253 of this title for the determination of tenant rent.

25. Add an undesignated center heading, followed by §§ 5.653, 5.655, 5.657, 5.659, and 5.661 to read as follows:

Section 8 Project-Based Assistance: Occupancy Requirements

§ 5.653 Section 8 project-based assistance programs: Admission—Income-eligibility and income-targeting.

(a) *Applicability.* This section describes requirements concerning income-eligibility and income-targeting that apply to the Section 8 project-based assistance programs, except for the moderate rehabilitation and the project-based certificate or voucher programs.

(b) *Who is eligible?*

(1) *Basic eligibility.* An applicant must meet all eligibility requirements in order to receive housing assistance. At a minimum, the applicant must be a family, as defined in § 5.403, and must be income-eligible, as described in this section. Such eligible applicants include single persons.

(2) *Low income limit.* No family other than a low income family is eligible for admission to the Section 8 project-based assistance programs. (This paragraph (b) does not apply to the Section 8 project-

based voucher program under part 983 of this title.)

(c) *Targeting to extremely low income families.* For each project assisted under a contract for project-based assistance, of the dwelling units that become available for occupancy in any fiscal year that are assisted under the contract, not less than 40 percent shall be available for leasing only by families that are extremely low income families at the time of admission.

(d) *Limitation on admission of non-very low income families.*

(1) *Admission to units available before October 1, 1981.* Not more than 25 percent of the Section 8 project-based dwelling units that were available for occupancy under Section 8 Housing Assistance Payments Contracts effective before October 1, 1981 and that are leased on or after that date shall be available for leasing by low income families other than very low income families. HUD reserves the right to limit the admission of low income families other than very low income families to these units.

(2) *Admission to units available on or after October 1, 1981.* Not more than 15 percent of the Section 8 project-based dwelling units that initially become available for occupancy under Section 8 Housing Assistance Payments (HAP) Contracts on or after October 1, 1981 shall be available for leasing by low income families other than families that are very low income families at the time of admission to the Section 8 program. Except with the prior approval of HUD under paragraphs (d)(3) and (d)(4) of this section, the owner may only lease such units to very low income families.

(3) *Request for exception.* A request by an owner for approval of admission of low income families other than very low income families to section 8 project-based units must state the basis for requesting the exception and provide supporting data. Bases for exceptions that may be considered include the following:

(i) Need for admission of a broader range of tenants to preserve the financial or management viability of a project because there is an insufficient number of potential applicants who are very low income families;

(ii) Commitment of an owner to attaining occupancy by families with a broad range of incomes;

(iii) Project supervision by a State Housing Finance Agency having a policy of occupancy by families with a broad range of incomes supported by evidence that the Agency is pursuing this goal throughout its assisted project.

in the community, or a project with financing through Section 11(b) of the 1937 Act (42 U.S.C. 1437i) or under Section 103 of the Internal Revenue Code (26 U.S.C. 103); and

(iv) Low-income families that otherwise would be displaced from a Section 8 project.

(4) *Action on request for exception.* Whether to grant any request for exception is a matter committed by law to HUD's discretion, and no implication is intended to be created that HUD will seek to grant approvals up to the maximum limits permitted by statute, nor is any presumption of an entitlement to an exception created by the specification of certain grounds for exception that HUD may consider. HUD will review exceptions granted to owners at regular intervals. HUD may withdraw permission to exercise those exceptions for program applicants at any time that exceptions are not being used or after a periodic review, based on the findings of the review.

(e) *Income used for eligibility and targeting.* Family annual income (see § 5.609) is used both for determination of income-eligibility and for income-targeting under this section.

(f) *Reporting.* The Section 8 owner must comply with HUD-prescribed reporting requirements, including income reporting requirements that will permit HUD to maintain the data necessary to monitor compliance with income-eligibility and income-targeting requirements.

§ 5.655 Section 8 project-based assistance programs: Owner preferences in selection for a project or unit.

(a) *Applicability.* This section applies to the section 8 project-based assistance programs. The section describes requirements concerning the Section 8 owner's selection of residents to occupy a project or unit, except for the moderate rehabilitation and the project-based certificate or voucher programs.

(b) *Selection.* (1) *Selection for owner's project or unit.* Selection for occupancy of a project or unit is the function of the Section 8 owner. However, selection is subject to the income-eligibility and income-targeting requirements in § 5.653.

(2) *Tenant selection plan.* The owner must adopt a written tenant selection plan in accordance with HUD requirements.

(3) *Amount of income.* The owner may not select a family for occupancy of a project or unit in an order different from the order on the owner's waiting list for the purpose of selecting a relatively higher income family. However, an owner may select a family

for occupancy of a project or unit based on its income in order to satisfy the targeting requirements of § 5.653(c).

(4) *Selection for particular unit.* In selecting a family to occupy a particular unit, the owner may match family characteristics with the type of unit available, for example, number of bedrooms. If a unit has special accessibility features for persons with disabilities, the owner must first offer the unit to families which include persons with disabilities who require such features (see §§ 8.27 and 100.202 of this title).

(5) *Housing assistance limitation for single persons.* A single person who is not an elderly or displaced person, a person with disabilities, or the remaining member of a resident family may not be provided a housing unit with two or more bedrooms.

(c) *Particular owner preferences.* The owner must inform all applicants about available preferences and must give applicants an opportunity to show that they qualify for available preferences.

(1) *Residency requirements or preferences.* (i) Residency requirements are prohibited. Although the owner is not prohibited from adopting a residency preference, the owner may only adopt or implement residency preferences in accordance with non-discrimination and equal opportunity requirements listed at § 5.105(a).

(ii) A residency preference is a preference for admission of persons who reside in a specified geographic area ("residency preference area").

(iii) An owner's residency preference must be approved by HUD in one of the following methods:

(A) Prior approval of the housing market area in the Affirmative Fair Housing Marketing plan (in accordance with § 108.25 of this title) as a residency preference area;

(B) Prior approval of the residency preference area in the PHA plan of the jurisdiction in which the project is located;

(C) Modification of the Affirmative Fair Housing Marketing Plan, in accordance with § 108.25 of this title,

(iv) Use of a residency preference may not have the purpose or effect of delaying or otherwise denying admission to a project or unit based on the race, color, ethnic origin, gender, religion, disability, or age of any member of an applicant family.

(v) A residency preference must not be based on how long an applicant has resided or worked in a residency preference area.

(vi) Applicants who are working or who have been notified that they are hired to work in a residency preference

area must be treated as residents of the residency preference area. The owner may treat graduates of, or active participants in, education and training programs in a residency preference area as residents of the residency preference area if the education or training program is designed to prepare individuals for the job market.

(2) *Preference for working families.* (i) The owner may adopt a preference for admission of working families (families where the head, spouse or sole member is employed). However, an applicant shall be given the benefit of the working family preference if the head and spouse, or sole member, is age 62 or older, or is a person with disabilities.

(ii) If the owner adopts a preference for admission of working families, the owner must not give a preference based on the amount of earned income.

(3) *Preference for person with disabilities.* The owner may adopt a preference for admission of families that include a person with disabilities. However, the owner may not adopt a preference for admission of persons with a specific disability.

(4) *Preference for victims of domestic violence.* The owner should consider whether to adopt a preference for admission of families that include victims of domestic violence.

(5) *Preference for single persons who are elderly, displaced, homeless or persons with disabilities over other single persons.* The owner may adopt a preference for admission of single persons who are age 62 or older, displaced, homeless, or persons with disabilities over other single persons.

§ 5.657 Section 8 project-based assistance programs: Reexamination of family income and composition.

(a) *Applicability.* This section states requirements for reexamination of family income and composition in the Section 8 project-based assistance programs, except for the moderate rehabilitation and the project-based certificate or voucher programs.

(b) *Regular reexamination.* The owner must conduct a reexamination and redetermination of family income and composition at least annually.

(c) *Interim reexaminations.* A family may request an interim reexamination of family income because of any changes since the last examination. The owner must make the interim reexamination within a reasonable time after the family request. The owner may adopt policies prescribing when and under what conditions the family must report a change in family income or composition.

§ 5.659 Family information and verification.

(a) *Applicability.* This section states requirements for reexamination of family income and composition in the Section 8 project-based assistance programs, except for the moderate rehabilitation program and the project-based certificate or voucher programs.

(b) *Family obligation to supply information.* (1) The family must supply any information that HUD or the owner determines is necessary in administration of the Section 8 program, including submission of required evidence of citizenship or eligible immigration status (as provided by part 5, subpart E of this title). "Information" includes any requested certification, release or other documentation.

(2) The family must supply any information requested by the owner or HUD for use in a regularly scheduled reexamination or an interim reexamination of family income and composition in accordance with HUD requirements.

(3) For requirements concerning the following, see part 5, subpart B of this title:

(i) Family verification and disclosure of social security numbers;

(ii) Family execution and submission of consent forms for obtaining wage and claim information from State Wage Information Collection Agencies (SWICAs).

(4) Any information supplied by the family must be true and complete.

(c) *Family release and consent.* (1) As a condition of admission to or continued occupancy of a unit with Section 8 assistance, the owner must require the family head, and such other family members as the owner designates, to execute a HUD-approved release and consent form (including any release and consent as required under § 5.230 of this title) authorizing any depository or private source of income, or any Federal, State or local agency, to furnish or release to the owner or HUD such information as the owner or HUD determines to be necessary.

(2) The use or disclosure of information obtained from a family or from another source pursuant to this release and consent shall be limited to purposes directly connected with administration of the Section 8 program.

(d) *Owner responsibility for verification.* The owner must obtain and document in the family file third party verification of the following factors, or must document in the file why third party verification was not available:

(1) Reported family annual income;

(2) The value of assets;

(3) Expenses related to deductions from annual income; and

(4) Other factors that affect the determination of adjusted income.

§ 5.661 Section 8 project-based assistance programs: Approval for police or other security personnel to live in project.

(a) *Applicability.* This section describes when a Section 8 owner may lease a Section 8 unit to police or other security personnel with continued Section 8 assistance for the unit. This section applies to the Section 8 project-based assistance programs.

(b) *Terms.* (1) *Security personnel* means:

(i) A police officer, or

(ii) A qualified security professional, with adequate training and experience to provide security services for project residents.

(2) *Police officer* means a person employed on a full-time basis as a duly licensed professional police officer by a Federal, State or local government or by any agency of these governments.

(3) *Security* includes the protection of project residents, including resident project management from criminal or other activity that is a threat to person or property, or that arouses fears of such threat.

(c) *Owner application.* (1) The owner may submit a written application to the contract administrator (PHA or HUD) for approval to lease an available unit in a Section 8 project to security personnel who would not otherwise be eligible for Section 8 assistance, for the purpose of increasing security for Section 8 families residing in the project. (2) The owner's application must include the following information:

(i) A description of criminal activities in the project and the surrounding community, and the effect of criminal activity on the security of project residents.

(ii) Qualifications of security personnel who will reside in the project, and the period of residence by such personnel. How owner proposes to check backgrounds and qualifications of any security personnel who will reside in the project.

(iii) Full disclosure of any family relationship between the owner and any security personnel. For this purpose, "owner" includes a principal or other interested party.

(iv) How residence by security personnel in a project unit will increase security for Section 8 assisted families residing in the project.

(v) The amount payable monthly as rent to the unit owner by security

personnel residing in the project (including a description of how this amount is determined), and the amount of any other compensation by the owner to such resident security personnel.

(vi) The terms of occupancy by such security personnel. The lease by owner to the approved security personnel may provide that occupancy of the unit is authorized only while the security personnel is satisfactorily performing any agreed responsibilities and functions for project security.

(vii) Other information as requested by the contract administrator.

(d) *Action by contract administrator.*

(1) The contract administrator shall have discretion to approve or disapprove owner's application, and to impose conditions for approval of occupancy by security personnel in a section 8 project unit.

(2) Notice of approval by the contract administrator shall specify the term of such approved occupancy. Such approval may be withdrawn at the discretion of the contract administrator, for example, if the contract administrator determines that such occupancy is not providing adequate security benefits as proposed in the owner's application; or that security benefits from such occupancy are not a sufficient return for program costs.

(e) *Housing assistance payment and rent.* (1) During approved occupancy by security personnel as provided in this section, the amount of the monthly housing assistance payment to the owner shall be equal to the contract rent (as determined in accordance with the HAP contract and HUD requirements) minus the amount (as approved by the contract administrator) of rent payable monthly as rent to the unit owner by such security personnel. The owner shall bear the risk of collecting such rent from such security personnel, and the amount of the housing assistance payment shall not be increased because of non-payment by such security personnel. The owner shall not be entitled to receive any vacancy payment for the period following occupancy by such security personnel.

(2) In approving the amount of monthly rent payable by security personnel for occupancy of a contract unit, the contract administrator may consider whether security services to be performed are an adequate return for housing assistance payments on the unit, or whether the cost of security services should be borne by the owner from other project income.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 5, 880, 881, 884, 886, 891, 960, 966, 984 and 985

[Docket No. FR-4485-F-03]

RIN 2501-AC59

Changes to Admission and Occupancy Requirements in the Public Housing and Section 8 Housing Assistance Programs

AGENCY: Office of the Secretary, HUD.
ACTION: Final rule.

SUMMARY: This final rule implements changes to the admission and occupancy requirements for the public housing and Section 8 assisted housing programs made by the Quality Housing and Work Responsibility Act of 1998. These changes concern choice of rent, community service and self-sufficiency in public housing, and admission preferences and determination of income and rent in public housing and Section 8 housing assistance programs. This final rule follows a proposed rule published on April 30, 1999, and takes into consideration the public comments received on the proposed rule.

DATES: *Effective Date:* The provisions of this rule are effective on April 28, 2000, except for the provisions of § 5.661, which will become effective when the information collections it contains receive approval from the Office of Management and Budget. The announcement of approval and the effective date will be published in the Federal Register.

FOR FURTHER INFORMATION CONTACT: For the public housing and Section 8 tenant-based housing assistance programs—Patricia Arnaudo, Senior Program Manager, Office of Public and Assisted Housing Delivery, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 4224, Washington, DC, 20410; telephone (202) 708-0744, or the Public and Indian Housing Resource Center at 1-800-955-2232.

For the Section 8 project-based programs—Willie Spearmon, Director, Office of Multifamily Business Products, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 6138, Washington, DC, 20410; telephone (202) 708-3000.

(With the exception of the telephone number for the PIH Resource Center, these are not toll-free telephone numbers.) Persons with hearing or speech impairments may access these numbers via TTY by calling the Federal

Information Relay Service at (800) 877-8339. You also may contact the individuals listed above by e-mail: Patricia__S__Arnaudo@hud.gov and Willie__Spearmon@hud.gov.

SUPPLEMENTARY INFORMATION:

Organization of this Preamble

I. Background

II. Changes Made at the Final Rule Stage

- A. Reorganization of program regulations
- B. Common occupancy requirements
- C. Section 8 project-based programs
- D. Public housing program
- E. Removal of outdated references to federal preferences
- F. Summary of regulatory changes
 1. Family disclosure of HUD notice concerning family income—§ 5.240 (proposed rule § 5.211)
 2. Selection preferences—§§ 5.655 and 960.206 (proposed rule § 5.410)
 3. Definition of economic self-sufficiency program—§ 5.603(b)
 4. Income eligibility and income targeting for admission—(For most Section 8 project-based programs, § 5.653; for public housing, § 960.202) (proposed rule § 5.607)
 5. Annual income—§ 5.609
 6. Adjusted income—§ 5.611
 7. Public housing self-sufficiency incentives—§ 960.255 (proposed rule § 5.612)
 8. Choice of rent in public housing—§ 960.253 (proposed rule § 5.614)
 9. Minimum rent—5.630(b) (proposed rule § 5.616)
 10. Public housing and Section 8 tenant-based assistance programs: How welfare benefit reduction affects family income—§§ 5.603 and 5.615 (proposed rule § 5.618)
 11. Occupancy by police officers in public housing and Section 8 project-based housing—§§ 5.661 and 960.503-505
 12. How PHA administers service requirement—§ 960.605
 13. Assuring resident compliance—§ 960.607
 14. Definitions—§ 984.103
 15. Administrative fees—§ 984.302
 16. Utility reimbursements—§ 5.632
 17. Family income and verification—§ 960.259

III. Discussion of the Public Comments

- A. General
- B. Using Computer Matching—Results—Family disclosure of income (proposed rule § 5.211; final rule § 5.240)
- C. Repeal of Preference for Elderly, Disabled, and Displaced over Other Single Persons (proposed and final rule § 5.405)
- D. Repeal of Federal Preferences (proposed rule: removed §§ 5.415, 5.420, 5.425 and 5.430 and revised § 5.410; final rule removes in addition to above §§ 5.405 and 5.410, adds a new § 5.655, and revises §§ 960.204-960.206)
- E. Income Targeting (proposed rule § 5.607; final rule §§ 5.653 and 960.202)

F. Annual Income, Adjusted Income (proposed and final rule §§ 5.603, 5.609, and 5.611)

1. Exclusions vs. Deductions
2. Permissive Deductions—Applicable to Public Housing Only

G. Minimum Rents (proposed rule § 5.616; final rule § 5.630)

H. Self-Sufficiency Incentives—Public Housing Only (proposed rule § 5.612; final rule § 960.255)

1. Disallowance of Increases in Income as a Result of Employment
2. Individual Savings Account

I. Income Changes Resulting From Noncompliance with Welfare Program Requirements (proposed rule § 5.618; final rule §§ 5.603, 5.613, and 5.615)

J. Rents in Public Housing (proposed rule §§ 5.603 and 5.614; final rule §§ 5.603 and 960.253)

1. Income-Based Rents
2. Flat Rents
3. Family Choice
4. Switching Rent Methods to Lower Rent Because of Financial Hardship
5. Retaining Ceiling Rents

K. New Community Service and Self-Sufficiency Requirements for Public Housing (proposed rule §§ 960.603-960.611; final rule §§ 960.601-960.609)

1. General
 2. Exemptions
 3. Noncompliance
- L. Reexamination and Verification of Family Income and Composition (proposed rule §§ 5.617 and 960.209; final rule §§ 5.657, 960.257, and 960.259)

M. Occupancy by Police Officers and Over-Income Families (proposed and final rule §§ 5.619 and 960.503-960.505)

N. Changes to Existing Self-Sufficiency Programs—Public Housing and Section 8 Certificate/Voucher Programs (proposed and final rule Part 984)

O. Lease Requirements (proposed and final rule § 966.4)

P. Escrow Deposits (proposed and final rule § 966.55)

IV. Findings and Certifications

I. Background
On April 30, 1999 (64 FR 23460), HUD published a proposed rule that addressed several changes related to admission and occupancy requirements in HUD's public housing and Section 8 assisted housing programs. These were made by the Quality Housing and Work Responsibility Act of 1998 (title V of the FY 1999 HUD appropriations Act, Public Law 105-276, 112 Stat. 2518, approved October 21, 1998) (referred to in this rule as "the 1998 Act") which amended the United States Housing Act of 1937 (42 U.S.C. 1437, *et seq.*, "the

1937 Act"). The 1998 Act made comprehensive changes to HUD's public housing, Section 8 tenant-based and project-based programs. Some of the reforms made by the 1998 Act affect public housing only, and others affect Section 8 tenant-based and project-based programs in addition to public housing.

The preamble to the April 30, 1999 proposed rule provided a detailed overview of the changes made to admission and occupancy requirements for the public housing and Section 8 housing assistance programs by the 1998 Act. The preamble to the proposed rule also addressed admission and occupancy provisions of the 1998 Act that are already in effect, and those admission and occupancy provisions proposed to be implemented through the April 30, 1999 rule. The preamble to the April 30, 1999 proposed rule also listed which sections of the 1998 Act were addressed by the proposed rule, and which HUD programs were affected by the changes. This information was described in the preamble to the April 30, 1999 proposed rule, and also presented in chart form (see 64 FR 23462). The preamble to this final rule does not repeat that information.

In addition to the rulemaking, HUD published a notice in the Federal Register on August 6, 1999 (64 FR 42956), which provided guidance pending publication of this final rule. That notice instructed PHAs to implement certain rent provisions effective October 1, 1999, based on the proposed rule. The notice stated that PHAs following the guidance would not be penalized for any changes made by HUD to the proposed rule provisions at the final rule stage and would be provided adequate time to adjust their policies.

The public comment period on the proposed rule closed on June 29, 1999. At the close of the public comment period, HUD had received 113 public comments. The commenters included housing authorities, national organizations representing housing authorities or residents, property managers, organizations representing victims of domestic violence, legal services organizations, policy organizations, and city and county organizations that provide housing or human services. All the comments were carefully considered and significant issues raised by the comments are addressed in Section III of this preamble. Section II of this preamble, which immediately follows, highlights the changes made at this final rule stage.

II. Changes Made at the Final Rule Stage

A. Reorganization of Program Regulations

At this final rule stage, HUD has reorganized the program regulations in a number of ways to make it easier to find and view specific requirements that apply to a particular program. Therefore, the provisions on preferences for admission and income targeting for the public housing and Section 8 tenant-based assistance programs, as well as public housing choice of rents, were moved from Part 5 to the applicable program regulations (24 CFR part 960 for public housing, and 24 CFR part 982 for the Section 8 tenant-based assistance programs). Provisions that only apply to Section 8 tenant-based assistance programs were covered in the Housing Choice Voucher Program final rule (amendments to 24 CFR part 982), published October 21, 1999 (64 FR 56894-56915). Most of the tenant-based program public comments were addressed in that rule.

B. Common occupancy requirements

Part 5 is reorganized by grouping common requirements for determination of "family income" and "family payments" that apply to both Section 8 and public housing.

The rule adds a heading for provisions on "family income" (§ 5.609 to § 5.632). The provisions under this heading cover determination of annual income (§ 5.609), adjusted income (§ 5.611), cooperation with welfare agency (§ 5.613), and effect of welfare benefits reduction on family income (§ 5.615).

The rule also adds a heading for provisions on "family payment" (§ 5.628 to § 5.632). The provisions under this heading cover determination of total tenant payment (§ 5.628), minimum rent (§ 5.630), and utility reimbursements (for the public housing and Section 8 programs, except for the Section 8 voucher program) (§ 5.632).

C. Section 8 Project-Based Programs

Before this rule, there was no place to group regulatory "occupancy requirements" that only apply to the Section 8 project-based assistance programs. This rule therefore adds a new heading in 24 CFR part 5 to consolidate occupancy requirements for the various Section 8 project-based assistance programs (§§ 5.653 to 5.661). The provisions for Section 8 project-based assistance under this heading cover determination of income eligibility and income targeting (§ 5.653), owner selection preferences

(§ 5.655), family information and verification (§ 5.659), and approval for security personnel to live in a project (§ 5.661).

D. Public Housing Program

For a clearer presentation, the final rule reorganizes and consolidates public housing admission and occupancy requirements in the existing part 960.

Subpart A of part 960 specifies that part 960 applies to public housing and lists defined terms. Subpart A also states the requirement to administer public housing in accordance with applicable civil rights laws and regulations, the PHA duty to affirmatively further fair housing, and the requirement for the PHA to submit applicable equal opportunity certifications.

Subpart B of part 960 reorganizes, revises, and consolidates public housing admission requirements. This subpart covers:

- requirements for eligibility and for targeting assistance to extremely low income families (§ 960.202);
- policies and criteria for selecting families (§§ 960.204 and 960.205);
- waiting list and local preferences in admission (§ 960.206).

Subpart C of part 960 reorganizes and consolidates public housing requirements concerning reexamination of income and determination of rent for public housing residents. This subpart covers:

- the new choice of rent requirements under the 1998 Public Housing Reform Act, that allow the family to choose annually whether to pay a flat market-based rent or an income-based rent (§ 960.253);
- the requirement for the PHA to disregard increases in income as a result of employment in calculating income-based rent (§ 960.255);
- policies on regular and interim reexamination of family income and composition (§ 960.257);
- requirements for obtaining and verifying family information (§ 960.259); and
- restrictions on eviction when family income increases (§ 960.261).

A new subpart E of part 960 contains provisions describing the circumstances in which a PHA may permit occupancy of public housing units by persons who are not eligible for assistance in the public housing program:

- A PHA with a small public housing program (fewer than 250 units) may lease a public housing unit to "over-income" families—who are not income eligible for admission to the public housing program (§ 960.503).
- A PHA may allow professional police officers to reside in public housing to

increase security for public housing residents (§ 960.505).

Subpart F of part 960 states the requirements for PHA administration of the new community service and economic self-sufficiency requirements for public housing residents under the 1998 Public Housing Reform Act. The rule also incorporates related changes in the public housing lease and grievance requirements at 24 CFR part 966. These include amendments concerning the term and renewal of a public housing lease in accordance with the 1998 law (§ 966.4).

One change made to § 966.4(l) is to clarify the relationship between a revision to the lease and the right of a PHA to terminate tenancy. Section 966.3 provides that the PHA can modify the lease at any time during the lease term, so long as it follows the requirements of notice to tenants and resident organizations and consideration of their comments before adopting any new lease form. That remains unchanged. This rule does modify the provisions for a written rider executed by both parties (§ 966.4(o) and (p)) and moves it to a new location, § 966.4(a)(3). The revised § 966.4(a)(3) provides that the lease may be modified at any time by written agreement of the tenant and the PHA. The rule also adds a provision concerning termination of tenancy to § 966.4(l), to permit a PHA to terminate a tenancy if the tenant refuses to accept a revision to the lease after being given at least 60 days notice of its proposed effect and being allowed a reasonable time to respond to the offer.

E. Removal of Outdated References to Federal Preferences

A number of the regulations for Section 8 project-based programs continued to include a paragraph concerning the federal preferences, which have been eliminated by statute, and outdated references to parts 812 and 813, which no longer exist. Therefore, these superfluous references to Federal preferences are removed and the outdated references to parts 812 and 813 are corrected in this rule. (See the revisions to parts 880, 884, 886, and 891.) HUD will make any necessary conforming changes to parts 882 and 982, to reflect changes in income targeting, owner selection, and family information and verification in a separate rule.

F. Summary of Regulatory Changes

HUD also made the following changes to the April 30, 1999 proposed rule.

1. Family disclosure of HUD notice concerning family income—§ 5.240 (proposed rule § 5.211).

The final rule provides that a family must promptly furnish to the responsible entity (the PHA or owner responsible for determining family income) any letter from HUD concerning the amount or verification of family income. This requirement applies to a family that resides in a dwelling unit with assistance in the public housing program or the Section 8 tenant-based assistance program, or for which project-based assistance is provided under Section 8, Section 202, or Section 811. (The rule implements section 3(f) of the 1937 Act (42 U.S.C. 1437a(f)), as amended by the 1998 Public Housing Reform Act, and as further amended by the HUD FY 2000 appropriation act (Public Law 106-74, section 214(a), approved October 20, 1999. The FY 2000 appropriation extends applicability of this provision from just public housing and Section 8 tenant-based assistance, as provided under the 1998 act, to project-based assistance under Section 8, Section 202, and Section 811.)

The PHA or other responsible entity must verify the information received from the family and make appropriate adjustments in the amount of income, rent, or housing assistance payment. With respect to families no longer in occupancy, the PHA or other responsible entity should pursue abuses regarding excess rental assistance, such as reporting the deficiency of payments to credit bureaus, if it is practical to do so, and recovery of such amounts, if they have the resources to do so.

2. Selection Preferences—§§ 5.655 and 960.206 (proposed rule § 5.410).

Residency Preference

HUD has clarified at § 5.655 (for Section 8 projects) and § 960.206(b)(1)(i) (for public housing) that residency requirements are still prohibited, and that any residency preferences must be implemented in accordance with applicable nondiscrimination and equal opportunity requirements listed at § 5.105(a). The final rule provides that use of a residency preference may not have the "purpose or effect" of delaying or otherwise denying admission to a project or unit based on the race, color, ethnic origin, gender, religion, disability or age of any member of an applicant family.

"Residency preference" is defined as a preference for admission of persons who reside in a specified geographic area. For public housing, the rule provides that the PHA may adopt a preference for admission of a resident of a county or municipality. However, the PHA may not adopt a residency

preference for an area smaller than a county or municipality.

A PHA that administers a public housing program or a Section 8 tenant-based program must include any PHA residency preference in its statement of PHA policies that govern eligibility, selection and admission to the program. (For public housing, see § 960.206(b)(1).) Such policies are included in the PHA Plan submitted to HUD, in accordance with 24 CFR part 903. HUD may disapprove the plan if any part of the plan is not consistent with applicable laws and regulations—including the applicable civil rights authorities and regulations. In the case of the Section 8 project-based assistance programs, the owner of a project must adopt a written tenant selection plan in accordance with HUD requirements, including civil rights authorities and regulations (see § 5.655(b)(2)).

If an owner adopts a residency preference, it must use one approved by HUD. There are several ways that a residency preference could be approved by HUD: (1) Prior approval in the owner's affirmative fair housing marketing plan; (2) prior approval in the jurisdiction's PHA Plan; or (3) modification of the owner's affirmative fair housing marketing plan. In applying any residency preference, the rule requires the owner to treat an applicant who is working or has been hired in the residency preference area as a resident of the residency preference area. The project owner may treat as residents applicants who are graduates of, or active participants in, education and training programs in the residency preference area if the education or training program is designed to prepare individuals for the job market.

Preference for Working Families

HUD also has clarified, in § 960.206(b)(2) (public housing) and in § 5.655 (Section 8 projects), that a PHA or Section 8 project owner may adopt a preference for working families (families where the head, spouse, or sole member, is employed). If the responsible entity chooses to adopt a working family preference, an applicant must be given the benefit of the working family preference if the head and spouse, or sole member, is age 62 or older, or is a person with disabilities, as defined for eligibility purposes (see § 5.403(a)). A working family preference cannot be based on the amount of earned income. (See § 5.655(c)(2)(ii).) By statute and this rule, the owner is prohibited from preferring higher income families over families of lower income to occupy a project or unit (§ 5.655(b)(3); 42 U.S.C. 1437n(c)(4)).

Preference for Person With Disabilities

A Section 8 owner or PHA administering public housing may adopt a preference for admission of families that include a person with disabilities, but not for persons with a specific disability (§§ 5.655(c)(3) and 960.206(b)(3)).

Preference for Victims of Domestic Violence

The PHA or owner should consider whether to adopt a preference for victims of domestic violence, as provided in §§ 5.655(c)(4) and 960.206(b)(4).

Preference for Single Persons

The law no longer mandates a federally directed priority for elderly or disabled over other single persons. The final rule specifies that the responsible entity may adopt a preference for admission of single persons who are elderly, displaced, homeless, or persons with disabilities over other single persons (§§ 5.655(c)(5) and 960.206(b)(5)).

3. Definition of economic self-sufficiency program—§ 5.603(b).

HUD has added a new definition of the term "economic self-sufficiency program". It is defined as any program designed to encourage, assist, train, or facilitate the economic independence of assisted families or to provide work for such families. Economic self-sufficiency programs can include job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, and any other program necessary to ready a participant to work (such as substance abuse or mental health treatment). As defined in this rule, "economic self-sufficiency program" includes any work activities as defined in the Social Security Act (42 U.S.C. 607(d)). (See the definition of work activities at § 5.603(c).)

The new definition of the term "economic self-sufficiency program" is used in the following regulatory provisions, pursuant to the Public Housing Reform Act:

- Provision that family income (for the public housing and Section 8 tenant-based assistance programs) includes welfare benefits reduced because of family failure to comply with welfare agency requirements to participate in an economic self-sufficiency program (§ 5.615); and
- The requirement for public housing residents to participate in an economic self-sufficiency program or other eligible activities (24 CFR part 960, subpart F).

4. Income eligibility and income targeting for admission—(For most Section 8 project-based programs, § 5.653; for public housing, § 960.202) (proposed rule § 5.607).

In the final rule, provisions concerning Section 8 project-based admission and income targeting are found in § 5.653, and for public housing in § 960.202.

Eligibility

The rule provides that no family other than a low income family is eligible for admission to the public housing program or the Section 8 project-based assistance program (other than the project-based voucher program) (§ 5.653(b); § 960.202(a)). The final rule adds a definition of the term "low income family" (in §§ 5.603), replacing a previous statutory reference. Generally, "low income" designates a family whose income does not exceed 80 percent of area median income, with certain adjustments.

Targeting

The Public Housing Reform Act targets available Section 8 and public housing units to families with incomes below thirty percent of the area median income (Section 513 of the Act). In the rule, such families are called "extremely low income families".

The law sets the minimum percent of Section 8 or public housing units that must be rented to extremely low income families each year. In the Section 8 tenant-based program, the PHA must generally target at least 75 percent of annual admissions to such families. In public housing, the PHA must generally target at least 40 percent of annual admissions to such families (with credit if the PHA exceeds the target number of admissions in its Section 8 tenant-based program). In the Section 8 project-based programs, the owner must target 40 percent of annual project admissions to units assisted under the program to extremely low income families.

As originally enacted, the Public Housing Reform Act provided that HUD was authorized to adjust the extremely low income (30 percent of median income) limit only "for smaller and larger families" (42 U.S.C. 1437n). However, the law was subsequently amended to also permit adjustments necessary "because of unusually high or low family incomes" (at section 205 of the fiscal year 2000 HUD appropriation act, Public Law 106-74, 10/20/99). In the final rule, the definition of the term "extremely low income family" is revised to incorporate this statutory change (§ 5.603). This definition applies

to the three categories of 1937 Act housing subject to income targeting.

The final rule restates the provisions that specify public housing targeting requirements, including the calculation of public housing targeting credits for admission to the PHA's tenant-based voucher program (§ 960.202(b)).

The final rule provides that the responsible entity (PHA or owner) must comply with HUD prescribed reporting requirements, including income reporting requirements that will permit HUD to maintain the data necessary to monitor compliance with income-eligibility and income-targeting requirements (§ 5.653(f); § 960.202(d)).

5. Annual Income—§ 5.609.**a. Income of minors—§ 5.609(c)(1).**

The proposed rule would have removed the existing provision that specifies that annual income does not include earned income of minors and made it a deduction instead. That proposal is not adopted in this final rule.

b. Resident stipend for member of PHA governing board (§ 5.609(c)(iv)). The Public Housing Reform Act provides that the governing board of a PHA must generally contain at least one member who is directly assisted by the PHA (42 U.S.C. 1437(b)). To support and facilitate implementation of this new statutory requirement, HUD is clarifying that the resident service stipend exclusion covers amounts received by residents who serve on the PHA governing board. HUD is concerned that without this clarification, residents may be discouraged from participating. This provision was not included in the April 30, 1999 proposed rule. However, the added language does not reflect any change in HUD's position, but instead clarifies what is permissible under current regulations.

6. Adjusted Income—§ 5.611.

The rule is revised (at § 5.611(a)(3)(ii)) to clarify that the allowance for unreimbursed reasonable attendant care and auxiliary apparatus expenses may not exceed the employment income received by family members (including the person with disabilities) who are 18 years of age or older and who are able to work as a result of the assistance to the person with disabilities.

7. Public housing self-sufficiency incentives—§ 960.255 (proposed rule § 5.612).

The final rule comprehensively restates and revises the provisions for disallowance of increases in income as a result of employment in calculation of annual income of a public housing family after a family member is first employed (§ 960.255). The new provisions include:

DRAFT

DRAFT

**PRESIDENTIAL TASK FORCE
ON EMPLOYMENT OF ADULTS WITH DISABILITIES
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

DELIVERABLES

POSSIBLE PRINCIPAL ANNOUNCEMENT:

INCENTIVES FOR EMPLOYMENT

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

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

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

Put
or
Keep

POSSIBLE HUD ANNOUNCEMENTS:

CONSOLIDATED PLANNING FOR COMMUNITY DEVELOPMENT

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

DRAFT

DRAFT

DATA COLLECTION

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

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

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

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

HOMEOWNERSHIP

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

OUTREACH AND INFORMATION ON REGULATORY ENFORCEMENT

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

Notice in Federal Register

DRAFT

DRAFT

120 pp. are completed
24. plan to make complete

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

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

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

NEIGHBORHOOD NETWORK CENTERS

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

NATIVE eDGE

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

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

(b)

HHS/SAMHSA Deliverables for the Anniversary of the ADA

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

Key Actions/Announcements:

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

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

Key Actions/Announcements:

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

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

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

Key Actions/Announcements:

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

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

Key Actions/Announcements:

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

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

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

Contact: Lorinda Daniel, 301-443-4795

- met w/ Chris Jennings -

NEW RECOMMENDATIONS/HHS

1. HCFA will modify its policies and practices to support the integration of Title XIX beneficiaries with significant disabilities into the American workforce by **issuing new policy guidance** and offering **technical assistance** emphasizing flexible, non-categorical implementation of the Medicaid program to **state Medicaid directors** that:
 - (1). Clarifies and encourages the use of existing medicaid coverage options (such as personal care; clinic services; rehabilitative services; and HCB waiver programs) to be used to finance supported employment and other work related services for working-aged recipients with disabilities; [note: this is a particularly urgent issue for persons with psychiatric disabilities who are receiving title XIX financed intensive community supports; it will also positively affect people with mr/dd.]
 - (2). Explains options available to states to create a special income eligibility category for Title XIX beneficiaries that provides clear and reasonable incentives to engage in work and increase earnings without jeopardizing Medicaid eligibility.
2. HCFA will revise Medicaid **program manual** and issue **policy guidance** to encourage use of individual budgets that enables customer choice and control.
3. HCFA will develop **strategies** to assist states to provide **incentives** for employment by authorizing higher reimbursement rates for integrated employment outcomes.
4. HCFA will add **premium on federal financial participation** in Medicaid reimbursement to states that adopt a **Medicaid buy-in**. [note: premium could be provided in a variety of ways; the group discussed small financial but there are probably others that HCFA could identify].
5. HHS will create an **Olmstead Watch website** (integrated with Access America Web recommended by the Presidential Task Force 2nd report) that informs the public and multiple stakeholders on post-Olmstead activities, including:
 - (1). State compliance plans
 - (2). Status of state efforts to move individuals off waiting lists;
 - (3). HHS and DOJ monitoring activities and findings;
 - (4). Civil rights information on court cases and decisions regarding Section 188 of WIA, Sections 503, 504, 508 of Title IV WIA and Title II of the ADA
 - (5). Civil rights program contacts with state and federal government;
 - (6). Examples of state efforts to redirect resources to support integrated employment;
 - (7). Federal policy across agencies to support choice and individual budgets; and
 - (8). Other research and related data, as appropriate, in order to effectively disseminate information to enable movement to the community and integrated employment for people with the most significant disabilities.



"Dunham, Nancy" <Nancy.Dunham@ost.dot.gov>
07/13/2000 02:44:49 PM

Record Type: Record

To: Megan J. Crowhurst/WHQ/EOP
cc: "Workie, Blane" <Blane.Workie@ost.dot.gov>
Subject:

As requested, here is the reworked deliverable for Presidential announcement:

The Department of Transportation 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.

The remaining items, listed below, are probably not at the principal level, and we will be using them as a part of DOT's ADA event on July 21.

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

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

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

I am also attaching our Accomplishments list, which I have previously submitted to your office. It is in the form of a Memorandum from our General Counsel, Nancy McFadden, to the Secretary of Transportation, Rodney Slater. Note that there have been major changes to the laws, strengthening

, accessibility of transportation modes used to get to work, to participate in business travel, to attend job interviews, and so forth. Also, you already have a separate list of accomplishments from Michael Winter's office at FTA on accessible transit, etc. If you need the FTA report, I can get you another copy.

<<10thmemo.wpd>>



- 10thmemo.wpd

Possible Transportation Deliverables



ADA Enforcement

The June 27, 2000 Report from the National Council on Disability (*Promises to Keep*) was critical of DOT's efforts related to ADA enforcement. Given the timing of the Report, a substantive set of deliverables related to better enforcement would both respond to the Report and reaffirm a commitment to the ADA.

1. The Federal Transit Administration (FTA) should conduct periodic site visits and spot checks to determine level of ADA compliance (*as opposed to total reliance on transit agency self-reporting, which is currently the case*).
2. FTA should require transit agencies to post notices on all mainline and paratransit vehicles that complaints can be made directly to the FTA.
3. FTA should develop publications for riders with disabilities about their rights to transportation services.
4. FTA should conduct extensive public education about accessible transportation.
5. FTA, FRA (Federal Railroad Administration) and FAA (Federal Aviation Administration) should conduct ADA training for all staff involved in ADA-related enforcement and technical assistance.
6. The Office of General Counsel of DOT should convene a Summit in the Fall on improving transportation for people with disabilities, particularly as it relates to employment. This Summit can be co-sponsored with the Task Force, HHS, HUD, Education, and Labor.
7. DOT's Office of the Secretary should engage in strategic planning and evaluation, involving regular consultation with members of the disability community, for improving its ADA enforcement.

Reauthorization of TEA-21

Its current authority extends through 2003. The reauthorization affords a great opportunity to change and add programs. To do so adequately, DOT would need access to better data and would need to engage in in-depth discussions with the provider and advocacy communities.

1. DOT should collect data on the use of public and private transportation options by individuals with disabilities (including the numbers of individuals using fixed route transportation vs. paratransit, numbers who cannot drive, who own/lease their own vehicles, who use public transportation for work, who use human service-funded transportation for work, etc.). This can be done through the Transportation Research Board, perhaps in conjunction with HHS.

2. DOT, through its Access Flagship Initiative, One DOT, or other mechanism, should review the programs and funding amounts currently authorized under TEA-21 to determine how each program can be modified to better respond to the needs and capacities of people with disabilities.

3. DOT should establish a time-limited task force consisting of representatives from DOT, DOL, HHS, transit authorities, transit providers and disability advocacy groups to review existing law and practice and develop recommendations to the Secretary of DOT regarding the provision of transportation services to Americans with disabilities. Their Report should be completed and submitted to the Secretary of Transportation by June 1, 2001, prior to planning for the reauthorization.

4. The Federal Highway Administration should assess the need for additional funding and outreach for sidewalk improvements under the Surface Transportation Program.

Expansion of the Coordinating Council on Access and Mobility

The Council, formed in 1986 with certain functions mandated under TEA-21, includes representatives of all of the major programs under DOT and HHS. Recently, it has invited representatives of the Department of Labor to participate on at least an informal basis. The objective of the Council is to remove barriers to the efficient use of human services transportation. The Council is in the process of developing joint state and local guidelines for transportation coordination that are very much needed and long overdue (an October 1999 GAO Report was very critical of the Council in this respect).

1. DOT and HHS should immediately expand the Coordinating Council to include representation from several agencies within, at a minimum, the Department of Labor, Housing and Urban Development, and the Department of Education (*HHS is supportive of this*).

2. The Council should develop a strategy for including people with disabilities in all of its proposed initiatives and activities.

3. The expanded Coordinating Council should sponsor a series of regional workshops on facilitating local coordination of transportation for people with disabilities for representatives of workforce investment boards, people with disabilities, transit authorities, private providers, metropolitan planning organizations, and advocacy organizations. These workshops should emphasize local transportation's role in workforce development and the one-stop system.

Changes to Existing Programs

Job Access and Reverse Commute (Section 3037). Authorized at \$150 million but currently funded at \$75 million, it provides competitive grants for transportation to suburban employment from suburban, inner city and rural locations. It is intended primarily for TANF recipients.

1. The Department of Transportation should include as a criterion for awarding grants the existence of a plan and financing strategies for including TANF recipients who have disabilities.
2. The Department of Transportation should require each grant recipient to develop a plan for providing transportation services for TANF recipients who have disabilities.

Other program deliverables:

3. The Department of Transportation should provide funding for informational materials for individuals with disabilities that can be disseminated at one-stop centers. In addition, funding should be made available for training of one-stop counselors and administrators on transportation options and best practices related to providing transportation.
4. The Department of Transportation should assess the effects of implementing the proposed Intelligent Transportation Systems (ITS) on the employment of people with disabilities.
5. The Department of Transportation should send letters to States encouraging them to recruit individuals with disabilities through the On-the-Job Supportive Services program (Section 1208), including recruiting youth with disabilities for the Summer Transportation Institutes.
6. Require the Department of Transportation to include individuals with disabilities as one of the core groups targeted (along with minorities and women) in the On-the-Job Supportive Services program.

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

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

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

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

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

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

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

Department of Agriculture

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

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

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

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

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

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

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

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

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

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

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

DEPARTMENT OF THE TREASURY
REPORT ON THE WHITE HOUSE INITIATIVE ON THE AMERICANS WITH
DISABILITIES ACT(ADA)

DELIVERABLES

- The FY 2001 budget proposes tax relief for disabled workers, who may incur significant costs associated with working. Under the proposal, qualified disabled workers could qualify for a tax credit for up to \$1,000.
- The Treasury Department has been working with the IRS and the Presidential Task Force on Employment of Adults with Disabilities to improve the dissemination of information regarding tax benefits available to disabled individuals and their employers. Activities include an article in a forthcoming issue of the *SSA/IRS Reporter* (a newsletter for employers) and a mass mailing to organizations representing the disabled community.
- Three certified Community Development Financial Institutions (CDFIs) have programs that serve the disabled: the Connecticut Housing Investment Fund located in Hartford, CT and the Clearinghouse CDFI located in Orange County, CA administer financing programs for affordable housing; Washington CASH located in Seattle, WA just launched a pilot program partnering with the state's vocational rehabilitation office to provide micro-loans to disabled entrepreneurs. Background information on the CDFI Fund follows:

The Community Development Financial Institutions Fund (CDFI) is a wholly-owned government corporation within the U.S. Department of the Treasury. It's vision: an America in which all people have fair and equal access to capital and financial services. It's mission: promote access to capital and local economic growth by directly investing in and assisting in community development financial institutions (CDFIs) and expanding financial service organizations' lending, investment and services within underserved markets.

The Fund provides financial and technical assistance to many organizations that serve individuals with disabilities and other people lacking adequate access to capital, credit and other financial services.

Access to Capital and the CDFI Program

The CDFI Program has three funding components: Core, Intermediary and Technical Assistance. These three components promote the CDFI Fund's goal, articulated in its strategic plan, of strengthening the expertise and the financial and organizational capacity of CDFIs to address the needs of the communities that they serve. CDFIs include community development banks, community development credit unions, non-profit loan funds, micro-enterprise loan funds, and community development venture capital funds.

The *Core Component* builds the financial capacity of CDFIs by providing equity investments, grants, loans or deposits to enhance the capital base—the underlying financial

strength – of these organizations so that they can better address the unmet community development needs of their target markets. In addition, under the Core Component, the Fund provides technical assistance grants in conjunction with loans and investments in order to maximize the community development impact of the Fund's awards.

The Fund selects awardees that clearly demonstrate private sector market discipline and the capacity to positively impact underserved communities. The Core Component leverage encourages additional private and public sector investments into these same organizations through its one-to-one non-federal match requirement.

The *Intermediary Component* allows the Fund to invest in additional CDFIs indirectly, through intermediary organizations that support CDFIs. These intermediary entities, which are also CDFIs, generally provide intensive financial and technical assistance to small and growing CDFIs, thereby strengthening the industry's financial and institutional capacity.

The *Technical Assistance (TA) Component* of the CDFI Program is the Fund's newest funding program. Introduced in 1998, this component builds the capacity of startup, young and small institutions. The TA Component allows the Fund to direct relatively small amounts of funds to CDFIs that demonstrate significant potential for generating community development impact but whose institutional capacity needs to be strengthened before they can fully realize this potential.

Through the first four rounds of the CDFI Program, the CDFI Fund has made \$215.7 million in investments in CDFIs. These organizations serve both rural and urban areas in local, regional, statewide, and multi-state markets in 46 states and the District of Columbia, Puerto Rico, and the Virgin Islands.

In addition to our CDFI funding programs, the Fund administers a CDFI Certification Program. CDFI certification increases the credibility of community lending organizations in the eyes of potential funders and investors. An organization that is certified is better able to attract private sector investments from local banks, corporations, foundations, and individuals. As of June 30, 2000, the Fund has certified 437 organizations in 49 States plus the District of Columbia, Puerto Rico, and the U.S. Virgin Islands. Wyoming has no certified CDFIs.

POTUS

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

We expect to be able to announce some major regulatory actions that would:

1. Annually adjust per the average wage index the earnings guideline that shows whether work done by persons with impairments other than blindness is substantial gainful activity;
2. Increase (from \$200 to \$530) the earnings amount that shows that a person has used one of his/her trial work months under SSDI, and then annually adjust the amount per the average wage index;
3. Increase the maximum monthly (from \$400 to \$1,290) and yearly (from \$1,620 to \$5,200) Student Earned Income Exclusion amounts used in determining SSI eligibility and payment amounts, and then annually adjust these amounts per the consumer price index.

Numbers 1 and 2 above are appropriate for announcement by the President or Vice President. Number 3 could accompany them, or be packaged for announcement with other youth activities by any of the principals.

ANNOUNCEMENT

EEOC ISSUES GUIDANCE LIMITING EMPLOYER ACCESS TO MEDICAL INFORMATION ABOUT EMPLOYEES

- * Today, the Equal Employment Opportunity Commission issued guidance that explains the kinds of medical information employers may and may not obtain about employees.
- * The Americans with Disabilities Act strictly limits employers' access to medical information about their employees. The reason for this is simple: **Employees should be judged on their actual performance, not on the basis of their medical conditions.**
- * 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.
- * Generally, employers are prohibited from asking employees questions about
 - * whether they have or have ever had a disability;
 - * the kinds of prescription drugs they are taking;
 - * the results of any genetic tests an employee has had.
- * Medical examinations are also generally prohibited.
- * On the other hand, an employer may be permitted to obtain medical information about an employee:
 - * where the employee requests a reasonable accommodation;
 - * if the employer observes performance problems that appear to be the result of a medical condition; or
 - * if the employer needs to verify that the employee is able to return to work.
- * Moreover, the guidance does not affect the ability of employers to offer certain kinds of programs, such as Employee Assistance programs and voluntary health programs that are helpful to employees in dealing with personal and/or health-related problems.

PROPOSED ANNOUNCEMENT

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

Background

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

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

Highlights

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



disclosure of protected genetic information.



**DEPARTMENT OF EDUCATION
ADA ANNIVERSARY
DELIVERABLES
(17 July 00)**

PRINCIPALS:

- 1) **Disability Harassment Guidance:** The Department will issue a "Dear Colleague letter" to offer schools guidance to address student harassment based on disability. July 26th.
- 2) **Information Technology:** The Department will award a contract, in conjunction with the General Services Administration, to create an Information Technology Demonstration Center. This Demonstration Center will provide a forum for industry and disabled technology users to share knowledge about cutting edge information technology products. Mid September.
- 3) **Information Technology:** The Department will award a competitive grant to create an Information Technology Technical Assistance and Training Center. This Center will develop curriculum and training materials to facilitate the implementation of Section 255 of the Telecommunications Act and Section 508 of the Rehabilitation Act. Mid September.
- 4) **Self-Employment Guide:** The Department's Rehabilitation Services Administration will publish a technical assistance Guidance on Self-Employment and Business Ownership for Individuals with Disabilities for vocational rehabilitation agencies. July 26th.
- 5) **Students with Disabilities & Assessment:** The Department 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.
- 6) **Disability Community Leadership in a Post-Olmstead Environment:** The Department of Education will fund a

disability community empowerment project, in conjunction with the Department of Health & Human Services and the Task Force. July 26th.

OTHERS

- 1) **High Stakes Testing Guide:** The Department recently published for public comment a guide to high stakes assessment which includes a section that discusses the "Testing of Students with Disabilities." Final version to be published in September.
- 2) **ADA/504 Success Stories Fact Sheet:** Examples of successful efforts to educate Americans with disabilities.
- 3) **Charter Schools and Students with Disabilities:** The final report of this study is scheduled for a late summer/early fall release. The study examined, in part, the reasons parents enroll students with disabilities in charter schools, the nature of services provided, and the outcome goals charter schools have for students with disabilities.
- 4) **Guide to Vocational Rehabilitation:** Publication of a layman's guide to the Federal/state vocational rehabilitation program is anticipated in late July.
- 5) **Consumer Choice Guidance:** The Rehabilitation Services Administration will issue guidance promoting consumer choice in the vocational rehabilitation program. July.
- 6) **IEP Guide:** The Department published an easy-to-understand guide on the Individuals with Disabilities Education Act requirements for a student's Individualized Education Program to be used by teachers and parents. Released on July 4th by Secretary Riley.
- 7) **Youth Leadership Project:** The Department 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's of Labor and Health & Human Services, the Social Security Administration, and the President's Committee on the Employment of People with Disabilities and the National Council on Disability.



POTOS

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

HHS
Ref.
Cal
Ag
Justice
Energy

Objectives:

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

PROPOSED ANNOUNCEMENT

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

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

=====

BACKGROUND

Current State of Play

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

What Happens If We Do Nothing

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



"Elliot E. Maxwell" <EMaxwell@doc.gov>
07/14/2000 06:25:29 PM

Please respond to EMaxwell@doc.gov

Record Type: Record

To: Megan J. Crowhurst/WHO/EOP

cc:

Subject: re: ADA event

I have attached a draft contribution from DOC that is in clearance. I think the items likely to be of greatest interest are the funding of the Harvard study on disability and employment, the ongoing TOP grant program which the President has proposed tripling in the 2001 budget, and the study designed to increase technology transfer between the federal labs and the assistive technology industry.

Elliot E. Maxwell
Special Advisor to the Secretary
for the Digital Economy
U.S. Department of Commerce

(t) 202-482-0211
(f) 202-501-1173
e-mail: emaxwell@doc.gov
Room 5039
U.S. Department of Commerce
Washington, D.C. 20230
----- Original Text -----

From: <Megan_J._Crowhurst@who.eop.gov>, on 07/13/2000 5:11 PM:

I have not yet received either a deliverable or an accomplishment sheet from the following departments:

Treasury
Labor
Justice
SBA
Defense
Commerce
NPR

I need to receive a deliverable (at least one important step your department has made relating to ADA in the last year) that has not yet been announced for one of the principles to announce at the event on the south lawn on July 26.

In addition, I need a revised list of your departments accomplishments in



"Minton, Michael R" <MintonMR@state.gov>
07/14/2000 09:32:55 AM

Record Type: Record

To: Megan J. Crowhurst/WHO/EOP
cc:
Subject: RE: Deliverables

Megan:

Thanks for the phone message yesterday. The accomplishments that I sent you represent only the Department of State Foreign Buildings Operations progress in our diplomatic missions abroad. Since our focus is on buildings, our mission is to deliver every building, whether newly constructed or renovated, as a fully accessible facility for its workers and visitors alike. This is something we already do and will continue to do. Like security, accessibility for the disabled is a priority in our building program. As noted in our list of achievements, the Department of State continues to demonstrate to the world of our commitment to improving the quality of life for all who work in and visit our diplomatic facilities.

Following recent world events, the Department of State is currently planning for a significant increase in new embassy office building design and construction. All of these new diplomatic facilities will represent America's commitment to leadership in all aspects of design including accessibility.

I hope that you and Marsha will accept this message as the deliverable from the Foreign Building Operations. If you have any questions, please contact me at (703) 516-1740.

Thank you,

Michael R. Minton, Architect
Foreign Buildings Operations
U.S. Department of State

-----Original Message-----

From: Megan_J._Crowhurst@who.eop.gov
[SMTP:Megan_J._Crowhurst@who.eop.gov]
Sent: Thursday, July 13, 2000 5:21 PM
To: schmueckerbl@state.gov; thomassonpl@state.gov;
tomassorj@state.gov; mintonmr@state.gov;
CN=wendell_sutton/OU=pmb/OU=os/O=doi@doi.gov
Cc: Marsha_Scott@who.eop.gov
Subject: Deliverables

Thanks so much for the timely arrival of your list of

MEMORANDUM

TO: Jonathan Young, White House Office of Public Liaison

FROM: CCD Housing Task Force Co-Chairs
Kathy McGinley, The Arc
Suellen Galbraith, ANCOR
Andrew Sperling, NAMI

RE: Potential HUD Actions on the 10th Anniversary of the ADA

DATE: June 30, 2000

Per our discussion on June 29, the CCD Housing Task Force would like to make the following suggestions for administrative and agency action by the Department of Housing and Urban Development (HUD) to mark the 10th anniversary of the Americans With Disabilities Act (ADA).

1. HUD intends to issue guidance to all state and local jurisdictions that submit Consolidated Plans (ConPlan), setting forth the obligations of these state and local governments to engage people with disabilities in the development, drafting and implementation of their ConPlans. Such guidance should include a statement regarding the obligation of state and local recipients of HUD funds covered by the ConPlan (CDBG, HOME, ESG and HOPWA) to affirmatively further the goal of fair housing.
2. HUD intends to develop a Memorandum of Understanding (MOU) between and among the Departments of Treasury, Justice and HUD regarding the obligation each agency to ensure that all housing developed through the Low-Income Housing Tax Credit (LIHTC) meets the accessibility requirements of the Fair Housing Act Amendments of 1988.
3. HUD intends to complete an inventory of federally assisted housing projects that have been lost to non-elderly people with disabilities since enactment of Title VI of the Housing and Community Development Act 1992 as private owners of assisted housing have changed tenant selection policies to favor elderly tenants and applicants (this study was mandated by Congress as part of the FY 1999 VA-HUD-Independent Agencies Act, P.L. 105-276).
4. HUD intends to propose a change to the Section 811 tenant-based rental assistance program to restrict applications to non-profit organizations with expertise in meeting the housing needs of people with disabilities.
5. HUD intends to issue guidance to all state housing and community development agencies a) urging their participation in ongoing planning efforts at the state level regarding implementation of the U.S. Supreme Court's decision in *L.C. v. Olmstead*, b) setting forth model agreements with state mental health and mental retardation agencies, and c) recommending affordable housing resources that are available to people with disabilities moving from long-term institutional care into community-based settings.

Strategy needed for disabled

By Jessica Smith
THE WASHINGTON TIMES

A lack of strategy and leadership has weakened the government's enforcement of the Americans with Disabilities Act, the National Council on Disability said yesterday.

"Although federal government agencies were well-intentioned and spoke in support of ADA, NCD's firm conclusion is that chronic underfunding and understaffing of responsible agencies, undue caution and the absence of a coherent strategy have undermined federal enforcement of ADA in its first decade," said Marca Bristo, the council's chairwoman.

Ms. Bristo said the Clinton administration has supported ADA, but Congress has not provided enough funding to adequately enforce the act.

The NCD's report, "Promises to Keep: A Decade of Federal Enforcement of the Americans with Disabilities Act," presents goals to change that.

"We believe that with sufficient resources and a uniform federal agency plan to implement and enforce the ADA, the nation will benefit substantially," Ms. Bristo said. "We consider 'Promises to Keep' to be the blueprint for the incoming administration."

In its report, the NCD suggested that the Justice Department should develop national standards. In conjunction with the Transportation Department, Equal Employment Opportunity Commission and other referral agencies, it should strengthen its discrimination complaint-handling procedures.

Title II, the portion of ADA that deals with state and local responsibilities for providing equal opportunities and access to programs, services and activities, faces Supreme Court review later this year.

"At the local level, I have struggled with lack of access, education and accommodation that I needed," said Jennifer Jones, chairman of the Youth Leadership Council.

To solve this problem, the report suggests more diligence in tracking complaints. "We don't want laws changed; we don't want anything new," said Patty McGill Smith, executive director of the National Parent Network on Disabilities.

Ex-cop gets 15 years as lookout in torture

3 others in prison in New York case

AGENCE FRANCE-PRESSE

NEW YORK — A former New York police officer was sentenced to 15 years and eight months in prison yesterday as an accomplice to the widely publicized beating and sexual torture of a Haitian immigrant in a Brooklyn police station in 1997.

Charles Schwarz, 34, who has since left the police department, must also pay the victim, 32-year-old Abner Louima, \$277,000 for keeping watch as another officer, Justin Volpe, sodomized Mr. Louima with a broom handle.

Mr. Louima was seriously injured and spent several weeks in the hospital. He praised the sentence, saying it sent "a message that nobody is above the law."

Schwarz, who was facing life in prison, has maintained his innocence and refused to ask forgiveness from the victim.

"I am not guilty," he said. "I will be vindicated."

Two other officers, Thomas Bruder, 34 and Thomas Wiese, 37, found guilty of obstructing justice by lying to cover for Schwarz, were sentenced to five years in prison each.

The Louima case scandalized New York, intensifying criticism of the police force.

There was no leniency shown to Volpe, the leader of the attack, who in December was sentenced to 30 years in prison.

Yesterday's sentences end the criminal trials. Civil actions are still to come, with Mr. Louima asking for millions of dollars of damages from the city and the New York police department.

f: Disability -
DSC Fine

● Eugenia Chough

06/06/2000 06:41:25 PM

Record Type: Record

To: J. Eric Gould/OPD/EOP@EOP, Michelle M. Aronowitz/WHO/EOP@EOP

cc: Marsha Scott/WHO/EOP@EOP, Andrea Kane/OPD/EOP@EOP

Subject: Disability Task Force -- HUD and DOT actions

Bill McKinnon of the Task Force on the Employment of Adults w/ Disabilities forwarded me these 2 documents (attached) detailing actions that HUD and Transportation could take to implement their directives. Next steps are to get the agencies to commit to some of these actions and come up with other ideas if they have them. Eric's touching base w/ Nancy McFadden at Transportation and Jacquie Lawing at HUD.



HUD rec_051000.w Transportation rec_051000.

RECOMMENDATIONS

Reauthorization of TEA-21

TEA-21 authorizes \$42 billion for transit and \$175 billion for highways. Compared to ISTEA, it includes a good mix of increased funding, encouraging state and local partnerships and innovative practices. It does target TANF recipients, but not people with disabilities specifically (other than through formula grants for purchasing lift-equipped vehicles to comply with the ADA). Its authority extends through 2003. The reauthorization affords a great opportunity to "pick" our way through the bill, changing and adding programs.

1. Require the Department of Transportation to collect data on the use of public and private transportation options by individuals with disabilities (including the numbers of individuals using fixed route transportation vs. paratransit, numbers who cannot drive, who own/lease their own vehicles, who use public transportation for work, who use human service-funded transportation for work, etc.).
2. Require the Department of Transportation, through its Access Flagship Initiative, One DOT, or other mechanism, to review the programs and funding amounts currently authorized under TEA-21 to determine how each program can be modified to better respond to the needs and capacities of people with disabilities.
3. Require the Department of Transportation to assess the benefits and barriers to establishing a Local Coordination grants program under the Federal Transit Administration.
4. Require the establishment of a time-limited task force consisting of representatives from DOT, DOL, HHS, transit authorities, transit providers and disability advocacy groups to review existing law and practice and develop recommendations to the Secretary of DOT regarding the provision of transportation services to Americans with disabilities. Their Report should be completed and submitted to the Secretary of Transportation by April 1, 2001, prior to planning for the reauthorization.
5. Require the Department of transportation to assess the need for additional funding and outreach for sidewalk improvements under the Federal Highway Administration's Surface Transportation Program.

Expansion of the Coordinating Council on Access and Mobility

The Council, formed in 1986 with certain functions mandated under TEA-21, includes representatives of all of the major programs under DOT and HHS. Recently, it has invited representatives of the Department of Labor to participate on at least an informal basis. The objective of the Council is to remove barriers to the efficient use of human services transportation. The Council is in the process of developing joint state and local guidelines for transportation coordination that are very much needed and long overdue (the GAO has been very critical of the Council in this respect).

1. Expand the Coordinating Council to include representation from several agencies within, at a minimum, the Department of Labor, Housing and Urban Development, and the Department of Education.
2. Require the Council to develop an assessment of the benefits and barriers of transportation coordination for people with disabilities.
3. Require the Council to develop a strategy for including people with disabilities in all of its proposed initiatives and activities.
4. Require the Coordinating Council to sponsor a series of regional workshops on facilitating local coordination of transportation for people with disabilities for representatives of workforce investment boards, people with disabilities, transit authorities, private providers, metropolitan planning organizations, and advocacy organizations.
5. Require the Coordinating Council to assess accessibility to public transportation (sidewalks, curb cuts, stations, etc.) And the role other federal agencies should play in this effort.

Changes to Existing Programs

Job Access and Reverse Commute (Section 3037). Authorized at \$150 million but currently funded at \$75 million, it provides competitive grants for transportation to suburban employment from suburban, inner city and rural locations. It is intended primarily for TANF recipients.

1. Require the Department of Transportation to assess the benefits of setting aside a minimum of 10% of funding under the Access to Jobs grant program for the 2002 fiscal year.
2. Require the Department of Transportation to include as a criterion for awarding grants the existence of a plan and financing strategies for including TANF recipients who have disabilities.
3. The Department of Transportation should require each grant recipient to develop a plan for providing transportation services for TANF recipients who have disabilities.

Formula Grants for Special Needs of Elderly Individuals and Individuals with Disabilities (Section 3013). Provides capital assistance, through the states, to organizations that provide specialized transportation (at 90% federal share for costs of vehicles that are needed to comply with the ADA).

4. The Department of Transportation should provide funding for the establishment of a national database on public and private transit providers which can be accessed through an "800" number by individuals with disabilities, Older Americans, TANF recipients, and others.
5. The Department of Transportation should provide funding for informational materials for individuals with disabilities that can be disseminated at one-stop centers. In addition, funding

should be made available for training of one-stop counselors and administrators on transportation options and best practices related to providing transportation.

6. Require the Department of Transportation to assess the effects of implementing the proposed Intelligent Transportation Systems (ITS) on the employment of people with disabilities.

7. Require the Department of Transportation to send letters to States encouraging them to recruit individuals with disabilities through the On-the-Job Supportive Services program (Section 1208), including recruiting youth with disabilities for the Summer Transportation Institutes.

8. Require the Department of Transportation to include individuals with disabilities as one of the core groups targeted (along with minorities and women) in the On-the-Job Supportive Services program.

9. Require the Department of Transportation to develop a plan for assisting states to "market" mainline public transportation options and other, nontraditional transportation options for people with disabilities. Even with a greater percentage of mainline buses being lift-equipped, there remains an overreliance on paratransit in most urban centers (as opposed to specialized transportation, where fixed route options are not available).

10. The Department of Justice should assess the Federal Transit Administration's ADA compliance process, and develop recommendations related to its own enforcement role in this effort.

11. The Department of Labor should require that both State and Local Workforce Investment Boards, created under the Workforce Investment Act of 1998, report on a yearly basis on progress for individuals with disabilities in getting to and from jobs.

RECOMMENDATIONS FOR THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The lack of accessible, affordable housing continues to be a major barrier to participation of people with disabilities in the community and the economic life of the nation. Obtaining affordable housing, and the location of that housing, are often key to employment and the ability to climb the career ladder. Difficulty obtaining housing negatively affects opportunities for employment as well as access to public services and transportation to reach that employment. Housing barriers manifest themselves differently depending on the disability, and whether the individual is living in a community or an institutional setting. The impact of such barriers is severe.

In order to eradicate these barriers, HUD must lead the way in implementing policies and programs that recognize the housing needs of people with disabilities. This can be accomplished most effectively through actively seeking participation from the disability community; through interagency cooperation between HUD and other federal agencies (including SSA, DOT and HCFA); and through a conscientious and expeditious enforcement of existing laws, rules and regulations.

The following recommendations, if implemented, will go a long way toward eliminating many of the barriers to accessible, affordable housing that exist for people with disabilities. The first six recommendations apply to all individuals with disabilities in need of community-based, affordable housing. The seventh recommendation targets individuals currently residing in nursing homes and institutional settings. In Olmstead v. L.C. , 119 S.Ct. 2176 (1999), the Supreme Court ruled that "unjustified isolation... is properly regarded as discrimination based on disability..." under Americans With Disabilities Act. Accordingly it is necessary for HUD to substantially increase housing opportunities for individuals with disabilities. The following recommendations seek to provide a basis from which to accomplish this goal.

I. CONSOLIDATED PLANS

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

Background: Perhaps the most critical and effective tool for eradicating barriers to housing for people with disabilities is a proactive review of and reconciliation between the Consolidated Plans received by HUD each year and data derived both from these plans and from other entities in terms of housing needs.

Since adoption of final regulations in January 1995, HUD has required local government recipients of certain federal housing funds (Community Development Block Grants, HOME funds, Housing Opportunities for People with AIDS and Emergency Shelter Grants) to submit a Consolidated Plan outlining the housing needs of low- and moderate-income residents. The Consolidated Plan is the planning tool for communities. HUD's regulations require that federal housing funds be spent in a manner that is "consistent" with this statement of needs identified through the planning process. However, HUD does little to examine whether housing funds are actually spent in areas of greatest need.

Many jurisdictions fail to even identify the priority housing needs of people with disabilities in this process. Often this is because of lack of access to data on housing needs of people with disabilities, as well as lack of inclusion of people with disabilities and organizations that represent them in discussions and planning regarding community development.

To address this problem, HUD should actively conduct random compliance reviews of five percent (5%) of the Consolidated Plans submitted by state and local governments, and should report to Congress and the Presidential Task Force on Employment of Adults with Disabilities on the extent to which such Plans (a) accurately identify the priority housing needs of people with disabilities; (b) direct the spending of federal housing funds to meet such priority needs; and (c) contain affirmative outreach efforts to ensure that people with disabilities and their advocates are included in the planning process. In concert with this review of consolidated plans, HUD

should fund partnership initiatives with the disability community (e.g., centers for independent living, non-profit disability and community provider organizations) in those same locales in order to gather customer-focused input relating to plan development and housing needs of people with disabilities.

II. DATA COLLECTION

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

Background: To fully determine the current and future housing needs of people with disabilities, it is essential to fully document the current use of HUD-funded programs by people with disabilities. The HUD Office of Policy Development and Research is the most appropriate vehicle to accomplish this important task. In conjunction with other federal agencies (such as HHS, SSA and DOT), and in consultation with national disability organizations, HUD should prepare a report annually delineating these data and projections of future public and assisted housing needs of people with disabilities.

III. TAX CREDITS

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

Background: Since 1986, the Low Income Housing Tax Credit program has been the nation's primary engine for affordable rental housing development. The program is administered by the Department of the Treasury, which makes allocations of credits available each year in cooperation with state housing finance agencies (HFAs). However, many Tax Credit units have been built in violation of the accessibility guidelines promulgated under the Fair Housing Act. This is in part because the Department of the Treasury has no special expertise in low-income housing

or civil rights enforcement, and has not developed a compliance program for developers. In other instances, Tax Credit developers have failed to implement affirmative marketing programs or have adopted other policies which discourage the tenancy of people with disabilities.

Treasury, in conjunction with HUD and the Department of Justice, should issue policy guidance to state housing financing agencies (HFAs) directing them to develop adequate monitoring mechanisms to ensure (1) that housing built with tax credits fully comply with accessibility requirements, and (2) that developers do not discouraged the tenancy of people with disabilities.

IV. INTERNATIONAL BUILDING CODE 2000

Federal, state and local governments must work together to incorporate the Accessibility Requirements of the Fair Housing Act into local building codes.

Background: The Fair Housing Act requires that multifamily buildings with four or more units which were built for first occupancy after March 13, 1991 must meet basic accessibility requirements. Pursuant to the statutory requirement, HUD promulgated the Fair Housing Accessibility Guidelines on March 6, 1991. According to later HUD publications (including the Fair Housing Act Design Manual), these Guidelines demonstrate a number of ways that architects, builders, developers and others can satisfy the Act's accessibility requirements. However, Congress and HUD cannot require state and local governments to incorporate these requirements into local building codes. As a consequence, nine years after the effective date, a significant proportion of new multifamily units are being built in an inaccessible fashion.

HUD has worked with the International Code Council (ICC) and has determined that ICC's proposed International Building Code 2000 is consistent with the Act's accessibility requirements. This model should be offered to state and local governments as a means of ensuring that local building codes are consistent with the Act. The federal government should strongly encourage, through Secretarial memorandum, state and local

adoption of the International Building Code 2000.

V. HOME OWNERSHIP

Congress should amend the United States Housing Act to provide a single grant home ownership downpayment option under Section 8 housing assistance programs. This program can be implemented by HUD through a pilot program.

Background: In this record era of home buying by the American people, the dream of home ownership by most people with disabilities is simply unobtainable. Most people with significant disabilities do not have the savings or the income level to secure a loan and make monthly payments. Legislation must be passed which encourages and facilitates home ownership through policies that promote the production of affordable housing, encourage tax incentives, and facilitate the availability of flexible capital for homeownership opportunities, as well as provide local governments with increased flexibility under existing Federal programs to facilitate home ownership.

VI. HUD REGULATION ENFORCEMENT

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

Background: When it passed the Fair Housing Amendments Act of 1988, Congress not only extended protection to people with disabilities, it also completely revised the enforcement process, giving significant new responsibility to the Departments of HUD and Justice to resolve complaints through conciliation, administrative hearings and the courts. The Act requires HUD to complete its initial investigation of complaints within 100 days of filing. However, this deadline is routinely missed and HUD and its cooperating state civil rights agencies have large backlogs of complaints. By statute, Justice handles cases involving zoning, and patterns and practices of discrimination. However, Justice currently lacks necessary resources to pursue all of the cases presented in a prompt fashion.

Actions should include: (a) increasing the civil rights enforcement budget for HUD and the Department of Justice to ensure prompt resolution of discrimination complaints; and (b) providing intensive outreach, information and technical assistance from HUD to the disability community on housing laws and policy.

VII. PROPOSED INITIATIVE: ACCESS HOUSING 2000

A proactive initiative should be implemented in response to the Olmstead decision to expand the availability of accessible, affordable housing and home ownership opportunities for people with disabilities and their families.

Background: As a federal response to the Olmstead decision, AccessHousing 2000 would be a partnership between HUD, HHS, and other agencies as appropriate, aimed at assisting individuals with disabilities to move from nursing homes and other institutions into the community. This would be done by improving and expanding the availability of accessible, affordable housing and home ownership opportunities for low to moderate income individuals with disabilities and their families; and an array of personal assistance and supports such individuals need in order to make a smooth and successful transition to living in the community.

HUD and HHS would launch this targeted initiative by:

- Setting aside a minimum of 2000 Section 8 certificates for use by people with disabilities and families of children with disabilities who currently reside in nursing homes or institutions in select States to rent, lease or purchase their own accessible and affordable homes and residences.
- Directing States receiving nursing home transition grants to work with HUD, State and local housing agencies and others to facilitate the use of Section 8 vouchers by those leaving institutions.

- Expressly permitting and encouraging States receiving WIIA infrastructure development grants to use a portion of the funds to work with these agencies and others to highlight the uses of Section 8 vouchers and otherwise expand housing and home ownership opportunities for employed individuals with disabilities.
- Urging State Medicaid Directors and other key stakeholders to tap into the initiative.
- Working with SSA in identifying ways Individual Development Accounts can be used by individuals with disabilities and families to purchase, rent or make necessary modifications to a home or residence.]
- Funding a technical assistance exchange at \$500-750,000 a year for 4 years to assist States and others on supporting people with disabilities to rent or own homes and have a controlling say in how they live life.
- Encouraging other Federal agencies, Fannie Mae, States, the disability community, foundations and others to make specific contributions to the work of AccessHousing 2000, especially as it relates to the movement of individuals residing in nursing homes and institutions into community homes and apartments.

Majority of 2000 surplus already set for goal

By John Godfrey
THE WASHINGTON TIMES

House Republicans hope to reassert their claim to the title of fiscal conservatism with a vote on legislation that would specifically set aside for debt reduction a portion of the budget surplus for fiscal 2000.

The legislation may have little practical effect. The vast majority of the the fiscal 2000 surplus will be used to pay off federal debt no matter what Congress does, but voting on the measure gives lawmakers the chance to put themselves on the record.

"I think it is a terrific move politically," said Robert L. Bixby, executive director of the Concord Coalition.

"It is important, with everyone trying to get their mitts on the projected surplus, to see [Congress] say: 'This will go for debt reduction,'" Mr. Bixby said.

Pollster Frank Luntz said the bill would probably win support from 80 percent of Americans.

"This is a great election-year issue," said Mr. Luntz, a senior analyst for the Young Republican Internet site YRock.com.

The measure passed the House Ways and Means Committee 33 to 2, and will likely win a sweeping majority when considered by the full House.

"It does so little, it is hard to vote against it," Rep. Charles B. Rangel, New York Democrat, said during the Ways and Means Committee's consideration of the bill.

The bill's sponsors say they have no political designs.

"With a \$3.5 trillion debt, people are very concerned," the bill's author, Rep. Ernie Fletcher, said yesterday.

The bill, the Kentucky Republican said, is intended to "assure that [budget surpluses] are used to pay down the debt and not for more and bigger government."

"We have got to get that money off the table," said Rep. Patrick J. Toomey, Pennsylvania Republican, co-sponsor of the bill.

During budget talks last year, Republicans said they wanted to reserve for debt reduction all of the fiscal 2000 budget surpluses generated by Social Security. They

"It is important ... to see [Congress] say: 'This will go for debt reduction.'"

Robert L. Bixby,
Concord Coalition

tried to use that self-imposed spending ceiling as a way to rein in spending demands by appropriators and the White House.

Republican leaders gave into many of those demands, but with the economy growing at an unprecedented pace, the Congressional Budget Office estimated in January that the government still would have not only \$154 billion in Social Security surpluses, but also another \$24 billion in general revenue, or on-budget, surpluses.

Over the spring, the economy has continued to beat expectations with the on-budget surplus now expected to push \$40 billion.

The bulk of the surpluses will automatically go for debt reduction, either when the surplus cash is used to retire bonds or to buy back through auctions bonds that are not yet due.

But Mr. Fletcher's bill would specifically set aside for debt reduction the difference between the surplus projected in January and the surplus to be projected in July, or about \$16 billion.

The \$16 billion might appear small, Mr. Fletcher said, but the desire to spend all \$40 billion of the budget surpluses will be great.

A House Appropriations Committee aide said yesterday the supplemental 2000 spending bill approved by the House was only \$13 billion and that there is no way Congress would spend all \$40 billion of the fiscal 2000 surplus.

Mr. Toomey said there "absolutely" is a threat.

That money could be spent either in supplemental appropriations for fiscal 2000 or used as a gimmicky offset to pay for programs in 2001.

The Washington Times
TUESDAY, JUNE 20, 2000

F: Dishdhar
7208 1212

Disabled demonstrate at AMA

Support bill that provides for care outside nursing homes

By Greg Bishop
and Jennifer Surface
THE WASHINGTON TIMES

Dozens of disabled demonstrators in wheelchairs rallied outside the American Medical Association building yesterday to endorse a Senate bill that would allow disabled persons to opt for care outside of nursing homes.

The activists — members of a national advocacy group called Adapt — sat quietly outside the AMA building in the 1100 block of Vermont Street NW in support of the hundreds of fellow demonstrators inside the buildings, rally organizers said.

"We are trying to create a policy where physicians would have to help people who wanted to search for an alternative to nursing home care," said Michael Auberger, a national organizer for Adapt. "Then people that didn't want to go to a nursing home wouldn't be forced to."

About 600 Adapt members from across the country converged on the District for weeklong protests around the city in support of Sen-

ate Bill 1935, said Janine Bertram Kemp, co-founder of Capital-Area Adapt.

The bill is co-sponsored by Sens. Tom Harkin, Iowa Democrat, and Arlen Specter, Pennsylvania Republican. Support for the bill is building, but not overwhelming, said Miss Kemp.

"If we don't get it passed this session," she said, "I believe we'll get it passed next session."

About 400 Adapt members gathered on the 10th and 12th floors of the AMA building to challenge the doctors' association's neutrality and persuade it to declare a position in the issue, Mr. Auberger said.

He said Adapt members were negotiating with Julius W. Hobson, the AMA's director of the division of congressional affairs.

D.C. police officers on the scene would not comment. Police and security guards denied public access to the AMA building.

"Our main goal," said Miss Kemp, "is to get policies that allow people the choice to live in the community. There is money to support that choice, but the choice is

not allowed."

Adapt supports the redirection of the tax revenue from nursing homes to in-home care. Present Medicaid funds are channeled into nursing homes. Adapt wants money to follow individuals to provide them a choice between nursing homes and in-home care, said Eleanor Smith, a member of the Atlanta chapter.

Confined to a wheelchair because of cerebral palsy, Shannon Brown, 26, traveled from South Pittsburg, Tenn., to take part in the protests.

Choking back tears, Miss Brown explained the restrictions on her life in the Sun Bridge Nursing Home. At one point, Miss Brown remained in her bed for three months. She can only leave her bed for medical appointments.

"I'm angry a lot," said Miss Brown, who dreams of one day earning a college degree in psychology. "It's not fair. I want to go to school, but I have no options. Hopefully what we are doing today will help."

VIDEOTAPE REMARKS BY THE PRESIDENT
FOR NATIONAL TRANSITION SUMMIT ON YOUNG PEOPLE WITH DISABILITIES

June 20 - 21, 2000

I'm delighted to welcome you to the National Transition Summit on Young People with Disabilities. I want to thank [X and X] for their work on this summit, and I want to thank you all for being here. Vice President Gore and I stand firmly behind the work that you have undertaken. There has never been a better time than in this period of unprecedented sustained economic growth to ensure that all citizens share in this prosperity. I have said before that it is only by creating new jobs and new opportunities for all our citizens, that we can keep the American economy going, and that is why we are here today.

This year, we celebrate the twenty-fifth anniversary of the Individuals with Disabilities Education Act and the tenth anniversary of the Americans with Disabilities Act. Because of these historic laws, more young people with disabilities are completing high school, going to college, entering the workforce, and participating in lifelong learning. Consider this: in 1978, the percentage of full-time college freshman reporting disabilities was 2.6 percent, and by 1998, this figure more than tripled to 9.4 percent. Still, there is much room for improvement. [this kind of sounds more like the incidence of disabilities, rather than the college attendance of those with disabilities, has increased. Is there a way to rephrase it and still be accurate, i.e students with disabilities now make up over 9 percent of college freshman, triple the number in 1978?? Has the absolute number of students with disabilities who are college freshman/going to college increased too?]

Two years ago, I created the Presidential Task Force on the Employment of Adults with Disabilities. I challenged the federal agencies to develop a coordinated policy to reduce employment barriers for people with disabilities – and this includes young people with disabilities – and to put this strategy in place by July 2002. ~~I see this~~ Your summit is a ~~as~~-key part of this strategy.

The message we want to send to our young people with disabilities is particularly important. We must send a loud and clear message of equal opportunity, full participation, and high expectations. If young people with disabilities know that they will have the opportunity to make the most of their talents – if they know they will be expected to work and contribute to society – they will have every incentive to develop their skills to the greatest possible extent. But if we send the message that people with disabilities are not expected to work– it throws up physical, attitudinal, and policy barriers that limit self-sufficiency – and many of our young people may just give up.

At this summit, I ask each of you to help us shape the future of transition policy and services for years to come. You are charged with a critical task. And here in this room, I know that we have assembled many great Americans who can make this happen. I know that many young people are with us today who know first hand that the needs of youth in transition from adolescence to adulthood are great. I know that we can rely on you to show us the way; and that you will. I also know that with the support and guidance of your families and other parent advocates that we can craft a coordinated, interagency agenda that will open up opportunities and

increase results. Employers have also been called to this to tell us how best to involve them in opening up opportunities for young people with disabilities. Finally, we've assembled critical state and local agencies, organizations and institutions— without their guidance, our efforts would fall short of the great expectations we have.

Young people with disabilities have always shared the same dreams as other young people: to become engineers, lawyers, teachers, even presidents. With your help, we can make these dreams realistic expectations. We will make sure that this next generation of young people will enter the workforce, pursue academic opportunities and become working, contributing members of their communities. With your ideas, we will work with States, communities, schools, and employers to equip these young people with the tools they need to believe in themselves and pursue positive futures.

Thank you and God bless you. I look forward to receiving the results of this historic meeting.

 Karin Kullman

05/24/2000 01:37:43 PM

Record Type: Record

To: Eugenia Chough/OPD/EOP@EOP
cc: j. eric gould/opd/eop@eop, andrea kane/opd/eop@eop, Anna Richter/OPD/EOP@EOP
bcc:
Subject: Re: Video request 

We will go ahead and put in a video request. I think there's a video meeting next week, and the President is currently scheduled to tape June videos on June 8th.
Eugenia Chough 05/22/2000 01:09:45 PM

 Eugenia Chough

05/22/2000 01:09:45 PM

Record Type: Record

To: Karin Kullman/OPD/EOP@EOP
cc: J. Eric Gould/OPD/EOP@EOP, Andrea Kane/OPD/EOP@EOP
Subject: Video request

The President's Task Force on the Employment of Adults with Disabilities is putting on a Youth Transition Summit at the Academy of Education Development on June 20-21. Attached is a one-pager w/ more details. They'd like to submit a video request -- let me know what you think. Thanks.



Youth summit one pager.w

National Transition Summit on Young People with Disabilities

Theme: *Bridging Systems to Improve Transition Results*

Date: June 20-21, 2000

Location: Academy for Educational Development 1825 Connecticut Avenue, N.W.
Washington, DC 20009-5721 Tel: 202-884-8000 Fax: 202-884-8400

Purpose: The purpose of the *National Transition Summit* is to explore policy options for improving the transition results for young people with disabilities. The National Transition Summit will identify concise and detailed recommendations for strengthening, linking, and coordinating Federal, state, and local programs that serve young people with disabilities.

Participants: The National Summit will include 125-150 stakeholders from across the country. Federal agency participants include: DOL, ED, OPM, SSA, HHS, PCEPD, NCD, Transportation, HUD, Interior, among others.

Topic Areas: The summit will address the following fundamental questions:

1. How can we improve transition results for all young people with disabilities?
 - What needs to be done to increase the high school graduation rates of young people with disabilities?
 - What can we do to improve postsecondary education participation of young people with disabilities?
 - What can we do to improve access to and utilization of health insurance and health care by young people with disabilities?
 - What can we do to improve the employment rate of young people with disabilities?

How can we increase knowledge and understanding of young people with disabilities and families so that they can direct community partnerships, identify and remove barriers, and maximize results?

3. How can we achieve systems integration at the state level and foster community partnerships at the local level to improve outcomes for all young people with disabilities?

Outcomes: Through facilitated dialogue, participants will develop short and long term recommendations for strengthening and coordinating Federal programs, and impacting the planning of systems serving youth at the state and local levels. Based on all of the input from the National Summit, recommendations will be made and forwarded to the Task Force for consideration in shaping the course of transition policy at the National level.

● Eugenia Chough

05/17/2000 11:58:52 AM

Record Type: Record

To: J. Eric Gould/OPD/EOP@EOP
cc: Andrea Kane/OPD/EOP@EOP
bcc:
Subject: Things to do on disability 

OK -- I scheduled a meeting for Mon at 2pm. In meantime, here's some stuff to followup on:

(1) Youth transition summit (different from WH conference, which I've heard may be off) is nailed down for June 20-21 at the Academy of Educational Development. Attached is one-pager. **Do you want me to send to Karin for video request?**

(2) EO requires task force to submit an annual report. Becky doesn't see a point to doing one this transition year -- task force cmtes have little interest, little interest from readers. Is there any way to amend the EO? I also suggested to Bill that another alternative is to do way scaled-down 10 page report this year, instead of fancy-bound thesis like they usually do.

(3) HUD and DOT possible actions. Bill wants you to call Nancy McFadden and someone on HUD to get them to commit to some or all of the recommendations that the task force had for them (Bill sent in separate emails, which I can forward to you). If HUD and DOT agreed to any of these possible actions, they could be potential deliverables, along with plans to do WH conference and disability.gov.

(4) OFCCP Directive #2. Let's talk about where we are on this w/ Michelle Aronowitz and Lisa B, and then have a followup mtg on this with Task force, EEOC, DOJ and OFCCP folks.

J. Eric Gould 05/16/2000 08:22:26 PM

● J. Eric Gould

05/16/2000 08:22:26 PM

Record Type: Record

To: Andrea Kane/OPD/EOP
cc: Eugenia Chough/OPD/EOP
bcc:
Subject: Re: disabilities update 

EOP only
Andrea Kane

Andrea Kane

Record Type: Record

To: Eugenia Chough/OPD/EOP@EOP, J. Eric Gould/OPD/EOP@EOP

cc:

Subject: disabilities update

As you may have heard, Michelle Aronowitz joined WH Counsel's office last week and is taking over a number of Eddie C's issues including civil rights and ADA. She comes from DOJ civil rights office. Eric, she was in the food stamp rule meeting too. She'd like to sit down with us to get a briefing on the disability issues we're working on and to walk through who does what on these issues. She's heard mention of a possible July event (i.e. WH conference), and she's heard that we, Lisa and Becky are key players. She also says there's an important ADA case the Sup Ct is likely to rule on at the end of their term (i.e. late June) that she wants to make sure we're aware of. I think it would also be helpful to include Lisa Brown in this meeting. Do you think we should also include Becky in this initial discussion, or start with EOP-only? Genie, can you schedule a meeting for the 4 of us (or 5 if you and Eric think including Becky makes sense)?

● J. Eric Gould

05/18/2000 03:41:59 PM

Record Type: Record

To: Andrea Kane/OPD/EOP
cc: Eugenia Chough/OPD/EOP, Michelle M. Aronowitz/WHO/EOP@EOP
bcc:
Subject: Re: Confirm mtg and EO amendment? 

I think that is a good idea and we should talk to them about it.
Andrea Kane

Andrea Kane

Record Type: Record

To: Eugenia Chough/OPD/EOP@EOP
cc: michelle m. aronowitz/who/eop@eop, j. eric gould/opd/eop@eop
Subject: Re: Confirm mtg and EO amendment? 

just curious what you guys think about having theml do a short version of a report this November to 'bookend' this Adminstration, i.e. to include Clinton-Gore actions/accomplishments?

● Eugenia Chough

05/18/2000 03:33:38 PM

Record Type: Record

To: Michelle M. Aronowitz/WHO/EOP@EOP

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

Subject: Confirm mtg and EO amendment?

I just spoke to Becky and it sounds like she wants to amend the EO below to read:

(2) The Task Force shall issue its first report to the President by November 15, 1998. The Task Force shall issue a report to the President on November 15, 1999, November 15, ~~2000~~ 2001, and a final report on July 26, 2002, the 10th anniversary of the initial implementation of the employment provisions of the Americans with Disabilities Act of 1990. The reports shall describe the actions taken by, and progress of, each member of the Task Force in carrying out this order. The Task Force shall terminate 30 days after submitting its final report.

Is that possible???

----- Forwarded by Eugenia Chough/OPD/EOP on 05/18/2000 03:32 PM -----

● Eugenia Chough

05/18/2000 02:14:35 PM

Record Type: Record

To: Michelle M. Aronowitz/WHO/EOP@EOP

cc: J. Eric Gould/OPD/EOP@EOP, Andrea Kane/OPD/EOP@EOP, Lisa M. Brown/OVP/EOP@EOP

Subject: Confirm mtg and EO amendment?

So we're on for Monday at 2pm in room 211 OEOB.

Also, Michelle, do you know what the rules around EO implementation are? The EO below (d2) requires ask force to submit an annual report on November 15, 2000. Becky (Task Force chair) doesn't see a point to doing one this transition year -- task force members have little interest, and she guesses there won't be much of an audience for it anyway. (I faxed you recommendations fro this years report.) I suggested an alternative is to do a scaled-down 10 page report this year, instead of fancy-bound thesis like they usually do, but she is reluctant. Is there any way around the EO?

Thanks.
Genie

● Eugenia Chough

05/18/2000 02:14:35 PM

Record Type: Record

To: Michelle M. Aronowitz/WHO/EOP@EOP

cc: J. Eric Gould/OPD/EOP@EOP, Andrea Kane/OPD/EOP@EOP, Lisa M. Brown/OVP/EOP@EOP

Subject: Confirm mtg and EO amendment?

So we're on for Monday at 2pm in room 211 OEOb.

Also, Michelle, do you know what the rules around EO implementation are? The EO below (d2) requires ask force to submit an annual report on November 15, 2000. Becky (Task Force chair) doesn't see a point to doing one this transition year -- task force members have little interest, and she guesses there won't be much of an audience for it anyway. (I faxed you recommendations fro this years report.) I suggested an alternative is to do a scaled-down 10 page report this year, instead of fancy-bound thesis like they usually do, but she is reluctant. Is there any way around the EO?

Thanks.

Genie

----- Forwarded by Eugenia Chough/OPD/EOP on 05/18/2000 01:27 PM -----

● Eugenia Chough

05/17/2000 11:27:49 AM

Record Type: Record

To: Michelle M. Aronowitz/WHO/EOP@EOP, Lisa M. Brown/OVP/EOP@EOP

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

Subject: Mtg on Disability task force issues

Actually, Monday at 2pm would be better for us.

----- Forwarded by Eugenia Chough/OPD/EOP on 05/17/2000 11:27 AM -----

● Eugenia Chough

05/17/2000 11:15:11 AM

Record Type: Record

To: Michelle M. Aronowitz/WHO/EOP@EOP, Lisa M. Brown/OVP/EOP@EOP

cc: Andrea Kane/OPD/EOP@EOP, J. Eric Gould/OPD/EOP@EOP
Subject: Mtg on Disability task force issues

I understand you'll be working on a number of issues on which we worked with Eddie C. Are you free this Friday at 3pm? We'd like to talk about the disability issues we're working on and to walk through who does what on these issues, and also to hear from you about the ADA Supreme Ct case. Below is the EO creating the President's Task Force on the Employment of Adults with Disabilities. I'll fax you the recommendations that came out of their last annual report --what's your fax?

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

March 13, 1998

EXECUTIVE ORDER 13078

INCREASING EMPLOYMENT OF ADULTS WITH DISABILITIES

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to increase the employment of adults with disabilities to a rate that is as close as possible to the employment rate of the general adult population and to support the goals articulated in the findings and purpose section of the Americans with Disabilities Act of 1990, it is hereby ordered as follows:

Section 1. Establishment of National Task Force on Employment of Adults with Disabilities.

(a) There is established the "National Task Force on Employment of Adults with Disabilities" ("Task Force"). The Task Force shall comprise the Secretary of Labor, Secretary of Education, Secretary of Veterans Affairs, Secretary of Health and Human Services, Commissioner of Social Security, Secretary of the Treasury, Secretary of Commerce, Secretary of Transportation, Director of the Office of Personnel Management, Administrator of the Small Business Administration, the Chair of the Equal Employment Opportunity Commission, the Chairperson of the National Council on Disability, the Chair of the President's Committee on Employment of People with Disabilities, and such other senior executive branch officials as may be determined by the Chair of the Task Force.

(b) The Secretary of Labor shall be the Chair of the Task Force; the Chair of the President's Committee on Employment of People with Disabilities shall be the Vice Chair of the Task Force.

(c) The purpose of the Task Force is 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 adult population. The Task Force shall develop and recommend to the President, through the Chair of the Task Force, a coordinated Federal policy to reduce employment barriers for persons with disabilities. Policy recommendations may cover such areas as discrimination, reasonable accommodations, inadequate access to health care, lack of consumer-driven, long-term supports and services, transportation, accessible and integrated housing, tele-communications, assistive technology, community services, child care, education, vocational rehabilitation, training services, job retention, on-the-job supports, and economic incentives to work. Specifically, the Task Force shall:

- (1) analyze the existing programs and policies of Task Force member agencies to determine what changes, modifications, and innovations may be necessary to remove barriers to work faced by people with disabilities;
- (2) develop and recommend options to address health insurance coverage as a barrier to employment for people with disabilities;
- (3) subject to the availability of appropriations, analyze State and private disability systems (e.g., workers' compensation, unemployment insurance, private insurance, and State mental health and mental retardation systems) and their effect on Federal programs and employment of adults with disabilities;
- (4) consider statistical and data analysis, cost data, research, and policy studies on public subsidies, employment, employment discrimination, and rates of return-to-work for individuals with disabilities;
- (5) evaluate and, where appropriate, coordinate and collaborate on, research and demonstration priorities of Task Force member agencies related to employment of adults with disabilities;
- (6) evaluate whether Federal studies related to employment and training can, and should, include a statistically significant sample of adults with disabilities;
- (7) subject to the availability of appropriations, analyze youth programs related to employment (e.g., Employment and Training Administration programs, special education, vocational rehabilitation, school-to-work transition, vocational education, and Social Security Administration work incentives and other programs, as may be determined by the Chair and Vice Chair of the Task Force) and the outcomes of those programs for young people with disabilities;

(8) evaluate whether a single governmental entity or program should be established to provide computer and electronic accommodations for Federal employees with disabilities;

(9) consult with the President's Committee on Mental Retardation on policies to increase the employment of people with mental retardation and cognitive disabilities; and

(10) recommend to the President any additional steps that can be taken to advance the employment of adults with disabilities, including legislative proposals, regulatory changes, and program and budget initiatives.

(d) (1) The members of the Task Force shall make the activities and initiatives set forth in this order a high priority within their respective agencies within the levels provided in the President's budget.

(2) The Task Force shall issue its first report to the President by November 15, 1998. The Task Force shall issue a report to the President on November 15, 1999, November 15, 2000, and a final report on July 26, 2002, the 10th anniversary of the initial implementation of the employment provisions of the Americans with Disabilities Act of 1990. The reports shall describe the actions taken by, and progress of, each member of the Task Force in carrying out this order. The Task Force shall terminate 30 days after submitting its final report.

(e) As used herein, an adult with a disability is a person with a physical or mental impairment that substantially limits at least one major life activity.

Sec. 2. Specific activities by Task Force members and other agencies.

(a) To ensure that the Federal Government is a model employer of adults with disabilities, by November 15, 1998, the Office of Personnel Management, the Department of Labor, and the Equal Employment Opportunity Commission shall submit to the Task Force a review of Federal Government personnel laws, regulations, and policies and, as appropriate, shall recommend or implement changes necessary to improve Federal employment policy for adults with disabilities. This review shall include personnel practices and actions such as: hiring, promotion, benefits, retirement, workers' compensation, retention, accessible facilities, job accommodations, layoffs, and reductions in force.

(b) The Departments of Justice, Labor, Education, and Health and Human Services shall report to the Task Force by November 15, 1998, on their work with the States and others to ensure that the Personal Responsibility and Work Opportunity Reconciliation Act is carried out in accordance with section 504 of the Rehabilitation Act of 1973, as

amended, and the Americans with Disabilities Act of 1990, so that individuals with disabilities and their families can realize the full promise of welfare reform by having an equal opportunity for employment.

(c) The Departments of Education, Labor, Commerce, and Health and Human Services, the Small Business Administration, and the President's Committee on Employment of People with Disabilities shall work together and report to the Task Force by November 15, 1998, on their work to develop small business and entrepreneurial opportunities for adults with disabilities and strategies for assisting low-income adults, including those with disabilities to create small businesses and micro-enterprises. These same agencies, in consultation with the Committee for Purchase from People Who Are Blind or Severely Disabled, shall assess the impact of the Randolph-Sheppard Act vending program and the Javits-Wagner-O'Day Act on employment and small business opportunities for people with disabilities.

(d) The Departments of Transportation and Housing and Urban Development shall report to the Task Force by November 15, 1998, on their examination of their programs to see if they can be used to create new work incentives and to remove barriers to work for adults with disabilities.

(e) The Departments of Justice, Education, and Labor, the Equal Employment Opportunity Commission, and the Social Security Administration shall work together and report to the Task Force by November 15, 1998, on their work to propose remedies to the prevention of people with disabilities from successfully exercising their employment rights under the Americans with Disabilities Act of 1990 because of the receipt of monetary benefits based on their disability and lack of gainful employment.

(f) The Bureau of Labor Statistics of the Department of Labor and the Census Bureau of the Department of Commerce, in cooperation with the Departments of Education and Health and Human Services, the National Council on Disability, and the President's Committee on Employment of People with Disabilities shall design and implement a statistically reliable and accurate method to measure the employment rate of adults with disabilities as soon as possible, but no later than the date of termination of the Task Force. Data derived from this methodology shall be published on as frequent a basis as possible.

(g) All executive agencies that are not members of the Task Force shall: (1) coordinate and cooperate with the Task Force; and (2) review their programs and policies to ensure that they are being conducted and delivered in a manner that facilitates and promotes the employment of adults with disabilities. Each agency shall file a report with the Task Force on the results of its review on November 15, 1998.

Sec. 3. Cooperation. All efforts taken by executive departments and agencies under sections 1 and 2 of this order shall, as appropriate, further partnerships and cooperation with public and private sector employers, organizations that represent people with disabilities,

organized labor, veteran service organizations, and State and local governments whenever such partnerships and cooperation are possible and would promote the employment and gainful economic activities of individuals with disabilities.

Sec. 4. Judicial Review. This order does not create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

WILLIAM J. CLINTON

THE WHITE HOUSE,
March 13, 1998.

###

2000 Conference Schedule

Tuesday, July 25

11 am-7 pm Registration
1-3 pm Board Meeting
3:30-5:30 pm Legislative Update Workshop
7-9:30 pm Opening Session: Not Just Responding to Change...But Leading It

Wednesday, July 26

8-9 am Registration
8-9 am Breakfast Carts in Hotel
9-9:30 am Organizing for March
9:30 am Depart for Rally
11 am-12:30 pm Rally on the Hill
1-5 pm Hill Visits
7-12 midnite ADA Gala

Thursday, July 27

9:30 am-12:30 pm/2-4:30 pm Registration
10:30-11:45 am Concurrent Workshops
12-1:30 pm Lunch on your Own
1:30-2:30 pm General Session: Making Olmstead Work in Your State
2:45-4 pm Concurrent Workshops
4:30-5:45 pm Concurrent Workshops
7:30-10 pm Multi-Cultural Reception

Friday, July 28

9-10:15 am General Session: Unequal Protection Under the Law
10-11:45 am Concurrent Workshops
12-2:30 pm Awards Luncheon
3-5 pm Federal Agency Updates
7-10 pm Evening on Your Own

Saturday, July 29

~~8-9 am~~ NCIL Cup of Coffee
9-10:15 am Concurrent Workshops
10:30-11:45 am Concurrent Workshops
12-1:30 pm Lunch on Your Own
2-6 pm NCIL Annual Meeting
8-1 am DJ Social Event

Sunday, July 30

11-12 noon Closing Session
12:30-2 pm Incoming Board Meeting

THIS SUGGESTS NO ADDITIONAL COST...

*Show Registration Times on Fri & Sat

To: Lisa Brown, Counsel to the Vice President

From: Rhonda L. Basha

Re: SUMMARY OF CONFERENCE CALL SUGGESTIONS RE: ADA CONFERENCE

The purpose of this memo is to summarize the suggestions and issues raised during the focus group conference calls which took place on March 14, 2000, regarding the ADA conference being planned for July. Consistent with the recommendations made at the meeting held in your office on March 1, 2000, the focus group agreed that there should be a conference, and that the target group should be businesses. It was suggested that the conference highlight best practices of employers, particularly those in the I.T. industry that have utilized innovative strategies for employing persons with disabilities. Employers identified as potential best practice presenters included Marriott, Hilton, and Microsoft, as well as those currently working with the President's Committee on Employment of Persons with Disabilities. The conferees also indicated that entrepreneurs with disabilities should also be featured.

The focus group participants also generally agreed that the conference should last about five hours and that the format should include breakout sessions headed by Task Force members, and a plenary session followed by a reception at the White House. Suggested sites for the conference included Galludet University and the Chamber of Commerce, with the later being contingent on their buying in generally.¹ The conferees further agreed that the conference should include a display of assistive technology.

In addition to targeting employers, it was also felt that the conference should be utilized as an opportunity for a public relations "myth busting" campaign to reach the general public and the media. Ted Koppel, Oprah Winfrey², and Larry King, were suggested as possible venues for obtaining media buy-in.

It was further proposed that consideration be given to focusing on the ADA as a civil rights, versus an entitlement statute, with employment viewed as the means for bridging the gap between the two. Other suggestions along the same lines included repackaging the civil rights message with a more "main stream" diversity spin.

Several of the participants emphasized the need to take a pragmatic approach given the current climate of growing anti-ADA sentiment. To this end, it was suggested that the conference highlight progress/accomplishments in substantive areas covered under the ADA, while at the same time emphasizing that much remains to be done, and that the inclusion of individuals with disabilities as meaningful members of the workforce is not only not difficult; it is good business. One possible product suggested was an "ADA 10th Anniversary-10 Lessons Learned" publication.

The need to have something measurable come out of the conference was a repeated theme. It was suggested that rather than simply preaching to the choir that businesses, including small

¹Tom Donaghue was suggested as a contact at the Chamber.

²Secretary of Labor Alexis M. Herman has an ongoing relationship with Oprah Winfrey.

businesses, currently "sitting on the fence" be asked for a hiring commitment prior to the conference, consistent with the model used in the Welfare to Work initiative. Other recommendations in this vein included outreach to business foundations, to small business lobbyists and association, to the Chamber, and to the Business Roundtable.

While no one clear idea on a banner message was evidenced, integration, inclusion, and independence emerged as recurring themes. I would suggest that we add "innovation" to this list which encompasses not only advancements in technology, but creative employment strategies. Perhaps, the conference could be entitled something along the lines of *The 10th Anniversary of the ADA-A Celebration of Integration, Inclusion, Independence, and Innovation*.

We are looking forward to hearing from you on next steps. I can be reached by phone at 202-693-6112.

ADA Relay Sponsorship Calls
March 15, 2000
Revised 3/17/2000

It would be appropriate for the Secretary of Labor (because she is the Task Force Chair), Attorney General, or Chair of the EEOC to be at any of the cities or events because they will all in some way involve civil rights.

The following document points out tie-in possibilities with other Task Force members as well.

[* = one of the 11 Cities VW wants to pay particular attention to]

KICKOFF

Sunday, June 11--Houston, TX*

Doug Drey--Mayor's Committee on People With Disabilities

Event Information:

Will include a gathering at the Multi Service Center (where the February mini-relay ended). Wants his events to coordinate with AAASP (American Association of Adaptive Sports Programs), now wants to shift date to June 9 to coincide with the AAASP competition. Wants to announce torch takeoff on Friday 6/9, then have a more intense kickoff on Saturday 6/10. Also wants to incorporate George Strait concert on Sunday.

Aiming for 1pm on Friday.

Saturday--noon or 1 start--then a barbecue. . .

AAASP is getting youth from Atlanta, along with local VIPs (mayor, etc.), together to compete in various sports events (basketball, indoor soccer & track and field) -- trying to get schools to incorporate these programs.

Wants to get Commissioner of the EEOC in to town (esp. For the Saturday event--which is to be more disability related--whereas the Friday event is to be more able-body Awareness focused.

Also trying to get Trans. Sec'y Slater there because the bus system will be 100% disability Compliant by December (the rest of the system at 90%).

Wants at least 1000 Know Your Rights packets.

Tuesday, June 13,--Austin, TX*

Ron Lucey--contact from Austin Mayor's Committee

Austin was recognized last year by Rodney Slater for innovative transportation programs.

As for Technology, Austin is "Silicon Hill Country")

Trying to keep things bipartisan (but not so easy)

Partnerships with Vocational Rehabilitation Agencies

Event Information:

State Capitol is booked for the 13th. Speaker's Rally. Objective is to connect with the civil rights struggle of the 1960's, so they're including the African-American leaders in the community. Dolores Gonzales (512-499-3256)–ADA coordinator, is heading up speaker list. She was the rep that came to Washington to receive visionary award last year from the Department of Transportation from Secretary Rodney Slater.

Unfortunately, Mayor Kirk Watson will be out at a national conference of mayors . . .
So the Mayor Pro-Tem [] will read the city's ADA proclamation

Route is 6.2 miles, begins downtown, passes through UT, ends at complex where [] are located.
Wants to start torch moving by lunchtime.

No firm time yet for speakers, but kickoff may be 9:30 or even by 9:00am

Pace expected to avg. 3mph.

Capital Metro will run a shuttle to help folks get to the Capital.

Need @ 1000 "Know Your Rights" flyers for beginning and end of rally

No firm commitments yet–big committee meeting on Monday.

Speaking Opportunities for Task Force Members:

Secretary of Transportation Slater's connection with Dolores Gonzales.

June 17–San Francisco, CA*

Theme: Birth of Independent Living Movement

Event Information: Day begins with ceremony with Mayor Brown of S.F. and a media tour of new baseball stadium (with disability advisory committee that helped in design) showing they exceed ADA compliance; torch appears at pregame; Mayor hands off torch and is boated across the bay by disabled sailors; Mayor Brown of Oakland receives torch and conveys to Jack London Square, where 100 organizations are coordinating a family festival lasting into the afternoon.

Speaking Opportunities for Task Force Members:

(HHS Sec'y Shalala?; HUD Sec'y Cuomo?)

Minimum 5,000 "Know Your Rights" Brochures

June 19–Los Angeles, CA*

Theme: Disability in the Media/Historical Portrayal

Event Information:

L.A. planning fund-raising concert at House of Blues in advance of torch visit;
requesting celebrity involvement in Relay (possibly Relay through Hollywood's Walk of Fame)

Speaking Opportunities for Task Force Members:

Task Force Representative: FCC Chairman Kennard

Wednesday, June 21–Phoenix, AZ

Donna Redford

Denise Thompson

Event Information: Plans:

Speaking Opportunities for Secretary:

1. Breakfast Meeting

(NB: Phoenix in June is HOT)

2. Evening*: *Pregame Ceremony at BankOne Ballpark--AZ Diamondbacks Baseball Game*
(no more than 15 minutes) (40,000 to 50,000 Attendance + TV Coverage?)

"Community Corner" at the game where a non-profit can come in and do their thing.

FOCUS/THEME: Governor's Committee on Developmental Disabilities has been working on Entrepreneurship Opportunities

Know Your Rights Brochures--maybe 40,000?

Speaking Opportunities for Task Force Members:

Because of Entrepreneurship emphasis--Possible Tie-In w/ SBA Administrator Alvarez; EEOC; HUD (re. pushing for acceptance of Architectural Compliance on Local Levels);

N.B.: Transportation Tax initiative just passed 3/14 via grassroots effort (defeated 3 times prior)--possible connection to Transportation Secretary Slater.

Saturday, June 24--Salt Lake City, UT

No coordinated Events Plan Yet

Event Information:

Speaking Opportunities for Task Force Members:

Tuesday, June 27--Denver, CO*

Torch Relay and Associated Events

Theme: Transportation? Celebration of Civil Rights

Event Information:

Night of June 26 is a Colo. Rockies Game--they will run the torch around the bases and make an announcement.

10:00 a.m at the court building

Mayor Wellington Webb (Chairman of the National Conference of Mayors) will speak--

Torch leaves at 10:30 Two "satellites"--one going east, one going west

meets back at Civic Center Park at 4:00

hour and a half rally with several speakers

Congresswoman Diana DeGette (confirmed)

Senator Wayne Allard and Senator Ben Nighthorse-Campbell are invited

Rally Ends at 6:30

Speaking Opportunities for Task Force Members:

(Task Force Representative: Transportation Sec'y Rodney Slater)

Relay Caravan plans off-day visit to Pike's Peak for crew sightseeing and photo opportunity with torch at the summit

Friday, June 30--Topeka, KS

contacts: Vicki Nelson, Susan Briggs

Theme: Agriculture?

Also Home of Brown v. Board of Education Decision

Transportation (Bob Dole is to be invited because of his connection with Accessible Bussing in Topeka)

Becka Vaughn, local DRACH (Disability Rights Action Coalition for Housing) coordinator has already made a request to HUD offices (Sec'y Cuomo) re. Accessibility in Housing

Event Information:

Working on the Local Hockey Team–Scarecrows.

Setting up a Dinner after the torch run

Speakers in the morning at the Statehouse

10 am - ish. . .

Governors Office and Mayors Office already involved

Know Your Rights packets: maybe 10,000

Speaking Opportunities for Task Force Members:

Possible tie-in with Secretary of Agriculture because of importance of industry in Kansas.

Already made a request to HUD offices (Secretary Cuomo) re. Accessibility in Housing

Connection to Secretary of Education because of Brown decision (but don't forget about recent State Board decision not to teach Evolution. . .)

Tuesday, July 4–St. Louis, MO

Event Information:

St. Louis Fair (4th of July – huge event)

Possible Cardinals Baseball Game

Speaking Opportunities for Task Force Members:

Friday, July 7–Madison, WI

Theme: Recreation (potentially) both participation and spectatorship–

Event Information:

Disabled Sports USA & Kawasaki, Inc. work together of a school administrated program–their Accessible Waterskiing Workshop runs June 6-8, the torch route will pass by.

Madison has the World's Most Accessible Sports Facility (toured by advisors for the Sydney Olympic Games).

The U of W has the World's Largest Outing Program (HOOFERS) (self-funded within the student union) with a significant accessibility component.(eg. :free-ski day for pwd's, etc.) And they will participate.

ArtFair on the Square (Capital Square) is that weekend (possible connection with Renovation of the civic center; fully accessible children's museum, other projects recently funded by a local philanthropist).

The Torch Route (proposed) begins at the Capital, moves to new Frank Lloyd Wright Civic Center and then through town using Bike Paths (Madison has an extremely comprehensive Bike

Path system, best in US along with Davis, CA)

Speaking Opportunities for Task Force Members:

Interior Secretary Bruce Babbitt

(A US Geological Survey Office is in Madison. There is also a Bald Eagle Sanctuary USGS and Interior, have always been very strong and leading edge on hiring pwd's)

Probably NOT Donna Shallala [even though she used to be chancellor of UW] because of the recent politicization of the Organ Donation Program—she's currently pretty unpopular there. ALSO—potentially Dept. of Agriculture (Wisconsin is highly Agricultural, but timing might not be great)

Their Torch Relay Committee will meet on the 27th and have more info after that.

Know Your Rights Brochures?—10,000 easily—up to 100,000 possible . . .

Sunday, July 9—Chicago, IL

per Karen Tamley 312/226-5900

Theme: ADA and the Everyday

Wanting to bring to attention to the diversity of the city and its many different communities.

Event Information:

(2 committees:

Steering Committee—next. Mtg. Is Monday—if we can call Karen on Tues. or Wed. to find out more.

Celebration Committee)

Opening Ceremony—maybe in Londale (African American Neighborhood in the “near west side” with an accessible playground)

Ballgame—Cubs vs. White Sox: In discussion with Wrigley field for Cubs/Sox game (12:30 starting time)

May use new wheelchair accessible taxis to shuttle torch.

Closing Event in Lincoln Park

Taste of Chicago is that weekend in Grant Park (they plan to steer well clear. . .)

Speaking Opportunities for Task Force Members:

HUD Secretary Cuomo (Karen is a housing person who has been to DC & met the Sec'y)

Transportation? -- (N.B. Recently filed suit against Transit Authority for lax accessibility compliance. . .possibility for protest)

Tuesday, July 11—Memphis, TN

“Not a very positive civil rights area.”

Gary Vanasek—local DOJ contact

Theme: “Pro-Se—doing it for ourselves”

Speaking Opportunities for Task Force Members: They would like to have Janet Reno come out to emphasize that Disability Rights are of significant importance.

No events yet scheduled—not getting a receptive response from anyone in State or Local Govt.

Thursday, July 13—Jackson, MS

Event Information:

Speaking Opportunities for Task Force Members:

Saturday, July 15—Montgomery, AL

Event Information:

Two blocks of Dexter Avenue will be shut down for a street celebration featuring food, music and crafts

Speaking Opportunities for Task Force Members:

Civil Rights

Monday, July 17—Tallahassee, FL

Event Information:

April 14th—Youth Leadership Forum—on-line internet hookup, large web event

On July 16th, the night before, Independent Living Showcase in the Doubletree to highlight the 14 independent living centers and 4 “stand-alone” centers.

300-500 attending

ADA Celebration in the Evening—Unveiling a “Wall of Fame” honoring Floridians

Civic Center gathering with Bands including Van Gogh (musical duo) at close of Relay

Speaking Opportunities for Task Force Members:

Florida has a more strident accessibility code than the rest of the nations—more so than the ADA itself.

Also proud of the work in recreation (Possibly Interior Sec’y Bruce Babbitt)

—HUD Secretary Cuomo because of their emphasis on the Visitability Initiative and the Fannie Mae Initiative for Mortgages for First-Time Buyers with Disabilities

Kenneth Apfel—Commissioner of the Social Security Administration because of the importance of the Ticket to Work and Medicaid Buy-In

KYR Brochures: ideally 1000 per center (13,000), plus 5,000k for torch relay = 18,000k

Wednesday, July 19—Warm Springs, GA

Event Information:

Speaking Opportunities for Task Force Members:

Thursday & Friday, July 20 & 21—Atlanta, GA*

Event Information:

Midday Celebration in Centennial Olympic Park with speakers and performances

Speaking Opportunities for Task Force Members:

Saturday, July 22--Columbia, SC

Event Information:

Picnic/rally in public park as part of the relay day.

Speaking Opportunities for Task Force Members:

Tuesday, July 25--Arlington, VA & Washington, DC*

Theme: Political Empowerment/Civic Involvement

Arlington--

9:30a.m. Welcoming Ceremony--Relay from local resource center--End Dependence Center near the Clarendon Metro--

10:30 Torch should leave, go past Arlington National Cemetery and ending at FDR Memorial by noon.

No speaker ready yet. May ask Justin (but 9:30 is early for him).

"Know Your Rights" Brochures -- 650 on mailing list

Michael's input re. Brochures: Important to release in Alternative Formats: Large Print; Braille, Audio Tape & Computer Disk

Wednesday, July 26--Washington, DC*

Friday, July 28--Philadelphia, PE*

Theme: Accessible Transportation for All

2 Committees are meeting

Internal--planning food, etc.

Broader Committee focusing on Torch Reception

THEME: 10 points of what is positive about the ADA (one for each year)

Mapped out route will pass torch from point to point--around Liberty Bell, to end at the Penn Treaty Park for a picnic--this is the location for speakers.

Republican Convention Goers are invited (the convention center; Senator Arlen Specter (sponsor for Mi Casa) is invited; the

Event Information:

Emphasis on Cross-Disability event, incl. Mayor's office,

5-7 organizations are joining up with Liberty Resources (core group) to plan and produce the event

"Rolling Justice" marchers coming to the Republican Convention from across PA;

Torch Relay will be joined by, and leads.

Relay to Liberty Bell;

picnic/rally in public park (Possible)

Speaking Opportunities for Task Force Members:

Arlen Specter--sponsor of Mi Casa--has been invited, which could tie in with HHS Sec'y Donna Shalala.

[NB--lawsuits have been filed in Philly this year vs. Transportation and Housing. . .it could be

awkward for Transpo. Sec'y and Sec'y of HUD (ADAPT would probably stage a protest)]
Ginny Thornburg has offered her husband, Ex-Attorney General Dick Thornburgh (AG during
ADA signing)
Need Minimum 600 "Know Your Rights" (KYR) packets.

Monday, July 31–Auburn Hills/Detroit, MI*

Theme: Highlight Advances made in Private Transportation?/Strength of Disability Marketplace
to Affect Change

Committee meeting on Tuesday

Event Information:

situation is unique because it is in 2 places
Auburn Hills is the site of VW HQ–
Then will end up in Detroit.

Speaking Opportunities for Task Force Members:

Commerce Secretary William F. Daley?

"Mi Casa" Attendant Care Service Bill–HHS Sec'y Donna Shalala

Labor Sec'y Herman

Thursday, August 3–Boston, MA*

No Organized Events yet planned.

Event Information:

Speaking Opportunities for Task Force Members:

Monday, August 7–NYC, NY*

Event Information:

Ceremony at the UN for policy makers; rally/concert at nearby public park for local residents

Speaking Opportunities for Task Force Members:

Del Moon

adarelay@atl.mediaone.net

Relay Operations–also marketing

Coordinating the 24 cities

Each city to have a local Scene

(Montgomery, obviously)

Denver has various transportation issues

Bay Area is the birthplace of the independent living movement)

Deeply involved with providing technical asst., making sure that each city's events are truly
being developed as a community event–making sure that logistics are being handled

I2K born of the idea that there should be serious activity re: 10th Anniversary of the ADA
(est, over 500 events nationwide)

Torch Relay was one idea to integrate all these celebrations with a major awareness-building

project.

AAPD designated as best agent for putting together/coordinating the Torch Relay

Still in Development in Salt Lake (June 24)[almost in stand-by] and in Boston (Aug. 3)

[Paul Timmons, Jr.]

404-248-9857

email: presslord@aol.com

Lead Contact to finding out what each city is doing (esp. W/ regard to website. . .)

*SPEAKER's BUREAU--to raise awareness of the torch coming into town

6 wks. Prior to torch arrival (in 11 cities [decided by VW--VW sponsors and funds the whole event]), get speakers to come in and speak to civic organizations (eg. Chambers of Commerce, Atlanta's 100 Black Men, etc.)

1. Identify who is available to speak.
2. Identify what groups want speakers.
3. Bring them together.

Object: to Identify a theme or tie-in, for example:

Houston/

Austin/

LA--Disability in the Media/Historical Portrayal (FCC Chairman Kennard)

San Francisco--Birth of the Independent Living Movement (HHS Sec'y Shalala?; HUD Sec'y Cuomo?)

Denver--Public Transportation (Transpo. Sec'y Slater)

Atlanta--Civil Rights

DC--Political Empowerment/Civic Involvement]

Philly--Rural Transportation?;

Detroit--Highlight Advances made in Private Transportation?/Strength of Disability Marketplace to Affect Change (Commerce?)

Boston--undecided;

NYC--International flavor (UN?, State);

● Eugenia Chough

04/18/2000 11:52:33 AM

Record Type: Record

To: cschlosb@os.dhhs.gov
cc: sheila foran <sforan@os.dhhs.gov>, "thomas e. perez" <tperez@os.dhhs.gov>, J. Eric Gould/OPD/EOP@EOP, Andrea Kane/OPD/EOP@EOP
bcc:
Subject: Re: HUD/HHS Colloboration 

OK, thanks. We should setup a meeting with the Task Force on the Employment of Adults with Disabilities, HUD and HHS folks soon.

Claudia Schlosberg <cschlosb@os.dhhs.gov>



Claudia Schlosberg <cschlosb@os.dhhs.gov>

04/17/2000 10:42:23 AM

Please respond to cschlosb@os.dhhs.gov

Record Type: Record

To: Eugenia Chough/OPD/EOP
cc: Sheila Foran <sforan@os.dhhs.gov>, "Thomas E. Perez" <tperez@os.dhhs.gov>
Subject: HUDD/HHS Colloboration

Eugenia - Sheila asked that I respond to your question re: colloboration between HUD and HHS. Simply, our discussion during the meeting only focused on opportunities for colloboration on policy concerning housing and meeting the needs of people with disabilities. We discussed pending rulemakings and other agency actions, and HUD staff invited HHS staff to provide comments informally prior to issues moving into foraml clearance. Please feel free to contact me if you need additional information.

● Eugenia Chough

04/19/2000 10:05:41 AM

Record Type: Record

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

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

Subject: MEETING: Website for individuals w/ disabilities

Please join us on Wednesday, April 26 at 4pm in room 211 of OEOP to talk about the vision/links for disability.gov. As discussed in the last meeting, it'd be helpful to have one policy/program person and one technical expert from each agency.

Becky, could you please coordinate attendance from the other agencies?

Attendees who were not at the last meeting should send me their DOB and SSN for clearance into the building.

Thank you.

Genie Chough

----- Forwarded by Eugenia Chough/OPD/EOP on 04/19/2000 09:16 AM -----

● Eugenia Chough

04/06/2000 12:17:32 PM

Record Type: Record

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

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

Subject: MEETING: Website for individuals w/ disabilities

We would like to have a meeting to discuss options for implementing the President's Task Force for the Employment of Adults with Disabilities directive (see below) to create a website targeted for people with disabilities. Please join us at 10 am on Friday, April 14, in room 211 of OEOP. Thank you.

Stephanie: Please send me SSA meeting participant's Date of Birth and Social Security Number for entrance into the building. Thanks!

The Task Force recommends that:

The President direct the Social Security Administration and the Department of

Labor to create an "Access America for People with Disabilities" website that targets individuals with disabilities.

In February, Vice President Gore announced "Access America for Seniors," an Internet site providing a wide range of services to older Americans -- an example of his vision of one-stop Internet access to government services. A new web site, "Access America for People with Disabilities" would likewise provide information and services offered by virtually every major Federal Government agency, civilian and the military, by linking to an abundance of helpful federal agency sites, information, programs and services.

Message Sent To:

ken.mcgill@ssa.gov @ inet
mike.greenberg@ssa.gov @ inet
stephanie.d.jones@ssa.gov @ inet
lynn.kahn@npr.gov @ inet
gina.pearson@npr.gov @ inet
ogle-becky@dol.gov @ inet
Klein-cheryl@dol.gov @ inet
mckinnon-william@dol.gov @ inet
Alison Perkins-Cohen/OMB/EOP@EOP

Message Sent To:

ken.mcgill@ssa.gov @ inet
mike.greenberg@ssa.gov @ inet
stephanie.d.jones@ssa.gov @ inet
tony.trenkle@ssa.gov @ inet
sara.hamer@ssa.gov @ inet
gina.pearson@npr.gov @ inet
ogle-becky@dol.gov @ inet
Klein-cheryl@dol.gov @ inet
mckinnon-william@dol.gov @ inet
Alison Perkins-Cohen/OMB/EOP@EOP



Record Type: Record

To: Andrea Kane/OPD/EOP@EOP
cc: Stephen W. Ruszczyk/OMB/EOP@EOP
Subject: HR 1776 Information

HUD has responded to inquiries on the disabled piece in the SAP.

- 1) The 10 demonstration projects mentioned are not for the disabled specifically, though the disabled are eligible. I am trying to get more information in writing on the demonstration projects and what they entail.
- 2) The demonstrations follow the proposed rule (last spring). However, there is no text yet for the final rule. The rule will be related to general homeownership, as opposed to specifically targeting the disabled. HUD expects to send text to OMB for clearance within the next week or two. I will keep you posted.

If you have any further questions, or want any else answered by HUD, please let me know.

April 4, 2000
(House)

H.R. 1776 - American Homeownership and Economic Opportunity Act of 2000
(Lazio (R) NY and 147 others)

The Administration supports H.R. 1776, which would promote wider homeownership opportunities for Americans and would codify new HUD programs and recent Administration reforms. The Administration is pleased that H.R. 1776 would reauthorize many successful, existing HUD programs, and establish a new framework for manufactured housing safety standards. The Administration is also supportive of some of the specific provisions for USDA Rural Housing Programs, especially the removal of the requirement that 20 percent of the multifamily housing guarantee loans be subsidized. The Administration does, however, have concerns with several specific provisions of the bill, which are discussed below.

The bill, as drafted, has a constitutional defect by vesting significant federal authority in the manufactured housing consensus committee, the members of which occupy federal offices but are not appointed in conformity with the Appointments Clause. To remedy this constitutional defect, H.R. 1776 should provide expressly that the consensus committee is appointed and supervised by the Secretary and should not limit the Secretary to appointing only individuals recommended by the administering organization. Further, the deadline provided for making the initial appointments raises serious constitutional concerns, and it should either be eliminated or made hortatory. It is the Administration's understanding that the legislation does not intend for the Consensus Committee members to become Federal employees solely by their service on the Committee. Accordingly, the legislation should be amended to make it clear that the members are not Federal Employees. Since Federal Employees are not subject to the Ethics in Government Act and Title 18, the specific inapplicability of these laws, currently laid out in Section 601(a)(3)(H)(ii) and (iii) will be unnecessary and should then be removed.

The Administration supports the development of national model installation standards. Nevertheless, to adequately implement these new mandates, the legislation should be amended to expand the Secretary's fee-collection authority and specify the Secretary's enforcement authority for the installation and dispute resolution programs.

The Administration supports the type of innovative efforts in this bill to increase homeownership for teachers and public officers. This complements HUD's existing efforts to promote homeownership. However, it is important to note that this provision will permit individuals to purchase homes with less cash investment and therefore may increase the risk of default.

The Administration is pleased that the Committee has adopted legislation included in the President's FY 2001 budget that would create a new hybrid adjustable rate mortgage (ARMs) for FHA. However, the product can only be fully successful if FHA's ARMs cap is increased from 30 percent to 40 percent, which the bill does not do.

The Administration is concerned about several other provisions that should either be modified or deleted, including the following:

- The bill weakens income targeting in the CDBG and HOME formula grant programs by excepting an additional 10 jurisdictions from the national median income “cap” and by relaxing of income targeting requirements under CDBG and HOME for municipal employees.
- The bill makes several changes to the HOME program that, while small, set troublesome precedents. For example, the bill provides a special rent subsidy exception for “grandfamilies,” i.e., elderly heads of household with grandchildren. Once an exception is made for one special needs population, more exceptions would follow. Further, as drafted, this additional subsidy may not result in any additional supportive services. The Administration is also concerned that several provisions, such as the optional pledge of collateral other than grant allocations and providing 100% loan guarantees, would weaken credit standards and increase the Federal government’s costs.
- Section 208 would authorize a new type of Home Equity Conversion Loan (HECMs) to finance health care costs, for which borrowers would not have to pay an upfront premium and could borrow up to the full value of their home. Because of the loss of premium income and increased potential default costs, these changes would convert the current HECM program from one generating net receipts to the Government to ones requiring the use of appropriated credit subsidy.
- The bill provisions in Title X regarding rural housing violate Federal credit standards and could jeopardize portfolio management by permitting “excess fees” to be used for administrative expenses without further appropriation.
- The bill’s establishment of a Land Title Report Commission, which would analyze the Bureau of Indian Affairs’ (BIA’s) system of maintaining land ownership records and determine how best modify the system, duplicates existing congressional and judicial supervision, and fails to address the fractionation of land held in trust, which is the fundamental cause of expanding workload in BIA’s system.
- The tenant based pilot program for disabled homeownership, as authorized in the bill, is unnecessary, and it inappropriately raises the program’s income limits which ensure those with the most severe housing needs are served.
- The bill requires transfer of ownership of HUD-owned housing under certain circumstances and limits HUD’s flexibility in accepting bids, which would depress sales prices and violate Federal credit policy requiring the government to obtain maximum value when liquidating foreclosed property. HUD already has the authority to achieve these transfers.

- The bill allows HUD to waive environmental review compliance requirements outlined in section 703(d). The Administration supports alternate methods of assisting tribes to reach compliance without compromising environmental protection laws.
- The bill codifies the requirements already contained in Executive Order 12866. While favoring a thorough consideration of potential impacts of agency regulatory actions on particular sectors of the economy, legislating such requirements can be inflexible and burdensome and can hinder regulatory efficiency.

The Administration looks forward to working productively with the Congress to address these and other concerns.

Pay-As-You-Go Scoring. H.R. 1776 would affect direct spending; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. The Administration believes that the bill would produce a PAYGO cost of between \$25 million and \$50 million a year. The modifications suggested above would eliminate this cost.

* * * * *

THIS SEARCH

[Next Hit](#)

[Prev Hit](#)

[Hit List](#)

THIS DOCUMENT

[Forward](#)

[Back](#)

[Best Sections](#)

[Doc Contents](#)

GO TO

[New Bills Search](#)

[HomePage](#)

[Help](#)

H.R.1776

American Homeownership and Economic Opportunity Act of 2000 (Reported in the House)

SEC. 302. PILOT PROGRAM FOR HOMEOWNERSHIP ASSISTANCE FOR DISABLED FAMILIES.

(a) IN GENERAL- A public housing agency providing tenant-based assistance on behalf of an eligible family under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) may provide assistance for a disabled family that purchases a dwelling unit (including a dwelling unit under a lease-purchase agreement) that will be owned by 1 or more members of the disabled family and will be occupied by the disabled family, if the disabled family--

(1) purchases the dwelling unit before the expiration of the 3-year period beginning on the date that the Secretary first implements the pilot program under this section;

(2) demonstrates that the disabled family has income from employment or other sources (including public assistance), as determined in accordance with requirements of the Secretary, that is not less than twice the payment standard established by the public housing agency (or such other amount as may be established by the Secretary);

(3) except as provided by the Secretary, demonstrates at the time the disabled family initially receives tenant-based assistance under this section that one or more adult members of the disabled family have achieved employment for the period as the Secretary shall require;

(4) participates in a homeownership and housing counseling program provided by the agency; and

(5) meets any other initial or continuing requirements established by the public housing agency in accordance with requirements established by the Secretary.

(b) Determination of Amount of Assistance-

(1) IN GENERAL-

(A) MONTHLY EXPENSES NOT EXCEEDING PAYMENT STANDARD- If the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary, do not exceed the payment standard, the monthly assistance payment shall be the amount by which the homeownership expenses exceed the highest of the following amounts, rounded to the nearest dollar:

(i) 30 percent of the monthly adjusted income of the disabled family.

(ii) 10 percent of the monthly income of the disabled family.

(iii) If the disabled family is receiving payments for welfare assistance from a public agency, and a portion of those payments, adjusted in accordance with the actual housing costs of the disabled family, is specifically designated by that agency to meet the housing costs of the disabled family, the portion of those payments that is so designated.

(B) MONTHLY EXPENSES EXCEED PAYMENT STANDARD- If the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary, exceed the payment standard, the monthly assistance payment shall be the amount by which the applicable payment standard exceeds the highest of the amounts under clauses (i), (ii), and (iii) of subparagraph (A).

(2) CALCULATION OF AMOUNT-

(A) LOW-INCOME FAMILIES- A disabled family that is a low-income family shall be eligible to receive 100 percent of the amount calculated under paragraph (1).

(B) INCOME BETWEEN 81 AND 89 PERCENT OF MEDIAN- A disabled family whose income is between 81 and 89 percent of the median for the area shall be eligible to receive 66 percent of the amount calculated under paragraph (1).

(C) INCOME BETWEEN 90 AND 99 PERCENT OF MEDIAN- A disabled family whose income is between 90 and 99 percent of the median for the area shall be eligible to receive 33 percent of the amount calculated under paragraph (1).

(D) INCOME MORE THAN 99 PERCENT OF MEDIAN- A disabled family whose income is more than 99 percent of the median for the area shall not be eligible to receive assistance under this section.

(c) INSPECTIONS AND CONTRACT CONDITIONS-

(1) IN GENERAL- Each contract for the purchase of a dwelling unit to be assisted under this section shall--

(A) provide for pre-purchase inspection of the dwelling unit by an independent professional; and

(B) require that any cost of necessary repairs be paid by the seller.

(2) ANNUAL INSPECTIONS NOT REQUIRED- The requirement under subsection (o)(8)(A)(ii) of the United States Housing Act of 1937 for annual inspections shall not apply to dwelling units assisted under this section.

(d) OTHER AUTHORITY OF THE SECRETARY- The Secretary may--

(1) limit the term of assistance for a disabled family assisted under this section;

(2) provide assistance for a disabled family for the entire term of a mortgage for a dwelling unit if the disabled family remains eligible for such assistance for such term; and

(3) modify the requirements of this section as the Secretary determines to be necessary to make appropriate adaptations for lease-purchase agreements.

(e) ASSISTANCE PAYMENTS SENT TO LENDER- The Secretary shall remit assistance payments under this section directly to the mortgagee of the dwelling unit purchased by the disabled family receiving such assistance payments.

(f) INAPPLICABILITY OF CERTAIN PROVISIONS- Assistance under this section shall not be subject to the requirements of the following provisions:

- (1) Subsection (c)(3)(B) of section 8 of the United States Housing Act of 1937.*
- (2) Subsection (d)(1)(B)(i) of section 8 of the United States Housing Act of 1937.*
- (3) Any other provisions of section 8 of the United States Housing Act of 1937 governing maximum amounts payable to owners and amounts payable by assisted families.*
- (4) Any other provisions of section 8 of the United States Housing Act of 1937 concerning contracts between public housing agencies and owners.*
- (5) Any other provisions of the United States Housing Act of 1937 that are inconsistent with the provisions of this section.*

(g) REVERSION TO RENTAL STATUS-

(1) NON-FHA MORTGAGES- If a disabled family receiving assistance under this section defaults under a mortgage not insured under the National Housing Act, the disabled family may not continue to receive rental assistance under section 8 of the United States Housing Act of 1937 unless it complies with requirements established by the Secretary.

(2) ALL MORTGAGES- A disabled family receiving assistance under this section that defaults under a mortgage may not receive assistance under this section for occupancy of another dwelling unit owned by 1 or more members of the disabled family.

(3) EXCEPTION- This subsection shall not apply if the Secretary determines that the disabled family receiving assistance under this section defaulted under a mortgage due to catastrophic medical reasons or due to the impact of a federally declared major disaster or emergency.

(h) REGULATIONS- Not later than 90 days after the date of the enactment of this Act, the Secretary shall issue regulations to implement this section. Such regulations may not prohibit any public housing agency providing tenant-based assistance on behalf of an eligible family under section 8 of the United States Housing Act of 1937 from participating in the pilot program under this section.

(i) DEFINITION OF DISABLED FAMILY- For the purposes of this section, the term 'disabled family' has the meaning given the term 'person with disabilities' in section 811(k)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(k)(2)).

SEC. 303. FUNDING FOR PILOT PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS- There is authorized to be appropriated \$2,000,000 for fiscal year 2001 for assistance in connection with the existing homeownership pilot programs carried out under the demonstration program authorized under to section 555(b) of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105-276; 112 Stat. 2613).

(b) USE- Subject to subsection (c), amounts made available pursuant to this section shall be used only through such homeownership pilot programs to provide, on behalf of families participating in such programs, amounts for downpayments in connection with dwellings purchased by such families using assistance made available under section 8(y) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)). No such downpayment grant may exceed 20 percent of the appraised value of the dwelling purchased with assistance under such section 8(y).

(c) MATCHING REQUIREMENT- The amount of assistance made available under this section for any existing homeownership pilot program may not exceed twice the amount donated from sources other than this section for use under the program for assistance described in subsection (b). Amounts donated from other sources may include amounts from State housing finance agencies and Neighborhood Housing Services of America.

TITLE IV--COMMUNITY DEVELOPMENT BLOCK GRANTS

SEC. 401. REAUTHORIZATION.

(a) AUTHORIZATION OF APPROPRIATIONS- The last sentence of section 103 of the Housing and Community Development Act of 1974 (42 U.S.C. 5303) is amended to read as follows: 'For purposes of assistance under section 106, there is authorized to be appropriated \$4,900,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002, 2003, 2004, and 2005.'

(b) ENTITLEMENT GRANTS-

(1) IN GENERAL- Section 102(a)(5)(B) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(5)(B)) is amended--

(A) by inserting '(I)' after '(iii)'; and

(B) by inserting before the period at the end the following: ', or (II) has a population in its unincorporated areas of not less than 450,000, except that a town or township which is designated as a city pursuant to this subclause shall have only its unincorporated areas considered as a city for purposes of this title'.

(2) TREATMENT AS SEPARATE FROM URBAN COUNTIES- Section 102(d) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(d)) is amended--

(A) by inserting '(1)' after '(d)'; and

(B) by adding at the end the following new paragraph:

'(2) Notwithstanding paragraph (1), a town or township that is classified as a city by reason of subclause (II) of section 102(a)(5)(B)(iii) shall be treated, for purposes of eligibility for a grant under section 106(b)(1) from amounts made available for a fiscal year beginning after the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000, as an entity separate from the urban county in which it is located.'

(3) ELIGIBILITY OF CERTAIN URBAN COUNTIES- Section 102(a)(6) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(6)) is amended--

(1) in subparagraph (D)--

(A) in clause (v), by striking 'or' at the end;

(B) in clause (vi), by striking the period at the end and inserting '; or'; and

(C) by adding at the end the following new clause:

'(vii)(I) has consolidated its government with one or more municipal governments, such that within the county boundaries there are no unincorporated areas, (II) has a population of not less than 650,000, over which the consolidated government has the authority to undertake essential community development and housing assistance

activities, (III) for more than 10 years, has been classified as an entitlement area for purposes of allocating and distributing funds under section 106, and (IV) as of the date of the enactment of this clause, has over 90 percent of the county's population within the jurisdiction of the consolidated government.'; and

(2) by adding at the end the following new subparagraph:

'(F) Notwithstanding any other provision of this paragraph, any county that was classified as an urban county pursuant to subparagraph (A) for fiscal year 1999, includes 10 cities each having a population of less than 50,000, and has a population in its unincorporated areas of 190,000 or more but less than 200,000, shall thereafter remain classified as an urban county.'

SEC. 402. PROHIBITION OF SET-ASIDES.

Section 103 of the Housing and Community Development Act of 1974 (42 U.S.C. 5303), as amended by section 401 of this Act, is further amended--

(1) by inserting after 'SEC. 103.' the following: '(a) IN GENERAL- '; and

(2) by adding at the end the following new subsection:

'(b) PROHIBITION OF SET-ASIDES- Except as provided in paragraphs (1) and (2) of section 106(a) and section 107, amounts appropriated pursuant to subsection (a) of this section or otherwise to carry out this title (other than section 108) shall be used only for formula-based grants allocated pursuant to section 106 and may not be otherwise used unless the provision of law providing for such other use specifically refers to this subsection and specifically states that such provision modifies or supersedes the provisions of this subsection.'

SEC. 403. PUBLIC SERVICES CAP.

Section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)) is amended by striking 'fiscal years 1993' and all that follows through 'unit of general local government' and inserting the following: 'fiscal years 1993 through 2006 to the City of Los Angeles, the County of Los Angeles, or any other unit of general local government located in the County of Los Angeles, such city, such county, or each such unit of general local government, respectively,'.

SEC. 404. HOMEOWNERSHIP FOR MUNICIPAL EMPLOYEES.

(a) ELIGIBLE ACTIVITIES- Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) is amended--

(1) in paragraph (22)(C), by striking 'and' at the end;

(2) in paragraph (23), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (23) the following new paragraph:

'(24) provision of direct assistance to facilitate and expand homeownership among uniformed employees (including policemen, firemen, and sanitation and other maintenance workers) of, and teachers who are employees of, the metropolitan city or urban county (or an agency or school district serving such city or county) receiving grant amounts under this title pursuant to section 106(b) or the unit of general local government (or an agency or school district serving such unit) receiving such grant amounts pursuant to section 106(d), except that--

`(A) such assistance may only be provided on behalf of such employees who are first-time homebuyers under the meaning given such term in section 104(14) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704(14)), except that, for purposes of this paragraph, such section shall be applied by substituting `section 105(a)(24) of the Housing and Community Development Act of 1974' for `title II';

`(B) notwithstanding section 102(a)(20)(B) or any other provision of this title, such assistance may be provided on behalf of such employees whose family incomes do not exceed--

(i) 115 percent of the median income of the area involved, as determined by the Secretary with adjustments for smaller and larger families; or

(ii) with respect only to areas that the Secretary determines have high housing costs, taking into consideration median house prices and median family incomes for the area, 150 percent of the median income of the area involved, as determined by the Secretary with adjustments for smaller and larger families;

`(C) such assistance shall be used only for acquiring principal residences for such employees, in a manner that involves obligating amounts with respect to any particular mortgage over a period of one year or less, by--

(i) providing amounts for downpayments on mortgages;

(ii) paying reasonable closing costs normally associated with the purchase of a residence;

(iii) obtaining pre- or post-purchase counseling relating to the financial and other obligations of homeownership; or

(iv) subsidizing mortgage interest rates; and

`(D) any residence purchased using assistance provided under this paragraph shall be subject to restrictions on resale that are--

(i) established by the metropolitan city, urban county, or unit of general local government providing such assistance; and

(ii) determined by the Secretary to be appropriate to comply with subparagraphs (A) and (B) of section 215(b)(3) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(b)(3)), except that, for purposes of this paragraph, such subparagraphs shall be applied by substituting `section 105(a)(24) of the Housing and Community Development Act of 1974' for `this title';.

(b) PRIMARY OBJECTIVES- Section 105(c) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(c)) is amended by adding at the end the following new paragraph:

`(5) HOMEOWNERSHIP ASSISTANCE FOR MUNICIPAL EMPLOYEES- Notwithstanding any other provision of this title, any assisted activity described in subsection (a)(24) of this section shall be considered, for purposes of this title, to benefit persons of low and moderate income and to be directed toward the objective under section 101(c)(3).'

SEC. 405. TECHNICAL AMENDMENT RELATING TO BROWNFIELDS.

Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)), as

amended by section 404 of this Act, is further amended--

(1) in paragraph (25), by striking the period and inserting `; and'; and

<i>THIS SEARCH</i>	<i>THIS DOCUMENT</i>	<i>GO TO</i>
<u>Next Hit</u>	<u>Forward</u>	<u>New Bills Search</u>
<u>Prev Hit</u>	<u>Back</u>	<u>HomePage</u>
<u>Hit List</u>	<u>Best Sections</u>	<u>Help</u>
	<u>Doc Contents</u>	

Andrea Kane

Record Type: Record

To: Bennie C. Rogers/OMB/EOP@EOP, Francis S. Redburn/OMB/EOP@EOP

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

Subject: LRM BCR74 - - Statement of Administration Policy on HR1776 American Homeownership and Economic Opportunity Act of 1999

Comments/questions re: 7th paragraph re: persons with disabilities:

1. Is the Final Rule referenced in the 2nd sentence the overall rule related to section 8/homeownership, as opposed to one specifically related to persons with disabilities? If so, the first two sentences need to be clarified. Could add "and other low-income families" or other appropriate term after "disabilities" in first sentence.

2. For our information, when is this rule expected to come over for clearance?

3. In general, it's important that the signals we send in this statement are not inconsistent with the recommendations of the President's Task Force on Employment of Adults with Disabilities, specifically #5 that directs HUD to "explore steps needed to establish an earned income disregards for tenants with disabilities living in other-than-Public Housing Authority housing who return to work, and to exempt any disability-related expenses incurred when a tenant goes to work from the "countable" income used to determine rents." It's my understanding that HUD has begun working on this recommendation but we haven't had a chance to fully discuss it with them (Alison was going to bring the issue to the attention of Housing Branch). Does anyone else think the part of the last sentence dealing with income limits could be inconsistent? If so, is there a way to reword this?

----- Forwarded by Andrea Kane/OPD/EOP on 04/03/2000 05:02 PM -----



Anna Richter

03/31/2000 02:17:57 PM

Record Type: Record

To: Andrea Kane/OPD/EOP@EOP

cc:

Subject: LRM BCR74 - - Statement of Administration Policy on HR1776 American Homeownership and Economic Opportunity Act of 1999

Is this something that you should look at?

----- Forwarded by Anna Richter/OPD/EOP on 03/31/2000 02:17 PM -----

Bennie C. Rogers

03/31/2000 01:55:13 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: LRM BCR74 - - Statement of Administration Policy on HR1776 American Homeownership and Economic Opportunity Act of 1999

URGENT!!!

Following is LRM ID: BCR 74. Please read and respond by COB, Monday, April 3, 2000, to the attached SAP on H.R. 1776, the American Homeownership and Economic Opportunity Act of 2000.

H.R. 1776, is expected to go to the House floor on Thursday, April 4th (subject to a rule.) Note also, the Committee on Rules is expected to meet the week of April 3 to grant a rule which may restrict amendments for consideration of H.R. 1776.



SAPhr177draft.wp

THIS DEADLINE IS FIRM. IF WE DO NOT HEAR FROM YOU BY THE COMMENT DEADLINE, WE WILL ASSUME THAT YOU HAVE NO OBJECTION.

Agencies: Please contact me if you do not receive this e-mailed LRM in good working form. For your convenience, we will follow this e-mail by sending a copy by fax.

EOP Staff: You will not receive a paper copy of this LRM.

----- Forwarded by Bennie C. Rogers/OMB/EOP on 03/31/2000 01:33 PM -----

LRM ID: BCR74

**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001**

Friday, March 31, 2000

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: Robert J. Pellicci (for) Assistant Director for Legislative Reference

OMB CONTACT: Bennie C. Rogers
PHONE: (202)395-7754 FAX: (202)395-6148

SUBJECT: Statement of Administration Policy on HR1776 American Homeownership and Economic Opportunity Act of 1999

DEADLINE: COB Monday, April 3, 2000

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. **Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.**

COMMENTS: H.R. 1776, the American Homeownership and Economic Opportunity Act of 2000, is expected to go to the House floor on Thursday, April 4th (subject to a rule.) Note also, the Committee on

Rules is expected to meet the week of April 3 to grant a rule which may restrict amendments for consideration of H.R. 1776.

DISTRIBUTION LIST

AGENCIES:

107-Small Business Administration - Jane P. Merkin - (202) 205-6700
71-National Council on Disability - Jeffrey T. Rosen - (202) 272-2279
16-Architectural and Transportation Barriers Compliance Board - Kathleen Roy Johnson - (202) 272-5434
54-HOUSING & URBAN DEVELOPMENT - Mike Moran - (202) 708-1793
30-EDUCATION - Jack Kristy - (202) 401-8313
33-Environmental Protection Agency - John Reeder - (202) 260-5414
118-TREASURY - Richard S. Carro - (202) 622-0650
88-Office of Government Ethics - Jane Ley - (202) 208-8022
51-General Services Administration - William R. Ratchford - (202) 501-0563
59-INTERIOR - Jane Lyder - (202) 208-4371
92-Office of Personnel Management - Harry Wolf - (202) 606-1424
61-JUSTICE - Jon P. Jennings - (202) 514-2141
129-VETERANS AFFAIRS - John H. Thompson - (202) 273-6666
7-AGRICULTURE - Marvin Shapiro - (202) 720-1516
305-Neighborhood Reinvestment Corporation - Ali Solis - (202) 220-2408
52-HEALTH & HUMAN SERVICES - Sondra S. Wallace - (202) 690-7760

EOP:

Michael Deich
Alan B. Rhinesmith
Francis S. Redburn
Alexandra Gianinno
Susan M. Carr
Adam Hoffberg
Stephen W. Ruszczyk
Douglas Pitkin
Winifred Y. Chang
Joseph F. Lackey Jr.
John F. Morrall III
Paul J. Weinstein Jr.
Crystal J. Roach
Robert S. Fairweather
Jennifer C. Wagner
Sarah Rosen Wartell
Brian S. Mason
Mark D. Magana
Robert G. Damus
David C. Childs
Michael F. Crowley
Courtney B. Timberlake
Elizabeth A. Bernhard
Kirsten N. Pflomm
Lawrence W. Hush
James J. Jukes
Maria L. Haley
Matthew L. Bennett
Joseph J. Minarik
Justine F. Rodriguez

Eric P. Liu
Anna Richter
Michael J. Brien
Maura M. Pally
Peter Rundlet
Ted Zegers
Robert J. Pellicci
Constance J. Bowers
Arthur W. Stigile
Attia Little
Pamula L. Simms
James J. Jukes
Yvette M. Dennis
Paul Oetken
Lisa B. Fairhall
Douglas D. McCormick
James Boden
Alice Veenstra
Brooke B. Livingston
Elizabeth Gore

LRM ID: BCR74 **SUBJECT:** Statement of Administration Policy on HR1776 American Homeownership and Economic Opportunity Act of 1999

**RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM**

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

(1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or

(2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Bennie C. Rogers Phone: 395-7754 Fax: 395-6148
 Office of Management and Budget
 Branch-Wide Line (to reach legislative assistant): 395-7362

FROM: _____ (Date)
 _____ (Name)
 _____ (Agency)
 _____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

Message Sent To: _____

Michael Deich/OMB/EOP@EOP
Alan B. Rhinesmith/OMB/EOP@EOP
Francis S. Redburn/OMB/EOP@EOP
Alexandra Gianinno/OMB/EOP@EOP
Susan M. Carr/OMB/EOP@EOP
Adam Hoffberg/OMB/EOP@EOP
Stephen W. Ruszczyk/OMB/EOP@EOP
Douglas Pitkin/OMB/EOP@EOP
Winifred Y. Chang/OMB/EOP@EOP
Joseph F. Lackey Jr./OMB/EOP@EOP
John F. Morrall III/OMB/EOP@EOP
Paul J. Weinstein Jr./OPD/EOP@EOP
Crystal J. Roach/OMB/EOP@EOP
Robert S. Fairweather/OMB/EOP@EOP
Jennifer C. Wagner/OMB/EOP@EOP
Sarah Rosen Wartell/OPD/EOP@EOP
Brian S. Mason/WHO/EOP@EOP
Mark D. Magana/WHO/EOP@EOP
Robert G. Damus/OMB/EOP@EOP
David C. Childs/OMB/EOP@EOP
Michael F. Crowley/OMB/EOP@EOP
Courtney B. Timberlake/OMB/EOP@EOP
Elizabeth A. Bernhard/OMB/EOP@EOP
Kirsten N. Pflomm/WHO/EOP@EOP
Lawrence W. Hush/OMB/EOP@EOP
James J. Jukes/OMB/EOP@EOP
Maria L. Haley/WHO/EOP@EOP
Matthew L. Bennett/WHO/EOP@EOP
Joseph J. Minarik/OMB/EOP@EOP
Justine F. Rodriguez/OMB/EOP@EOP
Eric P. Liu/OPD/EOP@EOP
Anna Richter/OPD/EOP@EOP
Michael J. Brien/CEA/EOP@EOP
Peter Rundlet/WHO/EOP@EOP
Ted Zegers/OMB/EOP@EOP
Robert J. Pellicci/OMB/EOP@EOP
Constance J. Bowers/OMB/EOP@EOP
Arthur W. Stigile/OMB/EOP@EOP
Attia Little/OMB/EOP@EOP
Pamula L. Simms/OMB/EOP@EOP
James J. Jukes/OMB/EOP@EOP
Yvette M. Dennis/OMB/EOP@EOP
Paul Oetken/WHO/EOP@EOP
Lisa B. Fairhall/OMB/EOP@EOP
Douglas D. McCormick/OMB/EOP@EOP
James Boden/OMB/EOP@EOP
Alice Veenstra/OMB/EOP@EOP
Brooke B. Livingston/OMB/EOP@EOP
Elizabeth Gore/OMB/EOP@EOP

Message Copied To: _____

cla@sba.gov @ inet
jrosen@ncd.gov @ inet
johnson@access-board.gov @ inet
HUD LRM@hud.gov @ inet
ogc_legislation@ed.gov @inet
epalrm@epamail.epa.gov @ inet
llr@do.treas.gov @ inet
legteam@oge.gov @ inet
ca.legislation@gsa.gov @ inet
ocl@ios.doi.gov @ inet
ola@opm.gov @ inet
justice.lrm@usdoj.gov @ inet
valrm@mail.va.gov @ inet
chris.moody@usda.gov @ inet
asolis@nw.org @ inet
lrm@os.dhhs.gov @ inet

Message Copied To:

Alan B. Rhinesmith/OMB/EOP@EOP
Francis S. Redburn/OMB/EOP@EOP
Alexandra Gianinno/OMB/EOP@EOP
Susan M. Carr/OMB/EOP@EOP
Adam Hoffberg/OMB/EOP@EOP
Stephen W. Ruszczyk/OMB/EOP@EOP
Douglas Pitkin/OMB/EOP@EOP
Eugenia Chough/OPD/EOP@EOP

CHAPTER 1

1999 Recommendations to the President from the Presidential Task Force on Employment of Adults with Disabilities

The Task Force wishes to recognize the outstanding work by the Clinton-Gore Administration in acting on the recommendations made to the President in last year's report — *Re-charting the Course: First Report of the Presidential Task Force on Employment of Adults with Disabilities*. Prompt action and strong support by the Administration on these recommendations has resulted in significant achievements that are leading to increased employment opportunities for people with disabilities. See Chapter Two for a complete review of the status of last years' recommendations.

The Task Force also wishes to acknowledge the efforts of Task Force Committee members, particularly those who chaired the various committees established in the spring of 1999 to guide and focus the work of the Task Force. The Task Force has received a report from each committee on their activities in 1999, which largely have focused on putting in place plans for more specific activity in 2000 and beyond. The Task Force will be reviewing and using these reports as the basis for future activities as appropriate. Highlights of these reports are included in Chapter Four.

The Task Force respectfully submits the following recommendations to the President of the United States of America for immediate consideration:

The Task Force recommends that:

- 1** *The President direct the Department of Labor to develop a proposal for consideration in the FY 2001 budget process for an Office of Disability Policy, Evaluation and Technical Assistance (ODPET) to be headed by an Assistant Secretary of Labor. ODPET functions could include:*
 - *Ensuring ongoing efforts to integrate people with disabilities into the Department of Labor's mainstream employment and training programs.*
 - *Establishing the National Disability Business Development Board to be comprised of the membership of the President's Committee on Employment of People with Disabilities and to serve as the advisory body to ODPET.*
 - *Maintaining the principle functions of the President's Committee on Employment of People with Disabilities.*
 - *Assisting the Presidential Task Force on Employment of Adults with Disabilities in implementing a coordinated and aggressive national employment strategy for people with disabilities.*

The Office of Disability Policy, Evaluation and Technical Assistance could provide a long-term, permanent force to continue the work needed to ensure that persons with disabilities are integrated into mainstream employment and training programs within the Labor Department. The Presidential Task Force would continue to be responsible in the short-term for developing, refining and monitoring the implementation of an aggressive, national employment strategy for persons with disabilities.

The Task Force recommends that:

- 2 The President direct the Departments of Justice and Labor, and the Equal Employment Opportunity Commission to collaborate in exploring methods for strengthening enforcement of employment-related nondiscrimination provisions of the Americans with Disabilities Act and the Rehabilitation Act. All efforts shall provide a clear and unequivocal message that expanded employment opportunities for individuals with disabilities are a high priority of the Administration. The efforts of the Department of Labor and the Equal Employment Opportunity Commission should include providing increased technical assistance to employers, strengthening compliance evaluations, and enhancing data collection as appropriate.**

Effective enforcement of employment-related nondiscrimination requirements is crucial to increasing employment opportunities for individuals with disabilities. The agencies responsible for enforcement must continue to explore new and more effective approaches for increasing compliance with laws requiring equal opportunities for job applicants and employees with disabilities. The enforcement agencies should develop and disseminate technical assistance guides to assist employers in understanding and implementing nondiscrimination requirements. These agencies should also develop educational tools to inform individuals with disabilities of the full range of protections under the ADA and the Rehabilitation Act. The enforcement agencies also should explore

methods to strengthen their investigation processes. For example, the Department of Labor, through the Office of Federal Contract Compliance Programs, should utilize compliance evaluation procedures that allow the agency to focus on systemic barriers to the employment of individuals with disabilities. The Equal Employment Opportunity Commission, in coordination with the Departments of Justice and Labor, should explore enhancing data collection efforts with respect to the employment and the availability of persons with disabilities in the workforce, possibly through new regulations. Consistent with their complementary responsibilities for enforcement, Equal Employment Opportunity Commission and the Office of Federal Contract Compliance Program should explore joint enforcement strategies.

The Task Force recommends that:

- 3 The President direct the Departments of Labor, Education, and Health and Human Services, the Social Security Administration, the Office of Personnel Management, and other appropriate Federal agencies to construct and coordinate, under the leadership of the Presidential Task Force on Employment of Adults with Disabilities, a Youth-to-Work Initiative.**

Barriers to employment for youth with disabilities include: low educational attainment; low educational and employment expectations; and confusing governmental programs with conflicting eligibility criteria and goals. As a result, many youth with disabilities transition from youth welfare to adult welfare without access to the education and training opportunities needed to make a transition to work and achieve independence. This Youth-to-Work Initiative would test alternative approaches to helping youth with disabilities gain access needed to education and training opportunities and overcome barriers to employment.

Each year, about 40,000 eighteen-year-olds are subject to a continuing disability review for Supplemental Security Income (SSI) benefits, but only 25,000 are determined eligible for such assistance. On average, the young adults deter-

DPC
Eddie Gould

Youth Subcom

mined to still be eligible will remain on SSI for 27 years, while those found ineligible are likely to live in poverty. Many youth with disabilities spend a significant portion of their lives living in poverty, dependent upon public assistance programs, and relegated to the margins of society. In addition, compared to students without disabilities, students with disabilities drop out of school much more frequently and enroll in post-secondary education less frequently.

The Task Force recommends that:

- 4 **The President direct the Department of Health and Human Services to develop a proposal to allow the Maternal and Child Health Programs for Children with Special Needs to provide Healthy and Ready to Work services to youth with disabilities who are under the age of 16.**

The Maternal and Child Health Programs for Children with Special Needs (Title V of the Social Security Act) provides Healthy and Ready to Work services to youth with disabilities that are essential to preparing them for continued education and training, but are restricted to serving only youth 16 years and older. As a result, many youth with disabilities are ready to drop out of the education stream just at a time when they become eligible to receive services that would enable them to benefit from continued education. There is a clear need to provide these services to youth with disabilities at an earlier age.

The Task Force recommends that:

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

The Department of Housing and Urban Development has promulgated rules under recently enacted legislation aimed at providing additional incentives for low-income individuals

in public housing to go to work, or work additional hours. Current rules, however, do not provide sufficient incentives for employment of people with disabilities who are assisted by the Department of Housing and Urban Development subsidies, but do not live in Public Housing Authority housing. The Department should explore ways to extend similar incentives to all HUD-subsidized tenants with disabilities.

The Task Force recommends that:

- 6 **The President continue to work with Congress to secure adequate funding, proposed in the Administration's FY 2000 budget, for their program to accelerate the development and adoption of information and communication technologies that can be used by the 54 million Americans with disabilities.**

The President should continue to push for this initiative that would: (1) help make the Federal Government a "model user" of accessible electronic and information technology through the implementation of Section 508 of the Rehabilitation Act; (2) support new and expanded State loan programs making assistive technology more affordable for adults with disabilities; and (3) invest in research, development, and technology transfer in areas such as "text to speech," speech recognition, and eye-tracking for people who cannot use a keyboard.

The Task Force recommends that:

- 7 **The President continue to work with Congress to pass the tax credit proposed in the Administration's FY 2000 budget, in order to assist adults with disabilities with expenses related to work.**

Working-age adults with disabilities are often discouraged from working because of the high cost of personal attendant services and other services or technologies required for employment. Similarly, the cost to employers of hiring an individual requiring personal attendant services can sometimes be prohibitive. Tax credits provide a flexible way to assist people with disabilities in defraying these expenses.

The Task Force recommends that:

8 The President continue to work with Congress to pass a strong, enforceable Patients' Bill of Rights.

It is critically important to people with disabilities that we enact a strong, enforceable Patients' Bill of Rights. This legislation must include the following: guaranteed access to needed health care specialists; access to emergency room services when and where the need arises; continuity of care protections so that patients will not have an abrupt transition in care if their providers are dropped; access to a fair, unbiased, and timely internal and independent external appeals process to address health plan grievances and to help govern decisions about medically necessary treatments; an enforcement mechanism that ensures recourse for patients who have been harmed as a result of a health plan's actions.

The Task Force recommends that:

Lisa Brown

9 The President convene a White House Conference on Employment of Adults with Disabilities that will include representatives from the Administration, Congress, elected officials from State and local governments, small and large businesses, the disability community and other stakeholders.

A White House Conference would provide heightened visibility to the issue of employing persons with disabilities and help build partnerships between public and private sectors. It would also provide the opportunity to showcase "best practices" and innovative strategies for employment of people with disabilities, and highlight actions taken by Task Force member agencies, departments, and other Federal agencies. Finally, it could commemorate the 10th anniversary of the Americans with Disabilities Act, the 25th anniversary of the Individuals with Disabilities Education Act, and the 35th anniversary of the Equal Employment Opportunity Commission.

The Task Force recommends that:

10 The President direct the Task Force members' departments and agencies to collaborate on the development and implementation of a multimedia, interagency public awareness campaign to eliminate the negative and erroneous stereotypes about employment of people with disabilities. This campaign would focus on the benefits of employing people with disabilities.

There is an immediate need for leadership to address negative attitudes and prejudices against people with disabilities. An aggressive public awareness campaign, conducted in partnership with the disability community, businesses, and other influential entities would help to eliminate erroneous and prejudicial thinking about disability that results in limiting employment opportunities.

The Task Force recommends that:

11 The President direct the Social Security Administration and the Department of Labor to create an "Access America for People with Disabilities" Web site that targets individuals with disabilities.

In February, Vice President Gore announced "Access America for Seniors," a Web site providing a wide range of services to older Americans — an example of his vision of "one-stop" Web access to government services. A new Web site, "Access America for People with Disabilities," would likewise provide information and services offered by virtually every major Federal Government agency by linking to an abundance of helpful Federal agency sites, information, programs, and services.

Erie Gowen will convene meet with individuals who have conducted previous conference

Social Security

Lisa will call Nancy McFadden
Lisa calls
Nancy McFadden at Transit

The Task Force recommends that:

- 12** The President direct the Department of Transportation to work with the Departments of Labor, Education, and Health and Human Services, the Social Security Administration, and other relevant Task Force members to develop a comprehensive plan of action to address the lack of transportation services and systems for persons with disabilities.

The lack of available public transportation is a major employment barrier for persons with disabilities. This fact is cited by many individuals with disabilities at recent Town Hall meetings held by the Task Force and at other events as the major impediment to finding and keeping jobs. The Department of Transportation has been vigorous in addressing public and private accessibility issues for people with disabilities. This directive would be to concentrate Federal efforts on developing an interagency action plan that addresses the lack of available transportation.

The Task Force recommends that:

- 13** The President direct all Federal agencies with customer service call centers and other appropriate services to explore ways to encourage hiring people with disabilities.

Cutting-edge telecommunications technology has recently made it possible for customer service centers to send voice and data to home-based customer service representatives who work just as if they were in a call center. Many agencies in the Federal Government operate significant customer service call center activities. This cutting-edge technology needs to be widely available in the Federal Government, and used to increase the employment rate of individuals with disabilities as much as possible.

Research has shown that the percentage of individuals with significant disabilities who are employed is the lowest of disadvantaged groups in the nation. It is critical that we seek out as many strategies as possible to change this picture.

The Task Force recommends that:

- 14** The President direct the Social Security Administration to explore options for raising the Earned Income Exclusion in the Supplemental Security Income program, for both adults and students, in order to encourage work efforts.

Supplemental Security Income (SSI) is a means-tested program, but beneficiaries are able to have limited earnings without impact on their benefit amounts. Allowing such earnings not only increases overall income security, but also provides an incentive to work. The earned income exclusions for both adults and students, however, have not been raised since the early 1970's, even though the SSI Federal Benefit Rate is indexed annually for inflation. The Earned Income Exclusion remains at \$65 per month for adults and up to \$400 per month for students for a limited time period. As a result, SSI beneficiaries with non-SSI income do not receive full indexing of their benefits, and work effort is less rewarded than it was previously.

SSA-10118

Eric Gould will take the list and find out how to approach agencies

Willard knows federal agencies involved in this

do they contract process of contracts set
O.P.M. -

MEMORANDUM

TO: Edward Correia, Eric Gould, Genie Chough and Andrea Kane

FROM: Becky Ogle

RE: RECAP OF YESTERDAY'S MEETING

DATE: March 23, 2000

ISSUE	ACTION ASSIGNED
OFFCP/DOJ/EEOC	Eddie will follow up with Shirley Wilcher and Henry Solano On proposed language for regulatory change, coordination With EEOC and DOJ.
OLMSTEAD	Eddie will convene a meeting with Tom Perez, Bob Williams, Henry Claypool and appropriate Task Force staff to brainstorm Post-Olmstead activities for the 10 th Anniversary celebrations
EXECUTIVE ORDER	Began as separate EO, but now includes disability language Eddie will see whether or not it can be held for an announcement Around the anniversary
HIGHER EDUCATION	Eric is going to pursue discussions with Educ. Concerning their Continued responses to the NCD report, and will let us all know At next meeting the outcome of these discussions. The caveat Is that the Administration needs a proactive agenda on IDEA for The ADA celebrations
COORDINATED MESSAGE:	Eddie will follow up with Liz Savage, Paul Miller and others who Took responsibility for development of coordinated materials From enforcement agencies around the ADA. A side bar to this is that this group is also going to work on a simple User-friendly message that can be used across the Clinton Administration. The Task Force is working with a person at H arvard On the development of this message. There seems to be some problems over coordinating the singular Development of informational materials.....it appears that everyone Is on their own to develop whatever they feel is best.
MANAGEMENT DIR/EEOC:	Eddie is going to meet with Ida Castro before he leaves to ensure that EEOC realizes the importance of the release of the management directive. This meeting should occur quickly due to the lack of expediency on the part of EEOC.

Maternal Child Health

Directive: Eric will follow up again with MCH to ensure they get something
Done by the ADA anniversary

ACCESS AMERICA: Eric will follow up with SSA and Task Force to begin dialogue
On specifics for this project with the objective to have near completion
By the ADA

TRANSPORTATION: Eric, the transportation piece should be completed by tomorrow.

HUD: Enclosed in separate document. Alison will get OMB HUD person
For Eric, Genie, Eddie and Andrea to follow up with.
It would be nice to have a meeting with Bob Williams and Henry
Claypool on the overall agenda.

AccessHousing 2000

A National Section 8 Rental and Homeownership Project

The Challenge: The lack of accessible, affordable housing and home ownership opportunities continues to be major barriers to the participation of people with disabilities in the community and economic life of the nation. These barriers often manifest themselves differently depending on the type and degree of disability individuals experience and whether or not they are currently living in community or institutional settings. But, the overall impact such barriers have upon people with disabilities are severe.

HUD, HHS, Fannie Mae and others have pursued a number of innovative approaches in the past to address the housing, home ownership and related personal assistance and supports of people with various types and degrees of disabilities. Two policy developments underscore the critical need to build and expand upon these efforts:

- * Last year in the Olmstead decision, the US Supreme Court ruled that the Americans with Disabilities Act requires States to avoid unjustified institutionalization when appropriate. Expanding the supply of accessible, affordable housing is seen as a crucial prerequisite to carrying out this decision.

- * The Work Incentives Improvement Act, signed into law by President Clinton last December, will enable more individuals with disabilities to gain and sustain competitive employment than ever before. However, many risk forfeiting housing subsidies and the only accessible apartments and homes they can find, once employed. These conflicting policies and practices need to be identified and resolved to the maximum extent feasible.

States and the disability community are eager to partner with the Federal Government and others to address these challenges and opportunities.

AccessHousing 2000: A Proposed Initiative

AccessHousing 2000 would be a partnership between HUD and HHS aimed at demonstrating ways of improving and expanding accessible, affordable housing and home ownership opportunities for low to moderate income individuals with disabilities and their families. The initiative could eventually partner with others (e.g., Fannie Mae, Education, SSA, Labor, the Presidential Task Force on the Employment of Adults with Disabilities, the States, the disability community, foundations, etc.).

HUD and HHS would take the following steps to launch the AccessHousing 2000 Initiative:

- * HUD would set aside 2000 Section 8 for uses by people with disabilities and families of children with disabilities in select States to rent, lease or purchase their own accessible and affordable homes and residences. (See Note 1)

- * HHS would:
 - o Direct States receiving nursing home transition grants to work with HUD, State and local housing agencies and others to facilitate use of Section 8 vouchers by those leaving institutions.
 - o Permit and strongly urge States receiving WIIA infrastructure development grants to use a portion of the funds to work with these agencies and others to highlight the uses of Section 8 vouchers and otherwise expand housing and home ownership opportunities for employed individuals with disabilities.
 - o Alert and urge State Medicaid Directors and other key stakeholders to tap into the 2000 Section 8 vouchers and related resources.
- * HUD and HHS would identify and pursue ways in which Individual Development Accounts can be used by low income individuals with disabilities and families of children with disabilities to purchase, rent, lease or make necessary architectural modifications to a home or residence.
- * HUD and HHS also would jointly fund an information and technical assistance AccessHousing 2000 Exchange at between \$500-750 a year for 4 years. The Exchange would:
 - o assist States, the disability community, lenders and others to apply strategies and promising practices for supporting people with disabilities to rent, lease or own homes as well as have a controlling say in where they live, who they live with and the way that the services and supports they rely on get delivered.
 - o be modeled after, build upon and coordinate with current and past efforts (e.g., the HCBS Resource Network, the RWJ Cash and Counseling and self determination projects, the nursing home transition initiative and the Home of Your Own TA Alliance).
- * Secretary Shalala and Cuomo would actively encourage other Federal agencies, Fannie Mae, States, the disability community, foundations and others to make specific contributions to the work of AccessHousing 2000.
- * Funding permitting, the national pilot would include a comprehensive and systematic demonstration (assisting people with disabilities in 10-25 states), training/technical assistance, policy research/analysis and an independent evaluation.

NOTES #1: Section 8 vouchers can be used as a rental subsidy or in the purchase of a home. Use of vouchers for home ownership is permitted by a provision in law that

1979?

HUD published a NPRM on in April and is expected to be made final soon. HUD also has set aside vouchers in the past (e.g., vouchers for individuals with disabilities removed from elderly only (202) complexes and public housing).

Alison Perkins-Cohen
03/22/2000 04:05:46 PM

Record Type: Record

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

cc: Joanne Cianci/OMB/EOP@EOP

Subject: Task Force Directive #14

Joanne provided me with the following update on the Directive:

This directive does require legislation. OMB had a meeting with SSA several weeks ago on a number of their legislative proposals including this one. In its current form, this proposal would cost almost \$1 billion over 5 years. As we don't have offsets to pay for this, OMB has asked SSA to redraft the proposal to be less costly. OMB hopes to work with SSA to develop a compromise proposal that has a more reasonable cost and still satisfies the interests of the disability community. OMB and SSA are due to meet to discuss SSA's ideas for revising this proposal soon.

Message Sent To:

Eugenia Chough/OPD/EOP@EOP
J. Eric Gould/OPD/EOP@EOP
Edward W. Correia/WHO/EOP@FOP
Lisa M. Brown/OVP@OVP
Andrea Kane/OPD/EOP@EOP
Ogle Becky <ogle-becky@dol.gov> @ inet

for disability policy within the Department of Labor; improving individuals with disabilities' access to employment and training programs; and, enhancing current programs for individuals with disabilities.

Ticket to Work and Work Incentives Improvement Act: In 1999, the President signed the Ticket to Work and Work Incentives Improvement Act, landmark legislation that begins reducing the institutional barriers that have limited the employment opportunities of individuals with disabilities.

- *Health insurance protections for working people with disabilities:* People with disabilities who want to return to work may face the loss of Medicaid or Medicare coverage or incur prohibitive work-related costs, such as personal assistance and assistive technology. The Act seeks to remove these barriers by creating new options and incentives for States to offer a Medicaid buy-in for disabled workers and extending Medicare coverage for Disability Insurance beneficiaries who return to work.
- *Ticket to Work and Self-Sufficiency:* The Act establishes a new program to enhance employment-related services to help Disability Insurance and Supplemental Security Income disabled beneficiaries re-enter the workforce, giving individuals more choice in their selection of vocational rehabilitation service providers.

Office on Disability Policy, Evaluation, and Technical Assistance: The budget reconstitutes the President's Committee on Employment of People with Disabilities as the Office on Disability Policy, Evaluation, and Technical Assistance (ODPET). Headed by an Assistant Secretary, this new office will bring a permanent focus to the significant employment obstacles faced by individuals with disabilities and provide a forum for addressing those obstacles. The Presidential Task Force on Employment of Adults with Disabilities will work with the ODPET to ensure interagency policy coordination.

Assistive Technology: To help individuals with disabilities overcome obstacles to employment, the budget also provides \$41 million for the Department of Education's Assistive

Technology program to help make assistive technology devices and services available. Within this total is \$15 million to help States establish low-interest loan programs to help individuals with disabilities purchase assistive technology. In addition, the budget includes \$18 million in the National Institute of Disability and Rehabilitation Research and the National Science Foundation for research, demonstrations, and technical assistance on how to make technology more accessible. Lastly, to increase employment of people with disabilities in the Federal Government, the budget also includes \$3.5 million for the General Services Administration to make assistive technology available to Federal employees.

Work Incentive Grants: The budget continues competitive grants enacted in 2000 (totaling \$20 million a year) to be awarded by DOL to partnerships of organizations in every State, including organizations of people with disabilities, to help One-Stop Career Centers and Workforce Investment Boards provide a range of high-quality services to people with disabilities working or returning to work.

Limit on Medicare Coverage in the Ticket to Work and Work Incentives Improvement Act: In the compromise on the Act, its Medicare benefit was limited to an additional four and a half years. Because of this limit, the provision postpones rather than eliminates the disincentive to work since Medicare provides the necessary coverage that is often unavailable or unaffordable on the job. The budget proposes to remove this limit and extend Medicare coverage indefinitely.

Tax Credit for Workers with Disabilities: The budget proposes a \$1,000 tax credit for workers with disabilities or their spouses to defray additional work-related costs such as personal assistance services.

In addition, the budget continues to invest in other programs which help disabled individuals prepare for the workforce, including \$6.4 billion for Special Education programs, described earlier in this chapter, which serve individuals with disabilities up to age 21; and \$2.8 billion for Vocational Rehabilitation. The budget also supports other important disability programs, including the Committee for Purchase From People Who are Blind

3/22/20

transp

Dischility directives

missed #11-4

#5: HUD

- Recy: HUD just provided report - embarrassing
shelaka met w/ Cuomo
where do people go once they leave institutions
Package of housing proposals (get ~~AMB~~ housing branch
people)
- need sep. meeting
w/ Bob Williams,
- Legist proposals on home ownership
- look @ A + O wle on disnegards

ADA 10th - White House Conference

Distribution List

Ashby, Roseann
Basha, Rhonda
Brenman, Marc
Brown, Lisa
Claypool, Henry
Correia, Eddie
Daniels, Susan
Davis, Deirdre
Eates, Antoinette
Heumann, Judy
Kielty, Alexandra
Klein, Cherie
Lancaster, John
McKinnon, William
Miller, Paul
Pannebaker, George
Richards, Curtis
Rizzo, Juliette
Roffee, Larry
Savage, Liz
Simpson, Jennifer
Strahan, Marie
Swenson, Sue
Williams, Bob
Young, Jonathan

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

March 13, 1998

EXECUTIVE ORDER 13078

- - - - -

INCREASING EMPLOYMENT OF ADULTS WITH DISABILITIES

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to increase the employment of adults with disabilities to a rate that is as close as possible to the employment rate of the general adult population and to support the goals articulated in the findings and purpose section of the Americans with Disabilities Act of 1990, it is hereby ordered as follows:

Section 1. Establishment of National Task Force on Employment of Adults with Disabilities.

(a) There is established the "National Task Force on Employment of Adults with Disabilities" ("Task Force"). The Task Force shall comprise the Secretary of Labor, Secretary of Education, Secretary of Veterans Affairs, Secretary of Health and Human Services, Commissioner of Social Security, Secretary of the Treasury, Secretary of Commerce, Secretary of Transportation, Director of the Office of Personnel Management, Administrator of the Small Business Administration, the Chair of the Equal Employment Opportunity Commission, the Chairperson of the National Council on Disability, the Chair of the President's Committee on Employment of People with Disabilities, and such other senior executive branch officials as may be determined by the Chair of the Task Force.

(b) The Secretary of Labor shall be the Chair of the Task Force; the Chair of the President's Committee on Employment of People with Disabilities shall be the Vice Chair of the Task Force.

(c) The purpose of the Task Force is 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 adult population. The Task Force shall develop and recommend to the President, through the Chair of the Task Force, a coordinated Federal policy to reduce employment barriers for persons with disabilities. Policy recommendations may cover such areas as discrimination, reasonable accommodations, inadequate access to health care, lack of consumer-driven, long-term supports and services, transportation, accessible and integrated housing, tele-communications, assistive technology, community services, child care, education, vocational rehabilitation, training services, job retention, on-the-job supports, and economic incentives to work. Specifically, the Task Force shall:

(1) analyze the existing programs and policies of Task Force member agencies to determine what changes, modifications, and innovations may be necessary to remove barriers to work faced by people with disabilities;

(2) develop and recommend options to address health insurance coverage as a barrier to employment for people with disabilities;

(3) subject to the availability of appropriations, analyze State and private disability systems (e.g., workers' compensation, unemployment insurance, private insurance, and State mental health and mental retardation systems) and their effect on Federal programs and employment of adults with disabilities;

(4) consider statistical and data analysis, cost data, research, and policy studies on public subsidies, employment, employment discrimination, and rates of return-to-work for individuals with disabilities;

(5) evaluate and, where appropriate, coordinate and collaborate on, research and demonstration priorities of Task Force member agencies related to employment of adults with disabilities;

(6) evaluate whether Federal studies related to employment and training can, and should, include a statistically significant sample of adults with disabilities;

(7) subject to the availability of appropriations, analyze youth programs related to employment (e.g., Employment and Training Administration programs, special education, vocational rehabilitation, school-to-work transition, vocational education, and Social Security Administration work incentives and other programs, as may be determined by the Chair and Vice Chair of the Task Force) and the outcomes of those programs for young people with disabilities;

(8) evaluate whether a single governmental entity or program should be established to provide computer and electronic accommodations for Federal employees with disabilities;

(9) consult with the President's Committee on Mental Retardation on policies to increase the employment of people with mental retardation and cognitive disabilities; and

(10) recommend to the President any additional steps that can be taken to advance the employment of adults with disabilities, including legislative proposals, regulatory changes, and program and budget initiatives.

(d) (1) The members of the Task Force shall make the activities and initiatives set forth in this order a high priority within their respective agencies within the levels provided in the President's budget.

(2) The Task Force shall issue its first report to the President by November 15, 1998. The Task Force shall issue a report to the President on November 15, 1999, November 15, 2000, and a final report on July 26, 2002, the 10th anniversary of the initial implementation of the employment provisions of the Americans with Disabilities Act of 1990. The reports shall describe the actions taken by, and progress of, each member of the Task Force in carrying out this order. The Task Force shall terminate 30 days after submitting its final report.

(e) As used herein, an adult with a disability is a person with a physical or mental impairment that substantially limits at least one major life activity.

Sec. 2. Specific activities by Task Force members and other agencies.

(a) To ensure that the Federal Government is a model employer of adults with disabilities, by November 15, 1998, the Office of Personnel Management, the Department of Labor, and the Equal Employment Opportunity Commission shall submit to the Task Force a review of Federal Government personnel laws, regulations, and policies and, as appropriate, shall recommend or implement changes necessary to improve Federal employment policy for adults with disabilities. This review shall include personnel practices and actions such as: hiring, promotion, benefits, retirement, workers' compensation, retention, accessible facilities, job accommodations, layoffs, and reductions in force.

(b) The Departments of Justice, Labor, Education, and Health and Human Services shall report to the Task Force by November 15, 1998, on their work with the States and others to ensure that the Personal Responsibility and Work Opportunity Reconciliation Act is carried out in accordance with section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, so that individuals with disabilities and their families can realize the full promise of welfare reform by having an equal opportunity for employment.

(c) The Departments of Education, Labor, Commerce, and Health and Human Services, the Small Business Administration, and the President's Committee on Employment of People with Disabilities shall work together and report to the Task Force by November 15, 1998, on their work to develop small business and entrepreneurial opportunities for adults with disabilities and strategies for assisting low-income adults, including those with disabilities to create small businesses and micro-enterprises. These same agencies, in consultation with the Committee for Purchase from People Who Are Blind or Severely Disabled, shall assess the impact of the Randolph-Sheppard Act vending program and the Javits-Wagner-O'Day Act on employment and small business opportunities for people with disabilities.

(d) The Departments of Transportation and Housing and Urban Development shall report to the Task Force by November 15, 1998, on their examination of their programs to see if they can be used to create new work incentives and to remove barriers to work for adults with disabilities.

(e) The Departments of Justice, Education, and Labor, the Equal Employment Opportunity Commission, and the Social Security Administration shall work together and report to the Task Force by November 15, 1998, on their work to propose remedies to the prevention of people with disabilities from successfully exercising their employment rights under the Americans with Disabilities Act of 1990 because of the receipt of monetary benefits based on their disability and lack of gainful employment.

(f) The Bureau of Labor Statistics of the Department of Labor and the Census Bureau of the Department of Commerce, in cooperation with the Departments of Education and Health and Human Services, the National Council on Disability, and the President's Committee on Employment of People with Disabilities shall design and implement a statistically reliable and accurate method to measure the employment rate of adults with disabilities as soon as possible, but no later than the date of termination of the Task Force. Data derived from this methodology shall be published on as frequent a basis as possible.

(g) All executive agencies that are not members of the Task Force shall: (1) coordinate and cooperate with the Task Force; and (2)

review their programs and policies to ensure that they are being conducted and delivered in a manner that facilitates and promotes the employment of adults with disabilities. Each agency shall file a report with the Task Force on the results of its review on November 15, 1998.

Sec. 3. Cooperation. All efforts taken by executive departments and agencies under sections 1 and 2 of this order shall, as appropriate, further partnerships and cooperation with public and private sector employers, organizations that represent people with disabilities, organized labor, veteran service organizations, and State and local governments whenever such partnerships and cooperation are possible and would promote the employment and gainful economic activities of individuals with disabilities.

Sec. 4. Judicial Review. This order does not create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

WILLIAM J. CLINTON

THE WHITE HOUSE,
March 13, 1998.

#