

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: Christina Ho
Subseries:

OA/ID Number: 21544
FolderID:

Folder Title:
ADA [Americans with Disabilities Act] Event July 25, 2000 [binder]

Stack:	Row:	Section:	Shelf:	Position:
S	96	5	2	2

Box #7 (of last set of boxes)

1. ADA Event July 25 and 26, 2000
2. Enforcing the Civil Rights of Air Travelers with Disabilities: Recommendations for the Department of Transportation and Congress
3. Promises to Keep: A Decade of Federal Enforcement of the Americans with Disabilities Act—National Council on Disability (2 copies)
4. Back to School on Civil Rights—National Council on Disability
5. Recharting the Course: 1st Annual Report of the Presidential Task Force on Employment of Adults with Disabilities
6. Recharting the Course: 2nd Annual Report of the Presidential Task Force on Employment of Adults with Disabilities
7. Recharting the Course: 3rd Annual Report of the Presidential Task Force on Employment of Adults with Disabilities

Enclosures filed in
Oversize Attachments #

21544

NANA 18728

ADA EVENT

July 25, 2000

ADA EVENT

July 25 & 26, 2000

Clinton Presidential Records Digital Records Marker

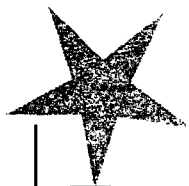
This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a publication.

Publications have not been scanned in their entirety for the purpose of digitization. To see the full publication please search online or visit the Clinton Presidential Library's Research Room.

Goals and Accomplishments -
Working on Behalf of Americans with
Disabilities

20pgs



GOALS AND ACCOMPLISHMENTS

WORKING
ON BEHALF

PRESIDENT CLINTON

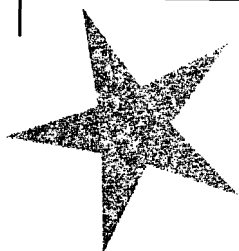
OF

AMERICANS

WITH

AND VICE PRESIDENT GORE

DISABILITIES



ASSISTING DISABLED SOCIAL SECURITY BENEFICIARIES WHO ARE WORKING OR WANT TO GO TO WORK.

- Automatically adjusting the Substantial Gainful Activity (SGA) level for individuals with disabilities to reflect the annual increases in the national average wage index.
- Increase the amount of monthly earning that count during a trial work period for Social Security beneficiaries who go to work.

INCREASING THE OPPORTUNITY FOR INDIVIDUALS WITH DISABILITIES TO BE EMPLOYED IN THE FEDERAL GOVERNMENT.

✓ Executive Order calling on Federal agencies to hire 100,000 people with disabilities over a five-year period.

- Direct Federal agencies to establish effective procedures for processing requests for reasonable accommodation by employees and job applicants with disabilities
- Call on Federal agencies that already operate customer service centers to identify positions that could be relocated to home-based or off-site facilities.
- Direct all Federal agencies to engage in a plan to ensure that today's Federal programs are free from disability-based discrimination, using specific steps designed by the Department of Justice and the Equal Employment Opportunity Commission (EEOC) to reach this important goal.

✓ ACCESS AMERICA FOR PEOPLE WITH DISABILITIES WEBSITE.

✓ **ANNOUNCING SUPPORT FOR LEGISLATION TO INCREASE ACCESS TO MEDICAID FOR WORKING FAMILIES WITH DISABLED CHILDREN.** Pass the Grassley- Kennedy-Sessions-Waxman Family Opportunity Act of 2000 (S. 2274 and HR 4825), sponsored by a bipartisan majority in the Senate and a growing coalition in the House. This bill, which is the next logical step beyond the Jeffords-Kennedy Work Incentives Improvement Act, creates a new Medicaid buy-in option and will help thousands of children with disabilities who lose their Medicaid coverage because of increased family income due to employment.

ADDRESSING BARRIERS TO EMPLOYMENT FOR YOUTH WITH DISABILITIES. FL

- Increase the amount that students who receive SSI can earn while continuing to receive the important protection SSI provides.
- Working with youth to reach adult employment: new interagency Youth to Work Initiative. important issue of helping young people make the transition from school to work. Youth with disabilities who want to enter the workforce face many barriers to employment, including low

✓ Task Force on Employment of Adults with Disabilities / Ticket To Work and Work Incentives Improvement Act 99 / Workforce Investment Act 98 / Reauthorizing the Individuals with Disabilities Education Act

**PRESIDENT CLINTON AND THE FIRST LADY:
COMMEMORATING THE 10TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT**
July 26, 2000

"If we could just remember a few basic things: that everybody counts, everybody deserves a chance, everybody has a role to play, we all do better when we help each other. That's what this Memorial represents, that's what the ADA represents, that's America at its best."

President Bill Clinton
July 26, 2000

Today, at the Franklin Delano Roosevelt Memorial in Washington, DC, President Clinton and First Lady Hillary Rodham Clinton joined leaders of the disability community in celebrating the 10th anniversary of the Americans with Disabilities Act (ADA). The President announced several new actions to further the goals of the ADA, including increasing federal employment opportunities for people with disabilities; ensuring that federal programs are free from disability-based discrimination; and reducing the barriers that Social Security beneficiaries face when they return to work. The First Lady announced a series of initiatives to improve and increase opportunities for young people with disabilities to successfully transition to work and achieve independence. Yesterday, Vice President Gore announced initiatives to provide home- and community-based options for people with disabilities who face institutionalization.

INCREASING EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES. President Clinton took new action to further increase job opportunities within the federal government for people with disabilities. Today, the President:

- Issued an Executive Order calling on federal agencies to hire 100,000 people with disabilities over five years;
- Directed federal agencies to establish effective procedures for processing requests for reasonable accommodation by employees and job applicants with disabilities; and
- Directed federal agencies to ensure that federal programs are free from disability-based discrimination.

REDUCING BARRIERS TO WORK FOR SOCIAL SECURITY BENEFICIARIES. The President proposed to reduce the barriers that Social Security beneficiaries face when they return to work by:

- Automatically adjusting the amount that Social Security disability beneficiaries can earn while continuing to receive their benefits relative to annual increases in the national average wage index; and
- Increasing the minimum amount of monthly earnings that count toward a monthly work period for Social Security beneficiaries who go to work.

SUPPORTING THE FAMILY OPPORTUNITY ACT. The President announced his support of the bipartisan Grassley-Kennedy-Sessions-Waxman Family Opportunity Act of 2000, which will help thousands of children with disabilities who lose their Medicaid coverage because of increased family income due to employment.

UNVEILING "ACCESS AMERICA" WEBSITE. The President announced a new website – *Access America for People with Disabilities* at www.disAbility.gov – that will provide a wide range of useful information for people with disabilities and their families.

HELPING YOUTH WITH DISABILITIES TRANSITION TO EMPLOYMENT. The First Lady announced a series of steps to help young people with disabilities successfully transition from education to employment including:

- A plan to increase the amount that students can earn and still receive Supplemental Security Income;
- A new interagency Youth to Work Initiative to help young people make the transition from school to work; and
- The Able to Work Consortium, a public-private partnership to help youth access job opportunities.

URGING CONGRESS TO ACT NOW ON NATIONAL PRIORITIES. The President urged Congress to act now on national priorities that affect individuals with disabilities, including affordable, accessible Medicare prescription drug coverage for all beneficiaries, and a strong, enforceable Patients' Bill of Rights.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

###

July 25, 2000
10th Anniversary of the American with Disabilities Act

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

I. PURPOSE

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

II. BACKGROUND

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

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

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

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

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

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

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

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

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

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

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

HELPING DISABLED INDIVIDUALS LIVE AND WORK IN THEIR COMMUNITIES. Yesterday, Vice President Gore announced that your Administration would launch a series of major new initiatives designed to promote the delivery of home- and community-based care for people with disabilities of all ages. These initiatives include a new \$50 million investment in FY 2001 to help states more easily offer services to people with disabilities of all ages in the setting most appropriate to their needs; new guidance to state Medicaid directors to help them comply with the recent *Olmstead*

Supreme Court ruling requiring Medicaid coverage for home and community based services; and a new public-private partnership between the Administration and the Robert Wood Johnson Foundation to help individuals with disabilities in institutional settings transition into community-based care. In addition, the Vice President announced new action to increase home ownership; expand incentives for employment for individuals with disabilities to a broader range of housing assistance programs; and promote the development of new assistive technology for people with disabilities.

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

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

III. PARTICIPANTS

Pre-brief:

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

Event Participants:

YOU

Mrs. Clinton
Senator Harkin
Senator Hatch
Justin Dart

V. SEQUENCE OF EVENTS

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

VI. MEDIA

Open Press.

VII. REMARKS

Provided by Speechwriting.

VIII. ATTACHMENTS

Justin Dart bio

Beth Gray bio

Short bios of stage participants

Justin Dart – Community Activist

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

Beth Gray - Vocalist

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

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

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

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

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

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

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

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

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

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

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

**PRESIDENT CLINTON AND THE FIRST LADY COMMEMORATE THE 10TH
ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT**

**Announce New Action to Expand Employment Opportunities and
Ensure Equality for Individuals With Disabilities**

July 26, 2000

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

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

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

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

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

RENEWING THE FEDERAL GOVERNMENT'S COMMITMENT TO ENSURING THAT FEDERAL PROGRAMS ARE FREE FROM DISABILITY-BASED DISCRIMINATION. The President will direct all Federal agencies to engage in a plan to ensure that today's Federal programs are free from disability-based discrimination, using specific steps designed by the Department of Justice and the Equal Employment Opportunity Commission (EEOC) to reach this important goal. As we celebrate the 10th anniversary of the ADA, we should renew our commitment to ensure that people with disabilities have equal employment opportunities within the Federal government and are fully able to participate in all Federal government programs.

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

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

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

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

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

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

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

HELPING DISABLED INDIVIDUALS LIVE AND WORK IN THEIR COMMUNITIES.

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

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

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

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

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

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

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

THE WHITE HOUSE

Office of the Vice President

For Immediate Release
Tuesday, July 25, 2000

Contact: James E. Kennedy
(202) 456-7035

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

Commemorates the 10th Anniversary of the Americans with Disabilities Act

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

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

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

Today, the Vice President will announce new measures to:

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

actively involve people with disabilities and their families in the development of programs enabling people with disabilities to choose where they want to live and receive services. These funds would be used to:

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

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

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

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

Expand Incentives for Employment for Individuals with Disabilities to a Broader Range of

Housing Assistance Programs. The Vice President announced that the Administration will issue a new rule that would expand incentives for employment for people with disabilities, extending earned income disregards, currently applicable only to public housing, to tenant-based Section 8 housing vouchers, the HOME program, the Housing for Opportunities for People with AIDS program, and the Supportive Housing for the Homeless program. The Administration is also working on legislative changes to extend the disregards to the remaining housing programs. The new rule will also clarify that deductions for disability-related expenses, such as medical or attendant care expenses, are applicable to the entire range of HUD housing programs.

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

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

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

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

- Supporting families with long-term care needs through a \$3,000 tax credit. This new tax credit supports the diverse needs of families by compensating a wide range of formal or informal long-term care for people of all ages with three or more limitations in activities of daily living (ADLs) or a comparable cognitive impairment. It would provide needed financial support to over 500,000 non-elderly adults.
- Providing a new \$1,000 tax credit to offset some of the formal and informal costs associated with employment for people with disabilities. Eligible workers with disabilities would receive a \$1,000 tax credit beginning in 2000. This would help about 200,000 to 300,000 people, at a cost of \$700 million for 2000-04.
- Providing a real Medicare prescription drug benefit for people with disabilities. There are five million people with disabilities on Medicare. The Administration has proposed a Medicare

prescription drug benefit option that does not rely on private insurers that have failed to extend prescription drug coverage to people with disabilities; is affordable and meaningful; and adequately financed and part of a plan to improve Medicare.

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

###

Clinton Presidential Records Digital Records Marker

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

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

DELIVERABLES

Divider Title: _____

Deliverables for the ADA Events July 25 & 26

President

Theme: Employment Opportunities and Equality

SUBJECT	DESCRIPTION	FORMAT	STATUS	ANNOUNCE
Increase the number of individuals with disabilities employed in the federal government.	The Federal Government shall hire 100,000 qualified individuals with disabilities over 5 years into all levels and occupations of the Government, to the maximum extent feasible.	Executive Order	DPC	July 26, 2000
Requiring Federal agencies to establish effective written procedures for processing requests for reasonable accommodation.	Federal agencies shall establish effective written procedures for processing requests for reasonable accommodations for people with disabilities.	Executive Order	DPC	July 26, 2000
Section 504 Enforcement	Federal agencies will work with the Department of Justice and EEOC to develop plans to evaluate agency programs, activities and facilities for compliance with sections 501 and 504 of the Rehabilitation Act, which prohibits discrimination on the basis of disability in federal programs and activities.	Executive Memo	DPC	July 26, 2000
Encourage Federal Agencies with Customer Service Call Centers to Explore Ways to Hire People with Disabilities (TF '99)	Agencies operating customer service centers shall examine the feasibility and appropriateness of using home-based employees as customer service representatives. If it is appropriate to establish home-based positions, agencies shall implement procedures that encourage the recruitment and employment of people with significant disabilities for such positions.	Executive Memo	DPC	July 26, 2000

Adjust the Substantial Gainful Activity Levels to Encourage Work Efforts (Note: These proposals do not address the “SSI Earned Income Exclusion.” One of the proposals on the First Lady’s list deals with the student version. We are not addressing the adult recipients at this time.)	SSA is proposing significant changes to the amounts that disabled adults can earn and be eligible for DI or SSI benefits. Under these proposals, the amounts would be adjusted annually based on the national average wage index. • <u>Indexing the Substantial Gainful Activity Level.</u> Annually adjust per the average wage index, the earnings level used to determine whether work done by persons with impairments other than blindness is substantial gainful activity. Currently, the SGA level is changed on an ad hoc basis through regulation. (SSI and DI) • <u>Increase (from \$200 to \$530) the Monthly Trial Work Period (TWP) Service Level.</u> During the TWP DI beneficiaries can test their ability to work without fear of losing benefits. Any month’s earnings that exceed the TWP service amount counts as a TWP month. In addition, the TWP service amount would be annually adjusted based on the national average wage. (DI Only)	Regulatory Change	OMB	July 26, 2000
Create “Access America for People with Disabilities” Web Site – SSA/DOL (TF’99)	Provide information and services offered by virtually every major federal government agency, by linking to an abundance of helpful Federal agency sites, programs and services.	Announcement of Website	Done	July 26, 2000
Strong, Enforceable Patient’s Bill of Rights (TF ’99)		Legislation	In Congress	Pending
Tax Credit to Assist Adults with Disabilities with Expenses Related to Work (TF ’99)	Provide flexible ways to assist people with disabilities in defraying the costs of personal attendant services, technologies and other services required for employment.	Budget Proposal	In Congress	Pending

Vice President
Theme: Integration and Technology

SUBJECT	DESCRIPTION	FORMAT	STATUS	ANNOUNCE
Technology: - Development/ Adoption of Information and Communication Technologies Used by People with Disabilities (TF '99) - Reiterate the \$35 million in our 2001 budget for assistive technology.	This would accelerate the development and deployment of assistive technology and technology that enables universal design. Assistive technology is used to maintain or improve the functional capabilities of people with disabilities. Universal design is the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. The development of assistive technologies and products that incorporate universal design principles can significantly improve the quality of life for people with disabilities, and increase their ability to participate in the workplace.	Executive Order	Pending	? July 25, 2000 July 25, 2000
Systems Change Capacity Building Grants	This initiative would fund states to engage in system change activities designed to build and enhance their capacity to provide personal assistance services and supports to people with disabilities of all ages. These letters would provide guidance to states clarifying additional flexibility that	Grant - \$50 million over 5 years None	Pending (OMB searching for funding)	July 25, 2000

• SMD letters clarifying Olmstead decision • Medicaid Technical Assistance Consortia • Support for Kennedy/Grassley Bill	exists for providing home and community based care services and reiterates current policy on eligibility for benefits. Kids version of the Jeffords – Kennedy Bill	Partnership – TF, Educ, SAMHSA, HHS/HCFA Pending	Close to resolution.	
Incentives for Employment	Issuing regulatory change to extend incentives for persons with disabilities to all of HUD’s housing assistance, including Section 8, 811, 202, the Rental Supplement program, and the Rental Assistance program.			
Access Housing 2000	This initiative through cooperative agreement between HHS/HUD and Robert W. Johnson would expand accessible, affordable housing to enable individuals currently residing in a nursing home or institution to move into the community.	Bob Williams/ Henry Claypool/ Nestor Davidson and Becky Ogle	Discussion: OMB/HCFA	July 25, 2000
Homeownership	HUD will send a letter from Assistant Secretary for Housing William Apgar to all approved FHA mortgagees entitled “Single Family Loan Production – Increasing Home Ownership Rates for			

	Persons with Disabilities”. This Mortgagee Letter will re-emphasize the Department’s commitment to make home ownership a reality for persons with disabilities and encourage its lender partners to make this dream possible through increased, but prudent flexibility when underwriting their loan applications.			
Creating of a National Mental Health Coalition to Promote Community-Based Care	SAMHSA will support the creation of this coalition. Key organizations and constituencies will come together to work in partnership with the States to develop a plan for the coalition, working with consumers. This technical assistance effort will link with the Private Industry Councils looking at employability, housing authorities, case managers, professional organizations, social security services and Access Housing 2000 Initiative.			

**First Lady
Theme: Youth**

SUBJECT	DESCRIPTION	FORMAT	STATUS	ANNOUNCE
Develop Youth to Work Initiative – DOL, Education, HHS, SSA, OPM, TF and Others (TF '99)	To ensure improvement in the education, transition, employment, health and independent living outcomes of young people with disabilities, all Federal agencies will coordinate and cooperate with the Task Force to: (1) strengthen interagency research, demonstration, and training activities; (2) create a public awareness campaign focused on young people with disabilities; (3) ensure that young people with disabilities are included in all youth programs mandated under the Workforce Investment Act; (4) increase access to health care and resources through an Interagency Council on Health and Ready to Work; (5) increase participation in postsecondary education and training; and (6) create a Youth Advisory Council to assist the Task Force in conducting these and other appropriate activities.	Amend Task Force Executive Order		July 26, 2000
Partnership between Task Force and Able to Work Consortium	This initiative would be a public/private partnership to ensure that youth with disabilities are afforded the opportunity to have meaningful internships that lead to real careers	Task Force and Able to Work Consortium talks		
SSI Regulation – Student Earned Income Exclusion (TF '99)	Increase the Student Earned Income Exclusion maximum monthly (from \$400 to \$1,290) and yearly (from \$1,620 to \$5,200) amounts used in determining SSI eligibility and payment amounts, and then annually adjust these amounts per the CPI.			

Youth Councils	The Department of Labor will issue guidance to the Workforce Investment partners on the creation of newly authorized Youth Councils under the Workforce Investment Act. This guidance, among other things, will encourage the inclusion of young people and other parties representing the interests of youth with disabilities on these councils. (August)	DOL Guidance		
Significant Disability	The Department of Labor will issue guidance to the Workforce Investment partners on the following: • Emphasizing need for states to be aggressive in ensuring that WIA structures address the concerns of people with disabilities in their programs; and • Encouraging outreach to and inclusion of state MR/DD Directors and state Medicaid Directors on state Workforce Investment Boards.			
Guidance on Non-Harassment of Students with Disabilities – Education	The Department of Education will issue a “Dear Colleague Letter” to offer schools guidance to address student harassment based on disability.	Dear Colleague Letter from Education	Done	July 26, 2000
Improving Education: The Promise of Inclusive Schooling	The Department of Education has just published through one of its grantees the National Institute on Urban School Improvement, a pamphlet designed to facilitate the unification of current general and special education.			
Youth Leadership Development Project	The Department of Education will publish a grant announcement in late August to establish a Youth with Disabilities Leadership Development project. This project, which will help identify barriers to economic independence for youth with disabilities and identify strategies for reducing or removing these barriers. This project, to be awarded in October, is jointly funded with the Department			

	of Labor, the Department of Health and Human Services, the Social Security Administration, the President's Committee on Employment of People with Disabilities, and the National Council on Disability.			
High Stakes Testing Guide and Guidance on District Assessments of Students with Disabilities	The Department of Education recently published for public comment a guide to high stakes assessment which includes a small section that discusses the "Testing of Students with Disabilities: (Final version-September). In addition, the Department of Education will issue guidance in the form of commonly asked questions and answers around the inclusion of students with disabilities in statewide and district assessment. (Late July or early August)			

HUD

SUBJECT	DESCRIPTION
Consolidated Planning For Community Development	• 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."
Tax Credits	• 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.
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.
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.
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 needs there might be to make the Centers accessible.

HHS/ SAMHSA/ HCFA

SUBJECT	DESCRIPTION
Improving Employability	• <u>Providing Employers with the Tools and Knowledge</u> – 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.

TRANSPORTATION

SUBJECT	DESCRIPTION
Comprehensive Plan of Action	DOT has conducted the initial interagency coordination, and has completed its "Comprehensive Plan of Action," addressing the lack of transportation services and systems for persons with disabilities, as directed by the President and recommended by the President's Task Force on Employment of Adults with Disabilities. The Plan, designed specifically to address barriers to "finding and keeping jobs," will issue shortly.
New Regulations	We expect to announce the issuance of two new regulations: one on DOT's adoption of Access Board's Updated Accessibility Guidelines and one extensive supplemental rule on safety standards for platform lifts and for motor vehicles using platform lifts.
Report on "Designing Sidewalks and Trails for Access: A Best Practices Guide"	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.
Report to Congress on Commercial Drivers Licenses for Insulin-dependent Diabetics	We are working to complete a number of other deliverables, including issuance of a Report to Congress on Commercial Drivers Licenses for insulin-dependent diabetics; completion of an interagency Air Carrier Access Act outreach plan for travelers with a disability; issuance of a new Departmental policy statement and plan on Section 501 and Affirmative Action for Persons with a Disability; and the announcement of a biennial "Secretary's Excellence in Accessibility Award."
Plan of Action to Address Transportation Services and Systems for People wit Disabilities (TF '99)	This comprehensive plan would be to concentrate federal efforts on developing an interagency action plan that addresses the lack

	of public transportation as a major employment barrier for people with disabilities.
--	--

DOL

SUBJECT	DESCRIPTION
Create Office of Disability Policy Headed by Assistant Secretary – DOL (TF'99)	This office headed by an Assistant Secretary would bring a permanent and heightened focus on disability employment issues at the DOL [Note: Included in FY 2001 Budget request. The Senate supported the effort; the House did not. Pending in Conference.]
Strengthen Enforcement of Employment – related Nondiscrimination Provisions of ADA and Rehabilitation Act – DOJ, Labor, EEOC (TF '99)	Supplements the comprehensive compliance reviews with a variety of different means for assessing a contractor's compliance with Section 503 and its implementing regulations. Section 503 of the Rehabilitation Act of 1973 requires government contractors and subcontractors to take affirmative action to employ and advance in employment individuals with disabilities. [Note: Pending at OMB. Will not be cleared by July 26.]

FCC

SUBJECT	DESCRIPTION
The Use of N11 Codes and Other Abbreviated Dialing Arrangements (CC Docket No. 92-105)	The Commission will consider a Second Report and Order concerning the nationwide implementation of 711 access to telecommunications relay services (TRS).
The Implementation of Video Description of Video Programming (MM Docket No. 99-339)	The Commission will consider a Report and Order concerning rules requiring certain broadcast stations and multi-channel video programming distributors to provide programming with video description.
Closed Captioning Requirements for Digital Television Receivers (ET Docket No. 99-254); and Closed Captioning and Video Description of Video Programming, Implementation of Section 305 of the Telecommunications Act of 1996, Video Programming Accessibility (MM Docket No. 95-176)	The Commission will consider a Report and Order concerning technical standards for the display of closed captions on digital television (DTV) receivers.

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

- **EEOC**

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

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

DOJ

SUBJECT	DESCRIPTION
AG will announce initiative to ensure that local government programs are accessible to people with disabilities.	
Release "Enforcing the ADA: Looking Back On a Decade of Access."	Report highlighting the enforcement and technical assistance activities, will be posted on the DOJ website and will be mailed to the 8,000 disability rights activists on the mailing list.
Pictogram Project	The pictogram project was initiated as part of the consent decree in <i>United States v. Middlesex Hospital, et al.</i> (D.Conn.), in which the court deaf, hard of hearing, or have other problems communicating to get assistance in hospital emergency rooms and elsewhere while awaiting a sign language interpreter. The Department has compiled a loose-leaf notebook of common phrases used in emergency rooms to assist personnel who do not use sign language to communicate with deaf patients. Also included are scales to illustrate degrees of pain or discomfort, body drawings to show where the pain is located, and other tools to aid in communication. The Department is distributing the pictograms to the Connecticut Hospital Association pursuant to the consent decree, and is working with HHS to identify hospital associations in each state for distribution.

OPM

SUBJECT	DESCRIPTION
Showcase success stories of the Federal government as a model employer.	Last October, the President released “Assessing Opportunity: The Plan for Employment of People with Disabilities in the Federal Government, which the VP asked OPM to develop. OPM is compiling success stories from federal agencies and departments, which showcase stories of the Federal Government as a model employer.
Announce final regulation to make it easier for agencies to hire people with psychiatric disabilities.	This regulation will level the playing field for those with psychiatric disabilities by giving them the same hiring opportunities as other people with disabilities.
IEP Guide	In early July, ED published an easy-to-understand guide for teachers and parents on the requirements for a student’s Individualized Education Program (IEP), according to the Individuals With Disabilities Education Act.
Charter Schools and Students with Disabilities	In late summer/ early fall, ED will release its final report on charter schools and students with disabilities, which examined, in part, the reasons parents enroll students with disabilities in charter schools, the nature of the services provided, and the outcome goals for students with disabilities.

Clinton Presidential Records Digital Records Marker

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

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

EXECUTIVE ACTIONS

Divider Title: _____

**SUMMARY OF EXECUTIVE ORDERS AND PRESIDENTIAL
MEMORANDUMS RELATED TO PERSONS WITH DISABILITIES**

July 26, 2000

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

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

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

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

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

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

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

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

Presidential Memorandum: Assistive Technology and Universal Design

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

Executive Order

REQUIRING FEDERAL AGENCIES TO ESTABLISH PROCEDURES TO FACILITATE THE PROVISION OF REASONABLE ACCOMMODATION

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), as amended, and in order to promote a model Federal workplace that provides reasonable accommodation for (1) individuals with disabilities in the application process for Federal employment; (2) Federal employees with disabilities to perform the essential functions of a position; and (3) Federal employees with disabilities to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities, it is hereby ordered as follows:

Section 1. Establishment of Effective Written Procedures to Facilitate the Provision of Reasonable Accommodation. (a) Each Federal agency shall establish effective written procedures for processing requests for reasonable accommodation by employees and applicants with disabilities. The written procedures may allow different components of an agency to tailor their procedures as necessary to ensure the expeditious processing of requests.

(b) As set forth in *Re-charting the Course: The First Report of the Presidential Task Force on Employment of Adults with Disabilities* (1998), effective written procedures for processing requests for reasonable accommodation should include the following:

- (1) Explain that an employee or job applicant may initiate a request for reasonable accommodation orally or in writing. If the agency requires an applicant or employee to complete a reasonable accommodation request form for record keeping purposes, the form must be provided as an attachment to the agency's written procedures;
- (2) Explain how the agency will process a request for reasonable accommodation, and from whom the individual will receive a final decision;
- (3) Designate a time period during which reasonable accommodation requests will be granted or denied, absent extenuating circumstances. Time limits for decision making should be as short as reasonably possible;
- (4) Explain the responsibility of the employee or applicant to provide appropriate medical information related to the functional impairment at issue and the

requested accommodation where the disability and/or need for accommodation is not obvious;

(5) Explain the agency's right to request relevant supplemental medical information if the information submitted does not clearly explain the nature of the disability, or the need for the reasonable accommodation, or does not otherwise clarify how the requested accommodation will assist the employee to perform the essential functions of the job or to enjoy the benefits and privileges of the workplace;

(6) Explain the agency's right to have medical information reviewed by a medical expert of the agency's choosing at the agency's expense;

(7) Provide that reassignment will be considered as a reasonable accommodation if the agency determines that no other reasonable accommodation will permit the employee with a disability to perform the essential functions of his or her current position;

(8) Provide that reasonable accommodation denials be in writing and specify the reasons for denial;

(9) Ensure that agencies' systems of record keeping track the processing of requests for reasonable accommodation and maintain the confidentiality of medical information received in accordance with applicable law and regulation; and

(10) Encourage the use of informal dispute resolution processes to allow individuals with disabilities to obtain prompt reconsideration of denials of reasonable accommodation. Agencies must also inform individuals with disabilities that they have the right to file complaints in the Equal Employment Opportunity process and other statutory processes, as appropriate, if their requests for reasonable accommodation are denied.

Sec. 2. Submission of Agency Reasonable Accommodation Procedures to the Equal Employment Opportunity Commission (EEOC). Within one year from the date of this order, each agency shall submit its procedures to the EEOC. Each agency shall also submit to the

EEOC any modifications to its reasonable accommodation procedures at the time that those modifications are adopted.

Sec. 3. Collective Bargaining Obligations. In adopting their reasonable accommodation procedures, agencies must honor their obligations to notify their collective bargaining representatives and bargain over such procedures to the extent required by law.

Sec. 4. Implementation. The EEOC shall issue guidance for the implementation of this order within 90 days from the date of this order.

Sec. 5. Construction and Judicial Review. (a) Nothing in this order limits the rights that individuals with disabilities may have under the Rehabilitation Act of 1973, as amended.

(b) This order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, its employees, or any person.

THE WHITE HOUSE,

Executive Order

INCREASING THE OPPORTUNITY FOR INDIVIDUALS WITH
DISABILITIES TO BE EMPLOYED IN THE FEDERAL GOVERNMENT

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to promote an increase in the opportunities for individuals with disabilities to be employed at all levels and occupations of the Federal Government, and to support the goals articulated in section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791), it is hereby ordered as follows:

Section 1. Increasing the Federal Employment Opportunities for Individuals with Disabilities. (a) Recent evidence demonstrates that, throughout the United States, qualified persons with disabilities have been refused employment despite their availability and qualifications, and many qualified persons with disabilities are never made aware of available employment opportunities. Evidence also suggests that increased efforts at outreach, and increased understanding of the reasonable accommodations available for persons with disabilities, will permit persons with disabilities to compete for employment on a more level playing field.

(b) Based on current hiring patterns and anticipated increases from expanded outreach efforts and appropriate accommodations, the Federal Government, over the next five years, will be able to hire 100,000 qualified individuals with disabilities. In furtherance of such efforts, Federal agencies shall:

- (1) Use available hiring authorities, consistent with statutes, regulations, and prior Executive orders and Presidential Memoranda;
- (2) Expand their outreach efforts, using both traditional and non-traditional methods; and
- (3) Increase their efforts to accommodate individuals with disabilities.

(c) As a model employer, the Federal Government will take the lead in educating the public about employment opportunities available for individuals with disabilities.

(d) This order does not require agencies to create new positions or to change existing qualification standards for any position.

Sec. 2. Implementation. Each Federal agency shall prepare a plan to increase the opportunities for individuals with disabilities to be employed in the agency. Each agency shall submit that plan to the Office of Personnel Management within 60 days from the date of this order.

Sec. 3. Authority to Develop Guidance. The Office of Personnel Management shall develop guidance on the provisions of this order to increase the opportunities for individuals with disabilities employed in the Federal Government.

Sec. 4. Judicial Review. This order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, its employees, or any person.

THE WHITE HOUSE,

MEMORANDUM FOR THE HEADS OF ALL EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Employing People with Significant Disabilities to Fill Federal Agency Jobs That Can Be Performed at Alternate Work Sites, Including the Home

Cutting edge telecommunications technology has recently made it possible for customer service "call/contact" centers to transmit voice and data to employees who are located at work sites other than the call/contact centers, employers' headquarters, or other centralized locations. Individuals employed as customer service representatives can work from their homes or any other accessible off-site location just as if they were working in the call/contact centers themselves. Technology also enables other types of work activities, such as the processing of insurance claims and financial transactions, to be carried out from such alternate work stations.

The unemployment rate of individuals with significant disabilities is among the highest of disadvantaged groups in the nation. These individuals are an important untapped resource of talent and skills, and a key element in the capacity to sustain our historic economic growth. The increasing use of off-site work stations to carry out significant and competitive work activities provides a critical new source of employment opportunities for individuals with significant disabilities.

It is in the interest of the Federal Government to utilize the skills of qualified people with significant disabilities by recruiting them for appropriate off-site, home-based employment opportunities with Federal agencies, including employment as home-based customer service representatives linked to Federal customer service call/contact centers.

To harness the power of new technologies to promote Federal sector employment of qualified people with significant disabilities, as defined in the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), as amended, and to improve Federal customer service representation, I direct executive departments and agencies as follows:

- (a) Each head of an executive department or agency operating customer service call /contact centers shall identify positions that can be relocated to home-based or other off-site facilities, and that can be filled by qualified individuals, including those with significant disabilities.
- (b) Each head of an executive department or agency shall identify the appropriateness of using home-based and other off-site positions to carry out other specific work activities, such as the processing of insurance claims and financial transactions, that could be accomplished by qualified individuals, including those with significant disabilities.

(c) If the head of a department or agency determines it is feasible and appropriate to use home-based and other off-site locations pursuant to its actions under paragraphs (a) and (b) of this memorandum, such head shall develop a Plan of Action that encourages the recruitment and employment of qualified individuals with significant disabilities.

(d) The Plan of Action developed pursuant to paragraph (c) of this memorandum shall be submitted to the President's National Task Force on Employment of Adults with Disabilities ("Task Force") (established by Executive Order 13078 of March 13, 1998) within 120 days from the date of this memorandum.

(e) The Task Force shall review and approve agency Plans of Action and shall be responsible for developing guidance for the implementation of the plans and the provisions of this memorandum.

(f) In implementing this memorandum, agencies must honor their obligations to notify their collective bargaining representatives and bargain over such procedures to the extent required by law.

(g) This memorandum shall be implemented consistent with merit system principles under law.

(h) This memorandum does not create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its officers, its employees, or any other person.

THE WHITE HOUSE,

MEMORANDUM FOR THE HEADS OF ALL EXECUTIVE DEPARTMENTS AND AGENCIES

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

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

As we celebrate the ADA, we cannot forget that it was built on the solid foundation of the Rehabilitation Act of 1973 ("Act") (29 U.S.C. 701 *et seq.*), as amended, which prohibits discrimination on the basis of disability in Federal programs and activities. One important goal of the Act for the Federal Government is to set an example for the rest of the country by being a model employer and providing exemplary service to its customers with disabilities. While this goal remains constant, the nature and structure of government have changed in the decades since the inception of the Act. New agencies have been formed, while others no longer exist. Government is more efficient and doing more with less.

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

I call upon the Department of Justice (DOJ), the Equal Employment Opportunity Commission (EEOC), the Interagency Disability Coordinating Council (IDCC), and the President's National Task Force on Employment of Adults with Disabilities (Task Force) to provide leadership to Federal agencies in meeting their common goal: to ensure that today's Federal programs — including programs of employment — continue to be readily accessible to and usable by persons with disabilities.

To meet this goal, I hereby direct the DOJ and the EEOC, in close consultation with the IDCC and the Task Force, to develop priorities under which agencies will focus on specific programs or types of programs to ensure that they are readily accessible to persons with disabilities in accordance with the requirements of sections 501, 504, and 508 of the Act (29 U.S.C. 791, 794, 794d). As the initial steps, agencies are directed to do the following:

- (a) Make all programs offered on their Internet and Intranet sites accessible to people with disabilities by July 27, 2001, consistent with the requirements of the Act and subject to the availability of appropriations and technology; and

- (b) Publish by various means, including by incorporation on all agency Internet home pages, the name and contact information for the office(s) responsible for coordinating the agency's compliance with sections 501 and 504 of the Act (29 U.S.C. 791, 794).

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

I designate the Administrator of the General Services Administration and the Secretary of Defense to participate in the IDCC, in addition to those members set out by statute (29 U.S.C. 794c).

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

Nothing in this memorandum is intended in any way to limit the effect or mandate of Executive Order 12250 of November 2, 1980, which conveys certain authorities upon the Attorney General, or Executive Order 12067 of June 30, 1978, which conveys certain authorities upon the Chair of the Equal Employment Opportunity Commission.

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

THE WHITE HOUSE,

ADA DISABILITY EVENT
SOCIAL SECURITY DISABILITY INITIATIVES
July 26, 2000
DRAFT – July 25, 2000

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

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

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

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

Each year, approximately 400,000 disability beneficiaries participate in the workforce. Many hesitate to work because they cannot afford to give up critical benefits. Increasing the SGA level would enable more disabled beneficiaries to work more.

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

- A Trial Work Period (TWP) allows a disabled individual receiving Social Security disability benefits to test their ability to work for at least 9 months. During the TWP, an

individual will receive full disability benefits regardless of how high their earnings might be so long as they continue to have a disabling impairment.

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

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

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

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

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

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

"Timeline" of Events for a DI Beneficiary Returning to Work

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

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

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

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

Background

SSA administers two disability programs, Social Security Disability Insurance and Supplemental Security Income.

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

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

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

- President Bill Clinton, June 4, 1999 -

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

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

Clinton Presidential Records Digital Records Marker

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

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

ACCOMPLISHMENT

Divider Title: _____

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

July 26, 2000

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

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

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

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

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

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

PRESIDENT CLINTON AND VICE PRESIDENT GORE:
Working on Behalf of Americans with Disabilities

"If we want to keep our economy growing with continued low inflation and low unemployment, we must draw on the untapped potential of our people.... Americans with disabilities who want to work shouldn't have to wait one more day."

-- President Bill Clinton
October 16, 1999

EXPANDING ECONOMIC OPPORTUNITY:

I. 2000 Legislative Priorities and FY2001 Budget Initiatives

Disability Office in the Department of Labor. President Clinton and Vice President Gore support establishing an Office of Disability Policy, Evaluation and Technical Assistance (ODPET) within the Department of Labor (DOL), and improving access for adults with disabilities to employment services offered through the one-stop system. The President's FY 2001 budget includes \$20.56 million for ODPET, which was recommended by the Presidential Task Force on Employment of Adults with Disabilities. Under the leadership of an Assistant Secretary, ODPET's mission would be to dramatically increase the employment rate of people with disabilities by implementing a sustained, coordinated, and aggressive strategy to eliminate barriers and create meaningful employment opportunities for people with disabilities. This office would initially subsume the President's Committee on Employment of People with Disabilities (PCEPD) in an effort to reduce duplication and enhance coordination of Federal employment programs for people with disabilities. The office would work within DOL to ensure that all programs address the need to increase participation of people with disabilities in DOL training programs, with a targeted emphasis on those serving youth during FY 2001.

National Disability Business Development Board. Creation of ODPET would also establish the National Disability Business Development Board, a federally chartered corporation. The Board will be made up of America's business leaders, organized labor, rehabilitation and service providers, and disability-related organizations currently advising the President's Committee on Employment of People with Disabilities. The board would: work to improve the access of individuals with disabilities to financial institutions and commercial and business enterprises; provide incentives to, and collaborate with, the public and private sectors to ensure the necessary levels of resources/investments in employment initiatives for individuals with disabilities; and leverage funds for public awareness about disability and employment.

Tax Credit for Work-Related Expenses. In his FY 2001 budget, President Clinton renews his proposal for a \$1,000 tax credit for work-related expenses for people with disabilities. This tax credit was proposed last year but not supported by Congress. The credit would help workers with significant disabilities cover the formal and informal costs that are associated with employment, such as specialized transportation and technology. Like the Ticket to Work and Work Incentives Improvement Act, it would help ensure that people with disabilities have the tools they need to return to work by recognizing the extra costs associated with working.

Extending Medicare Access for People with Disabilities Who Work. The President and Vice President's FY 2001 budget builds on achievements enacted in the Ticket to Work and Work Incentives

Improvement Act to ensure that individuals with disabilities have full opportunity to participate in and contribute to our growing economy. The Administration has proposed removing an arbitrary four-and-a-half-year limit on Medicare coverage for people with disabilities who return to work, giving individuals with disabilities lifetime access to Medicare.

Vocational Rehabilitation State Grants. The Administration's FY 2001 budget includes \$2.4 billion, an increase of \$60.8 million, or 2.6 percent, to assist State VR agencies to improve the employment outcomes of individuals with disabilities. A wide range of services is provided each year to about 1.2 million individuals with disabilities, and these funds will assist States to address the needs of this population.

II. Record of Accomplishments

Enacted the Ticket to Work and Work Incentives Improvement Act. The Ticket to Work and Work Incentives Improvement Act of 1999 (TWWIIA) is an historic bill produced through the bipartisan efforts of President Clinton and Vice President Gore; Senators Jeffords, Kennedy, Roth, and Moynihan; leaders in the House of Representatives; and the disability community. On December 17, 1999, the President signed this historic bill into law at a ceremony held at the FDR Memorial. This legislation, which the President advocated since 1998, will help provide better health care options for people with disabilities who work.

TWWIIA will improve employment opportunities by: creating new options and incentives for states to offer a Medicaid buy-in for workers with disabilities; extending Medicare coverage for an additional 4 ½ years for people on disability insurance who return to work; creating a \$250 million Medicaid buy-in demonstration to help people whose disabilities have not yet progressed so far that they cannot work; and enhancing employment-related services for people with disabilities through the new "Ticket to Work" Program. TWWIIA also creates a Work Incentive Grant program to provide benefits planning and assistance, facilitate access to information about work incentives, and better integrate services to people with disabilities working or returning to work.

Increasing the Substantial Gainful Activity Amount. In July 1999, the Social Security Administration increased the monthly earnings guidelines from \$500 to \$700 per month, enabling beneficiaries with disabilities to earn more without affecting their benefits. These guidelines are used to determine whether the work activities of a person with impairments, other than blindness, demonstrate that he or she is able to perform substantial gainful activity (SGA).

Directing Federal Agencies to Implement Plan for Hiring People with Disabilities. Since the beginning of the Clinton-Gore Administration, the American economy has added nearly 21 million new jobs, and unemployment is at the lowest level in three decades. Yet nearly 75 percent of individuals with significant disabilities are unemployed. Last year, Vice President Gore asked the Office of Personnel Management to develop a model plan to bring more adults with disabilities into the Federal workforce. On October 16, 1999, President Clinton released that action plan and directed the Federal government to implement it immediately. The plan, *Accessing Opportunity: The Plan for Employment of People with Disabilities in the Federal Government*, along with a companion Employment Guide, provides detailed resources for federal employees as they recruit, hire, train and promote people with disabilities. Under this plan, the Federal government -- the nation's largest employer with almost 1.8

million workers -- will do more to: recruit people with disabilities for positions at all levels of government; provide opportunities for students with disabilities; ensure career opportunities for people with disabilities; collect and maintain data to monitor success of people with disabilities in the federal workforce; and provide reasonable accommodations for applicants and employees with disabilities.

Sponsoring “Disability Mentoring Day: Career Development for the 21st Century.” On October 27, 1999, the White House sponsored the first-ever mentoring day for people with disabilities. The Office of Personnel Management (OPM) and Departments of Labor, Justice, Education, Transportation, and Defense also participated in the mentoring program, which was modeled after other “shadow” days. It also coincided with a reception hosted by OPM to celebrate the release of the *Plan and Employment Guide*. This year, the mentoring day will take place on Wednesday, October 25th. The White House encourages people from all across the country to participate in their local communities.

Expanding Hiring Opportunities for People with Psychiatric Disabilities. In January 1999, Tipper Gore announced that the Office of Personnel Management (OPM) would explore measures to eliminate the stricter standards that are currently applied to job applicants with psychiatric disabilities. On June 4, 1999, President Clinton signed an executive order ensuring that individuals with psychiatric disabilities are given the same hiring opportunities as persons with significant physical disabilities or mental retardation. On March 17, 2000, OPM issued proposed regulations to create a new Government-wide excepted appointing authority for persons with psychiatric disabilities. This authority will broaden the category of people who may non-competitively acquire competitive civil service status after two years of successful service, providing individuals with psychiatric disabilities the same hiring opportunities already offered to individuals with mental retardation and significant physical disabilities.

Mental Health Parity for Federal Employees. Leading by example, in June 1999 President Clinton called for parity for mental health and substance abuse coverage in the Federal Employees Health Benefits Program (FEHBP) by 2001. The FEHBP is the largest employer-sponsored health insurance program in the country -- covering 8.5 million people, including Federal employees, retirees, and their families -- and often serves as a model for other employers and the insurance industry. The Office of Personnel Management (OPM) will work with participating health plans to introduce managed behavioral health care components that incorporate proven techniques such as case management, authorized treatment plans, provider networks using effective screening and referral procedures, pre-certification, and disease management. OPM has eliminated lifetime and annual maximums in the Program, and negotiated with plans to move away from contractual day and visit limitations, high deductibles, co-payments, and coinsurance for mental health coverage.

Signed the Workforce Investment Act of 1998. On August 7, 1998, President Clinton signed the Workforce Investment Act (WIA), which included the Rehabilitation Act Amendments of 1998, helping to improve worker training and placement options for people with disabilities. WIA establishes better links between the vocational rehabilitation (VR) system and the general workforce development system. Job seekers with disabilities now have improved options for service through the mainstream worker training and placement system, and through the disability-specific VR system. WIA also strengthens the Rehabilitation Act by giving increased options to individuals with disabilities in developing VR plans.

Increasing Employment of Adults with Disabilities. President Clinton signed an Executive Order in March 1998 establishing the Presidential Task Force on Employment of Adults with Disabilities. The

Task Force is charged with creating a coordinated and aggressive national policy to move individuals with disabilities into gainful employment at a rate approaching that of the general adult population. The Task Force, chaired by the Secretary of Labor, continues its efforts to promote employment opportunities, and many of its recommendations have already been accepted and implemented by the President. The Task Force is analyzing the barriers to employment faced by people with disabilities and will report its findings with policy recommendations to the President on a periodic basis until its final report is presented on July 26, 2002.

Working on Innovative Strategies to Improve Employment of Adults with Disabilities. The Clinton-Gore Administration continues to develop innovative strategies to employ Americans with disabilities. The Social Security Administration (SSA), the Department of Health and Human Services (HHS), the Department of Labor (DOL), and the Department of Education (DoED) are all participating in inter-agency demonstration projects to expand job opportunities for persons with disabilities. For instance, DoED has awarded six systems-change grants to establish models of improved cooperation and coordination between State Vocational Rehabilitation programs, public employment/employment training programs, and other related programs. The grants will help reduce barriers to employment and increase the capacity of States' overall employment system to serve individuals with disabilities. The focus of these systems change projects is increasing the employment rate of individuals with disabilities who are currently receiving support through public programs.

In addition, SSA is working under cooperative agreements with 12 states to develop innovative projects to assist adults with disabilities to reenter the workforce. This activity, the State Partnership Initiative, is designed to help states develop innovative and integrated statewide programs of services and supports for their residents with disabilities that will increase job opportunities and decrease dependence on benefits, including Social Security Disability Insurance and Supplemental Security Income. Moreover, the President's Committee on Employment of People with Disabilities (PCEPD) has worked to coordinate a commitment by the U.S. Chamber of Commerce, the Society of Human Resource Managers, and dozens of other private sector companies to support several initiatives advancing the employment of people with disabilities among employers. Initiatives include the formation of local and state employer-led groups advocating for the employment of people with disabilities, the launching of a nationwide campaign to advance the employment of persons with cognitive disabilities, and supporting PCEPD's career exploration and employment programs for youth with disabilities.

Creating New Tools to Help Families Move from Welfare to Work. Since enactment of the 1996 welfare reform law, millions of families have moved from welfare to work. Recognizing the special needs of some people with disabilities and other populations in moving from welfare to work, the 1997 Balanced Budget Act included \$3 billion to move long-term welfare recipients and low-income non-custodial fathers into jobs. To fully implement this initiative, the President's FY 2001 budget allows grantees an additional two years to spend Welfare-to-Work funds. It also proposes \$255 million for Fathers Work/Families Win grants to promote responsible fatherhood and support working families. The Welfare-to-Work Tax Credit provides tax incentives to encourage businesses to hire long-term welfare recipients. President Clinton has secured 110,000 new housing vouchers in the last two years to help welfare recipients and hard-pressed working families move closer to job opportunities, and this year he is proposing \$690 million for 120,000 new housing vouchers.

EDUCATION AND TRAINING:

I. 2000 Legislative Priorities and FY2001 Budget Initiatives

State Grant Program. The Administration's FY 2001 budget includes \$5.28 billion, a \$290 million or 5.8 percent increase, for Special Education Grants to States. With passage of this increase, funding for the State Grant Program will have risen 127 percent since 1994. In FY 2001, the Grants to States program would provide an average of \$827 per child, an increase of 4 percent over the FY 2000 level. If approved, States will receive 13 percent of their average per pupil expenditures, or 11 percent of the excess costs, from the federal government for educating children with disabilities.

State Improvement Grants. The Administration's FY 2001 budget includes \$45.2 million for the State Improvement Grants, a \$10 million increase (or 28.4 percent) over FY 2000. This will provide funding for 28 existing awards to States as well as new awards to an estimated 15 States and territories. The State Improvement program would expand efforts to reform and improve State systems for providing educational, early intervention, and transitional services to improve results for children with disabilities.

Parent Training. The Administration's FY 2001 budget for the Parent Training and Information Centers program is \$26 million, a \$7.5 million increase, or 40.3 percent, above last year's level. The increase would be used to expand the size of the awards to existing State Parent Training and Information Centers, establish four new centers for a total of 103 across the country, and provide additional technical assistance to centers. Three of the new centers would be community centers operated by local parent organizations and focus on meeting the needs of underserved parents and families of children with disabilities.

Reading and Behavior. The President's FY 2001 budget includes a request for a \$10 million Primary Education Intervention initiative. This initiative will support projects that demonstrate effective interventions coupled with early identification to improve results for children with disabilities. The initiative would target children with significant problems in learning to read, and those exhibiting behaviors that have been found to lead to significant discipline problems or emotional disturbance as they get older. Research shows that early intervention is particularly effective for improving educational results for children, and these funds will allow more students to benefit from timely identification and service delivery.

State Technical Assistance Awards. Helping States comply with the Individuals with Disabilities Education Act (IDEA) is critically important, and the President's FY 2001 budget includes an \$8 million request for State Technical Assistance Awards that will help address this need. These technical assistance awards will be instrumental in improving State monitoring and complaint resolution systems, and to correct deficiencies found through State and Federal monitoring of the implementation of IDEA.

II. Record of Accomplishments

Supporting Quality Education for Children with Disabilities. In 1997, the President enacted a stronger Individuals with Disabilities Education Act (IDEA), reaffirming our national commitment to provide a world class education for all our children by ensuring that our nation's schools are safe and conducive to learning, while scrupulously protecting the rights of students with disabilities. Funding for the basic IDEA grant program has increased by 100 percent under the Clinton-Gore Administration.

Fighting Unwise Amendments to IDEA. In the 105th Congress, the Majority in the House of Representatives attempted to amend the Individual with Disabilities Education Act (IDEA) to make it easier to expel children with disabilities who were judged by school officials to be potentially violent in school. These broad, subjective judgements could have resulted in inappropriate expulsion of large numbers of students with disabilities. The Clinton-Gore Administration, working with parents, successfully opposed these amendments.

Enforcing IDEA. The Clinton Administration has defended the rights of children with disabilities under the Individuals with Disabilities Education Act in numerous Federal Court cases: *Cedar Rapids Community School District v. Garrett F.*; *Marie O. v. Edgar*; *Sacramento City Unified School District v. Holland*; *Hartmann v. Loudon County Board of Education*.

IMPROVING ACCESS AND QUALITY OF HEALTH CARE:

I. 2000 Legislative Priorities and FY2001 Budget Initiatives

Addressing the Nation's Multi-Faceted Needs for Long Term Services and Supports. The President's FY 2001 budget includes a \$28 billion, 10-year investment to tackle the complex problem of long-term care, which affects millions of elderly persons, people with disabilities, children with special needs, and/or the families who care for them. Its centerpiece is a \$3,000 tax credit for people with long-term care needs or their caregivers -- triple the amount proposed last year. It also seeks to address the way in which Medicaid policy and practice has inadvertently discriminated against people with long-term care needs who want to live in the community by making it much easier to provide coverage in nursing homes than in the community. This proposal would enable states to provide services to nursing-home qualified beneficiaries at 300 percent of the Supplemental Security Income limit (about \$15,000), without requiring a complicated and frequently time-consuming Federal waiver. This proposal contributes toward the goal of giving people who need long-term services and supports the choice of remaining in their homes and communities. It costs \$140 million over 5 years, \$370 million over 10 years.

Expanding Coverage to Uninsured Americans. In his FY 2001 budget, President Clinton has proposed a 10-year, \$110 billion initiative that would dramatically improve the affordability of and access to health insurance. The proposal would expand coverage to at least 5 million uninsured Americans and expand access to millions more. If enacted, these policies would be the largest expansion of coverage since Medicare was created in 1965.

Advocating a Strong Patients' Bill of Rights. The President and Vice President have called for passage of the bipartisan Patients' Bill of Rights Act, to ensure that all Americans have essential protections, including: guaranteed access to needed health care specialists; access to emergency room services when and where needs arise; continuity of care protections to assure coverage if a patient's health care provider is dropped; access to a timely internal and independent external appeals process with a medical necessity standard; assurance that doctors and patients can openly discuss treatment options; and an enforcement mechanism that ensures recourse for patients who have been harmed as a result of health plan actions.

II. Record of Accomplishments

Extending Enforceable Patient Protections for Millions of Americans. Leading by example, the President directed all federal agencies to ensure that their employees and beneficiaries have the benefits and rights guaranteed under the proposed Patients' Bill of Rights. 8.5 million Americans covered by federal health plans have the security of knowing they will have fair access to health care thanks to the President's work.

Providing Access to Health Care Services for Uninsured Workers. In 1999, the President proposed and won \$25 million in funding for a program to coordinate systems of care, increase the number of services delivered, and establish an accountability system to assure adequate patient care for uninsured and low-income individuals. This year, the President has proposed funding this initiative at \$125 million, representing a substantial down payment on the President's plan to invest \$1 billion over 5 years.

Supporting Families. President Clinton fought for and enacted the Family and Medical Leave Act (FMLA), which allows workers to take up to 12 weeks of unpaid leave to care for a child or adult with a disability, seriously ill family members, newborn or adoptive children, or their own serious health problems -- without fear of losing their jobs. Since its enactment, FMLA has benefited millions of Americans, and the President has expanded leave options for Federal employees. President Clinton has called for extending this benefit to 12 million more working families and has proposed expanding FMLA to allow workers to take up to 24 unpaid hours off each year for school and early childhood education activities, routine family medical care, and caring for an elderly relative.

Increasing Access to Health Care and Supporting Employment for Americans with Disabilities. The Balanced Budget Act of 1997 created an optional program whereby States could allow people with disabilities who earn up to 250 percent of poverty to purchase Medicaid coverage. Oregon is the first state to take advantage of this policy, and they have created a program that will let individuals go to work and get or keep Medicaid. Secretary of Health and Human Services Donna Shalala has asked every governor to seriously consider this program.

Passing Meaningful Health Insurance Reform. President Clinton signed the Health Insurance Portability and Accountability Act of 1996, which limits exclusions for pre-existing conditions, makes coverage portable, and helps individuals who lose jobs maintain coverage.

Protecting the Medicaid Guarantee for People with Disabilities. The Clinton-Gore Administration refuses to go backward on health care coverage for Americans with disabilities, rejecting proposals to end the Medicaid guarantee to meaningful health benefits for people with disabilities. The President vetoed the Republicans' proposal in the 104th Congress to block grant the Medicaid program, preserving Medicaid coverage for six million persons with disabilities. Medicaid is often the only form of health care available to people with disabilities and allows many children and adults to receive services at home rather than in institutions. Thanks to President Clinton, the 1997 Balanced Budget Act preserved the Federal guarantee of Medicaid coverage for populations who depend on it.

IMPROVING ACCESSIBILITY:

I. 2000 Legislative Priorities and FY2001 Budget Initiatives

Assistive Technology Initiatives. The Administration's FY 2001 budget includes \$100 million (a \$13.5 million increase) for disability and technology research at the National Institute on Disability and Rehabilitation Research (NIDRR). NIDRR will launch a comprehensive technology initiative which includes: \$5 million for an Educational Technology Initiative to provide technical assistance and training to elementary and secondary schools; \$3.4 million for a multi-pronged Employment initiative to carry out research, training, and technical assistance to enhance the ability of individuals with disabilities to access and use information and communication technology; and \$5.1 million for a Community Independence initiative on how information and assistive technology can be used to enhance community integration and participation by individuals with disabilities. The Administration's request also includes \$15 million to support grants that establish or maintain alternative loan financing programs. Most people with disabilities do not have the private financial resources to purchase the assistive technology they need. If approved, this increase would significantly enhance opportunities for individuals with disabilities to take advantage of assistive technology.

Centers for Independent Living. The Administration's FY 2001 includes \$58 million for Centers for Independent Living (CILs) -- a 20.8 percent increase over last year's funding level. This increase would make it possible to accomplish an increase in the stability of existing CILs and open new CILs in unserved and underserved areas. The request could provide sufficient funding to establish a \$200,000 federal funding floor. In addition, a \$10 million increase for CILs could expand the network of centers by funding up to 56 new centers in 23 States.

II. Record of Accomplishments

Ensuring that the Telecommunications Revolution Benefits All. In July 1999, the Federal Communications Commission (FCC) adopted rules on Section 225 of the Telecommunications Act of 1996, which requires that telecommunications equipment and services be accessible to individuals with disabilities, if readily achievable. This provision is known as the ADA for the Information Age. These regulations, which have been supported by the telecommunications industry, will ensure people with disabilities have access to a broad range of products and services -- such as telephones, cell phones, pagers, call waiting, and operator services -- where they previously experienced barriers. Telecommunications carriers may not install network features, functions, or capabilities that do not comply with the regulations. The regulations also ensure that information, documentation, and customer service is conducted in accessible ways.

Signed the Assistive Technology Act (ATA). Technology is a crucial component in enabling people with disabilities to live, learn and work in society. With the support of the Clinton-Gore Administration, Congress passed the Assistive Technology Act of 1998, which continues the work of the Technology Related Assistance for Individuals with Disabilities Act of 1988. ATA supports a program of Grants to the 50 States, the District of Columbia, Puerto Rico, and the territories to examine and remove barriers to accessing assistive technology devices and services, all of which have an ATA project. This program uses a variety of strategies to examine state and federal policies and implements changes to improve the provision of assistive technology. Some of the initiatives States engage in include: training, technical assistance, alternative loan programs, demonstration centers, information and referral hotlines, web sites, technology expos, and the development of informational materials. Statewide networks have been established that support the technology related needs of citizens with disabilities in each State and territory.

Partnerships With Industry. The Clinton-Gore Administration brought together key representatives of the Information Technology industry which led to support of the Web Accessibility Initiative (WAI) within the World Wide Web Consortium (W3C). WAI, which is supported by the National Science Foundation and the National Institute on Disability and Rehabilitation Research (NIDRR), brings together industries, researchers, web designers, and consumers around the world to develop standards of operation and protocol for web accessibility.

Ensuring the Federal Government Provides Accessible Technology and Information. The Clinton-Gore Administration recommended, and Congress enacted, changes to the Rehabilitation Act strengthening the obligations of federal agencies to provide accessible information technology to their employees and customers. This enabled the federal government to use its considerable purchasing power to influence private industry toward developing universally designed technology that is accessible to almost everyone. On April 18, 2000, Attorney General Janet Reno announced the release of the Department of Justice's (DOJ) first report under section 508 of the Rehabilitation Act, *Information Technology and People with Disabilities: The Current State of Federal Accessibility*. Under DOJ's direction, federal agencies examined the procurement policies and procedures, along with common types of information technology. DOJ found that while some information technology used by federal agencies is accessible, simple steps can increase the extent to which federal information technology is usable by people with disabilities.

Increased Resources for Accessible Transportation. In 1998, President Clinton signed the Transportation Equity Act for the 21st Century (TEA-21), which provides significantly increased resources to make our Nation's surface transportation systems accessible. TEA-21 included increased funding for the Elderly Individuals and Individuals with Disabilities grant program.

Increasing Public Transportation Accessibility. The Department of Transportation and the Access Board have issued final regulations implementing the Americans with Disabilities Act (ADA) provisions for over-the-road bus (OTRB) accessibility that provides a definition of what constitutes discriminatory action. The regulation requires large, fixed-route operators to achieve 50 percent of full fleet accessibility by October 2006 and 100 percent by October 2012. The Department has strengthened the regulations by including provisions making OTRB operators individually and collectively accountable for providing accessible service.

Access to Jobs Initiative. The President's Access to Jobs initiative helps communities design innovative transportation solutions, such as van services, to help former welfare recipients and other low-income workers get to work. Funding for this initiative has increased to \$75 million in FY 2000 and will be \$100 million in FY 2001 as a result of guaranteed funding in TEA-21. This innovative program emphasizes providing people with disabilities the transportation access required to achieve education, work, and family goals.

Increasing Housing Options. The Clinton-Gore Administration took a number of significant actions in 1998 that advanced housing policy for people with disabilities. First, HUD issued a statement supporting the view that institutional living does not constitute real housing for people with disabilities. On April 28, 1998, Fannie Mae announced the publication of "A Home of Your Own Guide," the first manual specifically created to provide step-by-step home buying guidance for people with disabilities. In February, HUD Secretary Cuomo issued a directive encouraging communities to use community

development block grant funds for home modifications for people with disabilities. Also, in HUD's recent Notices of Funding Availability, the agency included bonus points for developers when they seek to build structures that include "visitability" by people with disabilities.

Increasing Section 8 Funding in HUD Appropriations. President Clinton supported the inclusion of \$40 million in Section 8 funding for people with disabilities, in part to offset the displacement likely to occur as a result of "elderly-only" designation of public housing formerly occupied by people with disabilities.

PROMOTING EQUALITY FOR ALL OF OUR CITIZENS:

I. 2000 Legislative Priorities and FY 2001 Budget Initiatives

Increased Funding for Civil Rights Enforcement. In FY 2000, the President won a 19 percent increase in funding for federal civil rights enforcement, including \$82 million for the Civil Rights Division at the Justice Department. With a proposed increase of \$2.4 million for the Civil Rights Division, DOJ hopes to further implement the Americans with Disabilities Act (ADA) by funding new initiatives, including an initiative to remove barriers that prevent people with disabilities from obtaining basic community services, such as riding public transportation or attending a town meeting. Additional funding will also help begin a new initiative to train law enforcement officers on how to appropriately interact with persons with mental disabilities.

Protecting All of Our Citizens. The President and Vice President have repeatedly called for passage of the Hate Crimes Prevention Act, which would strengthen and expand the existing federal hate crimes law to cover cases of hate crimes based on disability, gender, or sexual orientation.

II. Record of Accomplishments

Assuring Access to Community Living for the People with Disabilities. On June 22, 1999, the U.S. Supreme Court affirmed in *Olmstead v. L.C.* that, under the Americans With Disabilities Act, unjustifiable institutionalization of a person with a disability who, with proper support, can live in the community is discrimination. In accordance with that Court ruling, on January 14, 2000, the U.S. Department of Health and Human Services issued guidance to state Medicaid directors on how to make state programs responsive to the desires of people with disabilities to live in appropriate community-based settings. The Administration's goal is to integrate people with disabilities into the social mainstream with equal opportunities and the opportunity to make choices in their lives. The Clinton-Gore Administration's flexibility in granting state waivers has spurred an increase in home and community-based services. Since he took office, the President has approved over 300 such waivers. As a result, the number of people with developmental disabilities served in home and community waiver programs has increased significantly.

Vigorously Enforcing Disability Rights. President Clinton has led the fight for vigorous enforcement of the Americans with Disabilities Act (ADA), the Fair Housing Act, the Individuals with Disabilities Education Act (IDEA), and other critical civil rights laws that prohibit discrimination against people with disabilities in housing, schools, workplaces, and public areas across the nation. Under the Clinton-Gore Administration, the number of positions allocated for ADA enforcement at the Department of

Justice (DOJ) has increased by 105 percent. The Administration's FY 2001 budget proposal includes funding for another 29 new positions for ADA enforcement -- a 35 percent increase over FY 2000 funding. DOJ has entered into hundreds of settlement agreements involving access to civic life (city halls and municipal services), 911 emergency services, hotels, stores, restaurants, theaters, and other public accommodations. The Department's litigation activity has established important legal precedents including ADA coverage (such as zoning and prisons), architect liability, line of sight over standing spectators, effective communication, and unnecessary inquiries by professional licensing entities. Implementation of the ADA's "most integrated setting" requirement has been an important element of DOJ's Civil Rights of Institutionalized Persons Act investigations and agreements (involving MRDD institutions, psychiatric hospitals, and public nursing homes).

Working to Stop Discrimination Against People With AIDS. President Clinton supports the Supreme Court's decision in *Bragdon v. Abbott*, which reinforces the protections offered by the Americans With Disabilities Act (ADA) for Americans living with HIV and AIDS. The President directed the Department of Justice (DOJ) and the Equal Employment Opportunity Commission (EEOC) to vigorously prosecute those who discriminate against people with AIDS, leading to actions against health care providers and facilities that violate the ADA.

Working for Fair Housing. In response to the increase in reported cases of serious fair housing violations, the Department of Housing and Urban Development (HUD) committed to doubling the number of its civil rights enforcement actions by the year 2000. In addition, the President proposed and won a major expansion of HUD's Fair Housing programs. The FY 1999 budget expanded HUD's Fair Housing programs to \$40 million -- a \$10 million increase over FY 1998 funding. That 33 percent increase included \$7.5 million for a new audit-based enforcement initiative proposed by the Administration.

Adding a New Statue to the FDR Memorial. On May 2, 1997, President Clinton dedicated the Franklin Delano Roosevelt Memorial to honor the thirty-second President of the United States. On July 2, 1998, Vice President Gore announced that the FDR Memorial will soon include an additional outdoor room at the main entrance, which will depict FDR in the small wheelchair he invented. In collaboration with the disability community, the Clinton-Gore Administration has selected a specific design that will show how FDR became one of our greatest presidents while he had a disability and used a wheelchair. And last year, the Clinton-Gore Administration helped secure \$3 million to fund the memorial addition, which may be complete as early as this year.

Appointed the Most Diverse Administration in History. President Clinton has appointed a highly talented and the most diverse Administration in history, including the appointment of record numbers of people with disabilities in the White House and throughout the Clinton-Gore Administration. The Federal government now employs more than 100,000 employees with some type of disability. President Clinton's Administration appointees include: Judith Heumann, Assistant Secretary for Special Education and Rehabilitation Services; Paul Miller, Commissioner of the Equal Employment Opportunity Commission; and Fredric Schroeder, Commissioner of the Rehabilitation Services Commission. People with disabilities serve in the Departments of Education, Health and Human Services, Housing and Urban Development, Justice, Labor, State, and Transportation. President Clinton has also appointed people with disabilities to positions in such independent agencies as the National Council on Disability and the Social Security Administration, as U.S. District Court Judges, and to various Presidential Committees, Commissions, and Task Forces. In the White House, Jonathan Young is the first person with a disability

ever appointed to serve as Associate Director for Disability Outreach in the Office of Public Liaison.

***Department of Labor
Possible Announcements for the
ADA White House Event in July***

Workforce Investment Act (WIA) of 1998

- **The Fiscal Year 2000 budget for DOL/ETA included \$20 million for Work Incentive Grants to increase the employability, employment and career advancement of people with disabilities through enhanced service delivery in the new One-Stop delivery system established under the Workforce Investment Act of 1998. ETA has issued the Solicitation for Grant Application for this grant program with expectations for awards to approximately 20 to 40 grantees effective September 30, 2000. ETA has worked closely with the Presidential Task Force on Employment of Adults with Disabilities and other Federal Agencies on the development of requirements for the these grants.**
- **ETA and DOL's Office of Civil Rights have been collaborating on the drafting of an *Access Guide to One-Stops* which is expected to be issued during the summer of 2000. The Guide will set forth compliance requirements for physical and programmatic access to the workforce system for people with disabilities with specific tools and procedures for achieving this. The completed document will also be used by DBTACs as part of the training protocol.**
- **ETA issued a Training Employment and Information Notice (TEIN) on the *Ticket-to-Work and Work Incentives Improvement Act (TWWIIA)* to inform the workforce system of this new legislation which was signed into law in December, 1999. TWWIIA specifically identifies the One-Stop system as eligible training providers under the Social Security Administration's new Ticket-to-Work program. ETA's expects that the State and local workforce system will have an important role to play in the provision of services to beneficiaries of SSI and SSDI under the TWWIIA and will be encouraging the collaboration of our respective programs in order to improve employment outcomes for these individuals.**
 - **As soon as regulations are published there will be additional issuances to One-Stop Centers.**
 - **Technical Assistance will be provided on One-Stop Centers becoming Employment Network under the Ticket-to-Work and Work Incentives Improvement Act.**
 - **On-going technical assistance will be provided to One-Stop Centers as required.**

TEIN's

- **Youth**
 - **Issuance of a TEIN to state liaisons regarding participation of youth with disabilities on youth councils.**
- **Significant Disability**
 - **Issuance of a TEIN to state liaisons:**
 - **(1) emphasizing need for states to be aggressive in ensuring that WIA structures address concerns of people with disabilities in their programs; and**
 - **(2) encouraging outreach to and inclusion of state mr/dd directors and state medicaid directors on state WIBs.**

The Significant Disability TEIN will include as attachment a brochure produced by Task Force depicting people who were in institutions, nursing homes, work centers who are now working in competitive jobs.

Today I am pleased to announce a new phase in the Department's commitment to the aggressive pursuit of meaningful improvements in the employment status and conditions of millions of adults with disabilities.

This Administration has been and will continue to be staunch advocates of the rights of persons with disabilities. President Clinton has endorsed legislation and policy recommendations over the past couple of years that directly and positively affect people with disabilities, such as the [*insert example]. Most of our focus has been on Americans with disabilities living within our borders. Naturally, we have started here in our own backyard.

But now the time is right, using our federal resources and programs, to begin to reach out and expand our role in the enormous global task of sharing experiences, time, human energies, and funds for the benefit of people with disabilities beyond our borders. We are prompted to action by the realization that the greatest percentage of people with disabilities *in the world* is not in the U.S., but in *developing countries*. We also know that *disability and poverty* are closely related and that addressing each issue effectively means addressing them together

It is an enormous challenge. We know a lot about the many still-existing barriers littering the path of people with disabilities in this country. At the same time, we know that much can be accomplished.

It is with this knowledge in mind that I congratulate the Secretary of Labor and the PTFEAD on launching the first projects, and dedicating the first million dollars, to address the employment problems of the disabled at the international level. Beginning in this fiscal year, with funding and expertise from the Department's International Labor Affairs Bureau, PTFEAD will work with countries in Central America and Africa - along with their social partners such as businesses, universities, worker representatives, and local, regional, and international disability organizations - to seriously address the severe employment problems faced by people with disabilities in developing countries.

Moving beyond traditional craft-based training programs, these innovative projects will use the power of information and communication technologies to provide people with disabilities with the powerful tools they need to achieve productive and meaningful work. With the aim of increasing the number of job placements of people with disabilities and the number of people with disabilities who are self-employed, these projects may serve as models for the rest of the world.

Today I am pleased to announce a new level [phase? stage?] in the [Department's] commitment to the aggressive pursuit of meaningful improvements in the employment status and conditions of millions of adults with disabilities.

While precise statistics may be sketchy or "debated," the general outline is clearly visible - the greatest percentage of people with disabilities in the world is not in the U.S., but in developing countries. We also know - even without the certainty of "precise, uniformly accepted statistics" - that disability and poverty are very closely related and that they must be addressed together.

This Administration has been and will continue to be staunch advocates of the rights of persons with disabilities. President Clinton has [I have] endorsed legislation and other policy recommendations over the past couple of years that directly and positively affect people with disabilities. Most of our focus has been on Americans with disabilities living within our borders. We started here in our backyard.

But now the time is right, using our federal resources and programs, to begin to reach out and expand our role in the enormous global task of sharing experiences, time, human energies, and funds for the benefit of people with disabilities beyond our borders.

It is an enormous challenge. We know a lot about the many still-existing barriers littering the path of people with disabilities in this country. Similar barriers and other, quite different ones, may seem at first blush to obscure and overwhelm our global vision - whether those barriers emanate from differences in cultural values, language, religious beliefs and practices, political tensions, and all the other complications and frailties associated with "the human race."

At the same time, we know that these same attributes and conditions are also strengths or are sources of energy that can be redirected toward other, positive goals.

It is with this knowledge in mind, that I congratulate [have endorsed the recommendation of] the Secretary of Labor and the PTFEAD on the plan to make available, through the Department's International Labor Affairs Bureau, up to \$3 billion, beginning in this fiscal year, to work with countries in Central America, the

Andean Region of South America, and South Africa - and with their partners in the various sectors such as government, NGO's and PVO's, private employers, worker representatives, trade unions, universities, faith-based organizations, and others - to seriously address the severe employment problems faced by people with disabilities in developing countries.

ACCOMPLISHMENTS AT A GLANCE

EXPANDING ECONOMIC OPPORTUNITY

Signing the Ticket to Work and Work Incentives Improvement Act of 1999 (TWWIIA) - President Clinton supported and signed this important bill, making health insurance available and affordable when an individual with disabilities goes to work or develops a significant disability while working, and giving people with disabilities more choices and greater access to employment services and training.

Increasing the Substantial Gainful Activity Amount - The Administration strongly supported the increase of the Social Security Administration's "substantial gainful activity" (SGA) amount; the SGA is essentially the amount of income that individuals with disabilities who receive SSI and SSDI can earn without losing critical cash and medical benefits.

Directing Federal Agencies to Implement Plan for Hiring People with Disabilities - To carry out President Clinton's directive to Federal agencies that they increase efforts to recruit and hire people with disabilities, in 1999 OPM issued "Accessing Opportunity: The Plan for Employment of People with Disabilities in the Federal Government" to serve as a framework for Federal departments and agencies to use in creating strategies and initiatives to recruit, hire, develop, and retain more persons with disabilities.

Expanding Hiring Opportunities for People with Psychiatric Disabilities - In 1999 President Clinton signed an Executive Order ensuring that individuals with psychiatric disabilities are given the same Federal hiring opportunities as persons with significant disabilities and mental retardation. On July 7, OPM issued rules to incorporate the President's Order, making it easier for Federal agencies to hire people with disabilities and opening the way for the government to recruit from a new pool of qualified potential employees.

Calling for Mental Health Parity for Federal Employees - In 1999, the President directed OPM to take the lead in making mental health coverage more affordable and accessible for all Federal employees. OPM is working to ensure that by 2001 all Federal Employee Health Benefit Program (FEHBP) plans will provide coverage for mental illness in a manner identical to coverage for other medical conditions.

Signing the Workforce Investment Act of 1998 - President Clinton signed WIA, which provides the framework for a unique national workforce preparation and employment system designed to meet both the needs of the nation's businesses and the needs of job seekers and those who want to further their careers. It also included reauthorization of the Rehabilitation Act, adding stronger linkages between the vocational rehabilitation

system and the general workforce development system so that people with disabilities have increased employment training and job options.

Promoting Small Business and Entrepreneurship - Both President Clinton and Vice President Gore have taken dramatic steps to increase small business and entrepreneurship opportunities for people with disabilities. President Clinton signed an Executive Memorandum directing the Attorney General at the Department of Justice, the Chair of the Equal Employment Opportunity Commission, and the Administrator of the Small Business Administration to expand public education about the requirements of the Americans with Disabilities Act to employers, employees, and others whose rights may be affected. The Vice President directed the Small Business Administration to launch a new outreach campaign to help those with disabilities who already own their own small businesses, and to help those who want to start their own small businesses.

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

Working with States on Innovative Strategies to Improve Employment of Adults with Disabilities - The Administration supported interagency demonstration projects in 18 states to develop innovative programs of services and supports for individuals with disabilities to increase job opportunities and decrease dependence on disability benefits and also supported the work of the President's Committee on Employment of People with Disabilities to coordinate several initiatives with the U.S. Chamber of Commerce and private sector companies to increase the employment of young people and adults with disabilities. SSA also established a new Office of Employment Support Programs to improve services to people with disabilities who want to work.

Creating New Tools to Help Families Move From Welfare to Work - Since the enactment of the 1996 welfare reform law, millions of families have moved from welfare to work. The program provides specialized employment-related services to long-term welfare recipients who face the greatest challenges to employment, including individuals with disabilities. Among the providers of services under the Welfare-to-Work program are organizations that focus on helping people with disabilities.

PROMOTING EQUALITY FOR ALL OF OUR CITIZENS

Working to Assure Access to Community Living for People with Disabilities - This Administration has supported the rights of individuals with disabilities to live in their communities in many ways, including being more flexible in granting State waivers to develop home and community-based services. In addition, in 1999 HHS issued guidance to State Medicaid directors on how to be more responsive to the desires of people with disabilities who want to live in community-based settings; this follows the Supreme Court ruling that under the ADA unjustifiable institutionalization of a person with a disability who, with proper support can live in the community is discrimination.

Vigorously Enforcing Disability Rights - President Clinton and Vice President Gore have led the fight for vigorous enforcement of the Americans with Disabilities Act (ADA), the Fair Housing Act, the Individuals with Disabilities Education Act (IDEA), and other critical civil rights laws that prohibit discrimination against people with disabilities in housing, schools, workplaces, and public areas across the nation by increasing the funding for enforcement personnel, entering into hundreds of settlement agreements involving access to civic life and setting important ADA legal precedents. Furthermore, the Equal Employment Opportunity Commission received a \$13 million verdict in a disability discrimination case against the Chuck E. Cheese pizza chain, the largest monetary award by a jury in a case brought under the Americans with Disabilities Act.

Working to Stop Discrimination Against People with AIDS - Supporting the Supreme Court decisions, the President directed the Department of Justice and the Equal Employment Opportunity Commission to vigorously prosecute those who discriminate against people with AIDS, leading to actions against health care providers and facilities that violate the ADA.

Working for Fair Housing - The Administration is committed to ending discrimination in fair housing programs by strengthening HUD's civil rights enforcement activities and increasing HUD's Fair Housing programs funds by 33 percent.

Adding a New Statue of Franklin Delano Roosevelt to the FDR Memorial - In collaboration with the disability community, the Clinton-Gore Administration has selected a specific design that will show how FDR became one of our greatest presidents while he had a disability and used a wheelchair.

Appointing the Most Diverse Administration in History - President Clinton has appointed a highly talented and extremely diverse Administration, including the appointment of record numbers of people with disabilities in the White House and throughout the Clinton-Gore Administration.

EDUCATION AND TRAINING

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

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

Increasing Technical Assistance and Parent Training to States to Promote Compliance with the IDEA - The President initiated a new State Technical Assistance Awards program to help States comply with the IDEA

Including Youth with Disabilities in Education and Workforce Development Systems - President Clinton and Vice President Gore have reaffirmed their national commitment to ensure that young people with disabilities are included and served in all aspects of education and workforce development systems.

IMPROVING ACCESS TO QUALITY HEALTH CARE

Extending Enforceable Patient Protections for Millions of Americans - President Clinton took numerous steps to ensure that federal health plans are in compliance with his Patients Bill of Rights: HHS issued rules requiring managed care plans in all 50 states patient protections to individuals receiving Medicaid and Medicare benefits; and the Department of Defense, Department of Veterans Affairs, and the Office of Personnel Management took steps to extend similar patient protections to servicemen and women, veterans, and federal employees.

White House Conference on Mental Health - President Clinton and Vice President Gore, along with Mrs. Clinton and Mrs. Gore, brought together people with mental illness and their families, members of Congress and the Administration, mental health providers, advocates, and others from around the nation to promote recovery and combat the stigma associated with a person having a mental health problem.

Enacting the Family and Medical Leave Act (FMLA) - President Clinton fought for and enacted the FMLA, which allows workers to take up to 12 weeks of unpaid leave to care for a child or adult with a disability, seriously ill family members, newborn or adoptive children, or their own serious health problems – without fear of losing their jobs.

Increasing Access to Health Care and Supporting Employment for Americans with Disabilities through Signing the Balanced Budget Act of 1997 - One of the most important provisions of the BBA created an optional program where States could allow people with disabilities (who have earnings below a certain dollar amount) to purchase Medicaid coverage. This in turn paved the way for the more comprehensive Medicaid “buy-in” provisions under the Ticket to Work and Work Incentives Improvement Act of 1999.

Passing Meaningful Health Care Reform by Signing the Health Insurance Portability

and Accountability Act of 1996 - The President successfully worked to pass HIPAA which limits exclusions for pre-existing conditions and protects health insurance coverage for workers and their families when they change or lose their jobs,

Protecting the Medicaid Guarantee for People with Disabilities - President Clinton vetoed a proposal in the 104th Congress to block grant the Medicaid program, thus preserving Medicaid coverage for six million persons with disabilities.

IMPROVING ACCESSIBILITY

Ensuring that the Telecommunications Revolution Benefits All - In July, 1999, the FCC issued rules to implement Section 255 of the Telecommunications Act to ensure that people with disabilities have access to a broad range of telecommunication products and services.

Signing the Assistive Technology Act (ATA) - With the support of the Clinton-Gore Administration, Congress passed the Assistive Technology Act of 1998 to support grants to states and territories to examine and remove barriers to accessing assistive technology devices and services.

Facilitating Partnerships with the Information Technology Industry - The Administration brought together key representatives of the Information Technology Industry which led to support of the Web Accessibility Initiative (WAI) within the World Wide Web Consortium (W₃C) to develop standards of operation and protocol for web accessibility.

Ensuring the Federal Government Provides Accessible Technology and Information - The Administration recommended, and Congress enacted, Section 508 of the Rehabilitation Act to strengthen the obligations of the Federal government to provide accessible information technology to their employees and customers, thus enabling the Federal government to use its considerable purchasing power to move private industry toward developing universally designed technology that is accessible to almost everyone.

Increasing Resources for Accessible Transportation by Signing the Transportation Equity Act - In 1998, the President signed the Transportation Equity Act for the 21st Century (TEA-21), which provides significantly increased resources to make our nation's surface transportation system accessible.

Increasing Public Transportation Accessibility - The Department of Transportation and the Access Board have issued final regulations implementing the Americans with Disabilities Act (ADA) provisions for over-the-road bus (OTRB) accessibility that provides a definition of what constitutes discriminatory action.

Increasing Housing Options - The Administration has taken several actions to advance

housing policy for people with disabilities, including a statement that institutional living does not constitute real housing for people with disabilities, issuing a directive encouraging communities to use community development block grant funds for home modifications, encouraging developers when they seek to build structures to include “visitability” by people with disabilities, and including \$40 million in Section 8 funding for people with disabilities.

1. Creating the Presidential Task Force on Employment of Adults with Disabilities -

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

2. Signing the Ticket to Work and Work Incentives Improvement Act of 1999 (TWWIIA)

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

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

4. Reauthorizing the Individuals with Disabilities Education Act (IDEA) to Support Quality Education for Children with Disabilities - In 1997 President Clinton enacted an improved and stronger IDEA, and during the Clinton -Gore Administration funding for the basic IDEA grant program has increased by 100%.

5. Making the Federal Government a Model Employer - President Clinton directed Federal agencies to increase efforts to recruit and hire people with disabilities which resulted in OPM issuing "Accessing Opportunity: The Plan for Employment of People with Disabilities in the Federal Government" to serve as a framework for Federal departments and agencies to use in creating strategies and initiatives to recruit, hire, develop, and retain more persons with disabilities. President Clinton also signed an Executive Order ensuring that individuals with psychiatric disabilities are given the same Federal hiring opportunities as persons with significant disabilities and mental retardation. Furthermore, the President directed OPM to make mental health coverage more affordable and accessible for all Federal employees by ensuring that by 2001

Federal Employee Health Benefit Program (FEHBP) plans provide coverage for mental illness in a manner identical to coverage for other medical conditions.

PHOTOCOPY
PRESERVATION

Q
A
D

Q&A: ADA EVENT
July 26, 2000 --
[Draft - July 25, 2000 – 2:30 PM]

PRESIDENTIAL ANNOUNCEMENTS

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

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

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

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

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

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

beneficiaries are leery of attempting to work for fear of losing critically important cash and medical benefits. This increase will encourage beneficiaries with disabilities to contribute their talent and energy to the workforce.

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

Q: What's the purpose of the changes?

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

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

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

Q: What is SGA and why is it important?

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

Q: What is the current SGA level?

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

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

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

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

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

Q: Why index the revised TWP amount?

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

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

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

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

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

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

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

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

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

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

Q: Why is this proposal important?

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

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

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

Q: How much do these regulatory changes cost ?

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

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

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

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

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

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

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

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

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

Q: What does the Executive Order do?

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

Q: Is this a realistic number?

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

Q: Why is the President doing this?

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

Q: How are agencies going to do this?

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

Q: Is this a quota or a goal?

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

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

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

Q: How was this number determined?

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

Q: Why is this a five year number?

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

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

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

Q: How will progress be tracked?

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

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

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

Q: How many current Federal employees have a disability?

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

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

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

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

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

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

Executive Order on Reasonable Accommodations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Q: What will this Presidential Directive accomplish?

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

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

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

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

Q: Why is the Directive necessary at this time?

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

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

Over the last 20 years — while the regulations implementing Title V have been in place — the Federal government has seen dramatic changes. Agencies have been created; others no longer exist. Programs and functions have changed. Many of the actions designed to comply with Section 504 Title V may be out of date. For example:

Employment discrimination. The nature of the workplace has changed. Agencies thrive on a teamwork approach, using collaborative efforts to achieve agency missions. Diversity among team members is essential to achieving customer-friendly solutions. Government is better able to provide the services Americans need if it reflects the diversity of our society. By ensuring the promise of equal opportunity for government employees with disabilities, the Administration will set an example for the rest of the country to follow.

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

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

A: While there is a clear need to reevaluate the tools we use to implement Title V in light of today's Federal programs, agencies should not be overburdened with unnecessary paperwork exercises. Instead of requiring agencies to engage in a wholesale self-evaluation of all programs for compliance with the Rehabilitation Act, the Directive requires agencies to engage in a "Strategic Plan" to take specific actions and focus on particular priorities. These priorities include ensuring that agency programs offered on the Internet are accessible to people with disabilities and that current employment practices remain free from discrimination.

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

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

- Ensure that agency programs on federal Internet and Intranet sites are accessible to people with disabilities; and
- Publish by various means, including by incorporation on all agency Internet home pages, the name and contact information for the office(s) responsible for coordinating the agency's compliance with the Rehabilitation Act.

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

- Eliminate disability-based discrimination in employment;
- Remove barriers in buildings and outdoor environments;
- Ensure accessible transportation arrangements and vehicles;
- Provide effective communication;
- Ensure nondiscrimination in credentialing and licensing programs; and
- Make reasonable policy modifications to allow participation by qualified people with disabilities.

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

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

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

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

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

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

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

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

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

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

Access America for People with Disabilities Website

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

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

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

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

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

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

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

FIRST LADY’S ANNOUNCEMENTS

Q: What did the First Lady announce today?

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

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

Youth to Work Initiative

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

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

Q: Why is the initiative important?

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

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

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

Q: How will this initiative be implemented?

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

Q: What are the components of the initiative?

A: The Youth-to-Work Initiative will:

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

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

Partnership between Task Force and Able to Work Consortium

Q: What is the Able to Work Consortium?

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

Q: Which 10 corporations are participating in this partnership?

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

VICE PRESIDENTIAL ANNOUNCEMENTS

Q: What did the Vice President announce yesterday?

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

Health Care / Olmstead

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

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

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

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

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

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

Q: Why is this grant program important?

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

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

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

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

Q: What types of activities can the grants fund?

A: A State may use the funds for:

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

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

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

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

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

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

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

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

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

- ***Accessing HCBS Waiver Services:*** The new guidance explains the quickest way a State can begin using Medicaid waiver funds to help a person move out of a nursing home or institution back into their community; thus cutting down on undue delays. The letter makes clear that HCFA will accept a provisional plan of care for the first 60 days of service in the community.
- ***Community Transition Expenses:*** The new guidance details how Medicaid can be used to pay for services and one-time expenses related to assisting a person to move from institution to the community under a HCBS waiver. This can include paying for up to six months of case management to identify and obtain needed

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

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

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

States may set reasonable limits that do not arbitrarily deny or reduce the amount, duration, or scope of a required service solely because of a person's diagnosis, type of illness, or condition ***Nurse Delegation***: The new guidance makes clear that States may use Medicaid to pay for services provided by qualified individuals under the supervision of a nurse or its nurse delegation law. In other words, States are not required to use nurses to perform health related tasks (e.g., catheter care) which other qualified providers can be authorized to perform. HCFA hopes that this guidance can help other States to eliminate a layer of the unnecessary medicalization of people's lives (which many find extremely intrusive) as well as conserve taxpayer dollars.

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

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

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

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

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

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

Q: How will SAMHSA carry out this project?

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

HUD Incentives for Employment

Q: What's new here?

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

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

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

Q: So the deductions are nothing new?

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

Q: How much will this new regulation cost?

A: The costs are expected to be minimal.

Q: How many people will this serve?

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

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

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

Access Housing 2000

Q: How many people will this serve?

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

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

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

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

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

Home Ownership Letter

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

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

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

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

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

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

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

- Q: What is assistive technology?**

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

Q: What is universal design?

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

Q: What is meant by technology transfer?

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

Q: Why are technology transfers important?

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

Q: Can technology transfers specifically help people with disabilities?

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

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

situations where sound would be a distraction to the environment. The list is lengthy but these are just a few examples of how technology transfers benefit all Americans.

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

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

Q: What are the current barriers to technology transfers?

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

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

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

ADA ENFORCEMENT

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

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

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

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

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

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

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

The EEOC has done the following:

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

The Department of Transportation has done the following:

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

The Federal Communications Commission has done the following:

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

Presidential Task Force on Employment of Adults with Disabilities

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

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

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

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

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

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

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

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

Proposal Descriptions

Trial Work Period Earnings Level

Proposal: Increase the TWP earnings level to \$530 a month, from \$200 a month, and thereafter increase the level based on the AWI.

Background: The TWP is intended to enable DI beneficiaries to test their ability to work without fear of losing benefits. The TWP lets people test their ability to work for at least 9 months (not necessarily consecutive) over a 60-month period, without it effecting benefits. Any month earnings exceed the TWP service amount counts as a TWP month. The current TWP services amount is \$200 a month (10 hours/week at minimum wage). The TWP services amount was last modified in January 1990, when it was increased from \$75.

This proposal would increase the monthly level \$200 to \$530 (25 hours/week at minimum wage), approximately 75 percent of the SGA level (34 hours/week at minimum wage). While there does not appear to be anything “magic” about this level, it would bring the TWP services amount better in line with SGA and be more representative of a normal work effort. This is an important component to improving work incentives for persons with disabilities. Under the current system, a beneficiary may exhaust their TWP while earning as little as \$200 a month, even on an intermittent basis. This low level may be a deterrent for individuals not confident of their ability to earn higher levels of income to achieve SGA, and fear losing benefits.

Student Earned Income Exclusion.

Proposal: Update the amount of the Student Earned Income Exclusion to \$1,290 a month, not to exceed \$5,200 a year; and adjust it for inflation annually thereafter.

Background: A separate earned income exclusion was set for students to recognize the special expenses that many students with disabilities must incur. The SEIE is set at \$400 a month, not to exceed \$1,620 a year, and has not been adjusted since 1974. **This level was set to approximate student earnings working full-time during the summer and sporadically during the rest of the year for 1.5 times the minimum wage.** If the measure had been linked to the minimum wage the current equivalents would be \$1,290 a month and \$5,200 a year.

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

The monthly TWP services amount would be approximately \$290 (14 hours of minimum wage work per week) if it were indexed to the AWI since 1990.

rounding) to the method currently used to calculate annual cost-of-living adjustments in the SSI program Federal benefit rates.

Budget Issues

Trial Work Period Earnings Level.

Cost: First year: \$7 million - OASDI; no Medicare costs
 5 years: \$27 million – OASDI; no Medicare costs
 10 years: \$37 million - OASDI; \$10 million - Medicare

Costs will be offset by other pending regulatory proposals.

Student Earned Income Exclusion.

Cost: First year: \$3 million - SSI; <\$500,000 -- Medicaid
 5 years: \$16 million – SSI; <\$500,000 -- Medicaid
 10 years: \$38 million – SSI; <\$500,000 -- Medicaid

Costs will be offset by other pending regulatory proposals.

Substantial Gainful Activity.

The baselines for the DI, SSI, Medicare and Medicaid all assume that SGA is periodically updated. As a proxy for the uncertain ad hoc increases, SSA and the Trustees of the Old-Age, Survivors, and Disability Insurance Trust Funds adjust the SGA annually by the AWI. HCFA, OMB and CBO have all adopted the Social Security projections.

Although it would not have to be offset, any increase to the SGA would result in more individuals being able to meet that aspect of the definition of disability, compared to a static SGA. The amount in the baseline representing the difference in benefits paid by indexing the SGA compared to holding it constant is presented in the following table.

**Amount of Benefits in Baseline Attributable to Assumption that
 SGA Will Keep Pace with Growth in Average Wages Rather than Stay Static**

	Fiscal Years (Millions of Dollars)										
	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>Total</u>
DI	3	13	27	45	68	94	125	158	195	237	965
SSI	2	3	5	7	9	12	15	18	22	26	119
Medicare	--	--	10	10	30	40	70	90	120	160	530
<u>Medicaid</u>	<u>4</u>	<u>10</u>	<u>18</u>	<u>26</u>	<u>37</u>	<u>50</u>	<u>67</u>	<u>84</u>	<u>104</u>	<u>127</u>	<u>527</u>
Total	9	26	60	88	144	196	277	350	441	550	2141

**Presidential Task Force on Employment of Adults with Disabilities
Announcements for Mrs. Clinton
Questions and Answers**

Youth to Work Initiative:

Q: What is the Youth-to-Work Initiative?

A: Over the past twenty-five years, Federal legislation has been enacted to exact changes in how youth with disabilities are educated, engaged in postsecondary education, and prepared for, and involved in, meaningful employment and independent living. This year, our nation will celebrate the twenty-fifth anniversary of the Individuals with Disabilities Education Act (IDEA) and the tenth anniversary of the Americans with Disabilities Act (ADA). Because of these laws, more young people with disabilities are completing high school, going to college, entering the workforce, and participating in lifelong learning. Although these Federal initiatives have resulted in some success, young people with disabilities often remain far behind their peers without disabilities on many measures of success, including graduation rates, and on such postschool outcomes as employment, postsecondary education participation, and independent living.

In its second report to the President, *Re-charting the Course: If Not Now, When?*, the Presidential Task Force on Employment of Adults with Disabilities recommended that the President direct the Departments of Labor, Education, 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. This Youth-to-Work Initiative would test alternative approaches to helping youth with disabilities gain access to education and training opportunities and to overcome barriers to employment.

Q: Why is this initiative important?

A: Barriers to employment for youth with disabilities include the following: low educational and employment expectations; low educational attainment; and confusing governmental programs with conflicting eligibility criteria and goals. As a result, many youth with disabilities transition from the youth welfare system to the adult welfare system without having had access to the education and training opportunities they need to transition to work and achieve independence.

Over the past five years, according to the U.S. Department of Education, the number of young people with disabilities exiting the school system has steadily increased from 441,812 in 1996 to 486,625 students in 1998. During this period, diploma rates have remained static at around 27%. Dropout rates have also remained static at around 18%, as has the percentage of young people exiting the system and reported as "not known to continue" which has stayed at 13%. Out of school youth, dropouts, and "not known to continue" comprise almost one-third of all secondary-aged youth with disabilities who exit the system.

In 1998, only 9% of college freshman reported having a disability. As of 1999, there were 416,000 youth between the ages of 18 and 24 on Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI). Less than one percent of this population currently leaves these programs to join the workforce.

Inasmuch as the labor market demands higher levels of education and skills, the completion of high school and further education has become even more critical than it was previously. Improving the postschool, transition, and independent living results of young people with disabilities will result in an increase in their employment opportunities. These individuals are an important untapped resource of talent and skills, and a key element in sustaining our historic economic growth.

Q: What works in promoting better outcomes for youth with disabilities?

A: The transition needs of young people with disabilities are reflected in many factors. School completion rates for students with disabilities are low. At the same time, however, national studies report that students with disabilities who complete high school while participating in work site learning experiences are more likely to be employed, to earn higher wages, and to enroll in postsecondary education and training. More than 20 years of research and experience has demonstrated that key ingredients to a smooth transition for young people with disabilities include: (1) career exploration and development as an integral part of the educational process; (2) school personnel using contextual teaching and learning methodologies that clearly connect classroom learning with the real world; (3) opportunities to participate in work-based learning activities that tie the world of work back to classroom learning; (4) partnerships between multiple agencies serving young people with disabilities and employers; and (5) facilitating self advocacy, self-determination, family interventions and independent living. Practitioners, however, lack knowledge about integrating service systems to assure a smooth transition from adolescence to adulthood.

Q: How will this Youth to Work Initiative address these needs?

A: For far too long, our nation's policy on transitioning young people with disabilities into adulthood has been fragmented, uncoordinated, and often self-contradictory. Employment, education, and lifelong learning outcomes for our nation's young people with disabilities continue to remain lower than those of their nondisabled peers. This underscores the need to coordinate and align Federal systems that support a young person's successful transition to adulthood.

The Youth-to-Work Initiative will build upon efforts currently underway in the Federal government, through the Presidential Task Force, to coordinate and align programs and services being implemented by several agencies.

Q: How will this initiative be implemented?

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

Q: What are the components of this Initiative?

A: Through the Task Force, several activities will be conducted:

1. Departments and agencies will work with the Task Force to design and coordinate a public awareness campaign to promote high expectations and effective transitioning of young people with disabilities. This campaign, which will promote successful examples from local programs, youth, and employers, will include an interagency-funded one-stop information center on transition of young people with disabilities. The campaign will be designed to:

- * Educate parents of youth with disabilities about the initiatives and services available to help prepare their children to successfully transition into adult roles.

- * Educate businesses, especially during such a tight labor market, that youth with disabilities can become productive, contributing adults in the workplace.

- * Educate the general public about the strides being made to help prepare youth to be active members of the community, and to eliminate the stigma associated with disabilities.

2. These agencies will work with the Task Force in FY 2001 to: (1) coordinate and implement research activities across agencies and programs to identify and synthesize best practices for improving the transition results of young people with disabilities; (2) conduct interagency demonstration programs based on the key ingredients to promote "what works" for young people with disabilities, families, service providers, employers, and decision-makers; and (3) carry out interagency cross-training activities designed to disseminate the best practices identified to service providers. These coordinated activities will serve all youth, and also ensure a focus on young people with mental illness, those with the most significant disabilities, and those from diverse cultures and with limited English proficiency.

3. The Task Force will work with the Department of Labor to ensure that young people with disabilities are included in all youth programs mandated under the Workforce Investment Act (WIA).

4. Increase access to health care and resources through an Interagency Council on Health and Ready to Work. This Interagency Council will be composed of the Health Resources and Services Administration (HRSA), the Health Care Financing Administration (HCFA), the Social Security Administration, the Departments of Education and Labor, and other appropriate departments and agencies, as well as family, youth, and health care representatives. It will be charged with working together to ensure access to, and utilization of, HRTW services by youth with special health needs.

5. The Department of Education will review and analyze transition planning in postsecondary education and make recommendations to the Presidential Task Force on strategies for making transition services available on college campuses.

6. The Task Force will create a Youth Advisory Council to assist it in conducting these and other appropriate activities.

Q: How will agencies implement these activities?

A: The National Performance Review shall convene a National Institute of Federal Agencies to focus on the alignment of resources, programs, and services to improve the transition into adult roles of youth with disabilities. The Institute will bring together senior level representatives from Federal departments and agencies to develop action plans containing strategies for the creation of a seamless delivery system for youth with disabilities.

Partnership between Task Force and Able to Work Consortium:

Q: What is the Able to Work Consortium?

A: The Able to Work Consortium is a group of 10 major corporations representing technology, pharmaceuticals, banking, investment, manufacturing, and communications that have 'volunteered' to lead, by example, other major corporations to the realization that workers with disabilities contribute to the bottom line like other employees. These 10 corporations will actively serve as mentors to other companies to increase the number of companies actively hiring people with disabilities. These companies will also serve as 'spokes people' at business conferences and media events to promote the 'business to business' message.

In the fall, Able to Work will initiate a survey of 3,000 corporations about the use of assistive technology in the workplace.

Q: How will the Administration work with the Able to Work Consortium?

A: Through the President's Task Force, we will develop an public/private partnership to ensure that young people with disabilities are afforded the opportunity to have meaningful internships that will lead to real careers.

Social Security Administration: Student Earned Income Exclusion (Being sent directly by SSA to White House)

Department of Labor: Youth Councils:

Q: What are Youth Councils?

A: President Clinton signed the Workforce Improvement Act in 1998. WIA streamlined the nation's workforce development programs and set forth a new vision of workforce development programs for young people. One key aspect of this legislation is the establishment of Youth Councils. These Councils are to be a part of the local Workforce Investment Board (WIB) and will work to inform the WIB on issues unique to youth.

Q: How will Youth Councils effect services for youth with disabilities?

A: The emphasis on youth under WIA presents a new opportunity for young people with disabilities, who are included among the target populations to be served. Youth Councils serve as the central mechanism to enhance and increase participation of youth with disabilities in WIA youth-related programs.

Q: How will Youth Councils include young people with disabilities?

A: The Department of Labor will issue guidance to the Workforce Investment Partnerships on the creation of newly authorized Youth Councils under WIA. This guidance, among other things, will encourage the inclusion of young people, families, and other parties representing the interests of youth with disabilities on these Councils.

Significant Disability:

Q. The workforce investment system under WIA is intended to be comprehensive, customer-driven, and serve the needs of all people. What about people with the most significant disabilities - those who have been in institutions and other non-work settings, or who have been working but at less than the minimum wage. What is being done for this group of people?

A: The Department of Labor will issue a Training and Employment Information Notice (TIEN) to the workforce investment system on people with significant disabilities. This notice will emphasize the need for states to be aggressive in ensuring that the concerns and needs of people with disabilities, including those with significant disabilities, are addressed.

State rehabilitation systems are mandated and critical partners under WIA for addressing the needs of people with significant disabilities. The DOL Notice, however, will also encourage outreach to, and inclusion of, State Directors of Mental Retardation and Developmental Disabilities Systems and State Medicaid Directors on state Workforce Investment Boards. While these State Directors are not mandated partners in the One-Stop system, their involvement is crucial to ensuring that the needs of people with significant disabilities are met.

Department of Education: Policy Guidance and Publications

Q: What guidance and publications will the Department of Education be releasing?

A: The Department of Education will issue a "Dear Colleague Letter" to offer schools guidance on addressing student harassment based on disability. The Department has also published two products: (a) a pamphlet designed to facilitate the unification of current general and special education; and (b) a guide on high stakes assessment which includes a section that addressed the testing of students with disabilities. Finally, the Department will issue guidance in the form of commonly asked questions and answers about the inclusion of students with disabilities in statewide and local district assessments.

Youth Leadership:

Q: How will the Administration encourage Youth Leadership Development?

A: This year marks the twenty-fifth anniversary of the Individuals with Disabilities Education Act (IDEA) and the tenth anniversary of the Americans with Disabilities Act (ADA). These landmark pieces of legislation have led to some significant strides in raising expectations and fulfilling the dreams of youth of completing school, going to college, entering the workforce, and living independently. In celebration of the ADA, a national "Torch Relay" was sponsored by the disability community. The culmination of this national relay was an event Tuesday at the FDR Memorial to celebrate the heroes of the ADA, and to "pass the torch" to our leaders of tomorrow our nation's youth with disabilities.

We must keep our promise to our youth. Leadership development is critical to our future. Sharing its role in developing tomorrow's leaders, the Federal government will issue a grant to establish a Youth with Disabilities Leadership Development Project to help identify barriers to economic independence for youth with disabilities, and strategies for removing these barriers. This effort, which will build on leadership conferences sponsored by Federal Agencies over the past two years, will be jointly funded by the Departments of Education, Health and Human Services, Labor, the Social Security Administration, the Presidential Task Force, and the National Council on Disability.

Q's and A's -- Proposed Rule Changes to Enable More Disability
Beneficiaries to Return to Work

Why Index the SGA level?

Indexing allows the SGA level for persons with impairments other than blindness be automatically increased each year to coincide with an increase in average wages, rather than having to wait for the Commissioner of Social Security to issue regulations to increase the SGA level.

What is the current SGA level?

Since July 1999, earnings by persons with impairments other than blindness that average more than \$700 a month reflect an ability to perform SGA.

When was the level previously raised?

The previous SGA level, which reflected earnings that averaged more than \$500 a month, was effective January 1990.

What Is SGA?

SGA, short for substantial gainful activity, refers to work that involves significant physical or mental effort that a person does for pay or profit.

Why Is SGA Important?

The Social Security Act defines disability as the inability to do any **substantial gainful activity** because of any medically determinable physical or mental impairment that is expected to last for a continuous period of 12 months. A person must not be able to perform SGA in order to receive benefits under the Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) programs. In addition, SGA is used as a measure to determine whether a beneficiary can continue to receive SSDI benefits.

What is the Trial Work Period?

The trial work period (TWP) is a period of time during which beneficiaries, who receive SSDI, child, widows, or surviving divorced spouse benefits due to an impairment, can try to work without any worry of losing benefits because of the work. The beneficiary is given 9 months, which do not have to be consecutive, during a rolling 60-month period, to try to work. SSA only counts those months in which a person has performed **services** as a TWP month.

What Are Services?

Services are any activity done by a person for pay or profit or normally done for pay or profit. Since January 1990, SSA has considered monthly earnings of more than \$200 to reflect services.

Why Index the Revised TWP Service Amount?

As with the SGA level, indexing would allow the monthly amount to increase automatically when the nation's average wages increase rather than wait for the Commissioner of SSA to issue revised regulations.

What Happens After the Trial Work Period?

SSA evaluates the work performed by the person and determines whether the average earnings during the TWP reflect SGA.

When was the Student Earned Income Exclusion Last Increased?

The SEIEC has never been increased. The amounts for this exclusion have remain unchanged since the regulations to implement the SSI program were issued. The SSI program began January 1974.

What is the Purpose for These Changes?

We expect that these changes will encourage people with disabilities to test their ability to work and to keep working. These changes should provide these people with a greater incentive to work, or, if working, more security to continue working.

SUMMARY OF EXECUTIVE ORDERS AND PRESIDENTIAL MEMORANDUMS RELATED TO PERSONS WITH DISABILITIES

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

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

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

- Federal agencies will establish written procedures for the processing of reasonable accommodation requests.
- These procedures will:
 - inform disabled individuals how to make a request for reasonable accommodation;
 - explain the types of information that an individual must provide for the agency to make a decision on such a request; and
 - advise individuals of their rights if an agency denies a reasonable accommodation request.

- This Order is designed to eliminate the great variation that currently exists in each agency's reasonable accommodation procedures. The EEOC will be issuing guidance on this order.

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

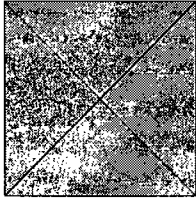
- As a result of recent technological advances, customer service representatives can work from their homes or other off-site locations just as if they were working in the "call/contact" center at the agency. Therefore, the President has directed each agency that operates customer service call/contact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

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

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

5. Presidential Memorandum: Assistive Technology and Universal Design

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



Fact Sheet

SOCIAL SECURITY

Kenneth S. Apfel, Commissioner

PRESIDENT ANNOUNCES THREE SOCIAL SECURITY DISABILITY INITIATIVES

The President will announce three proposals to assist Social Security Disability (SSDI) beneficiaries and Supplemental Security Income (SSI) disability recipients who are working or wish to enter the workforce.

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

- ◆ Both the Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) programs have a very strict definition of disability. The disability must be expected to last for at least 12 months or to result in death.

- The Social Security Administration (SSA) uses a technical term called “substantial gainful activity” (SGA) to determine if work is substantial enough to make a person ineligible for benefits. Currently, monthly earnings of \$700 or more are considered SGA and will make a person ineligible for benefits. SSA has special rules for blind persons.

- Disability benefits will continue unless the disabling condition improves or the disabled

person returns to performing “substantial” work.

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

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

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

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

BACKGROUND

SSA administers two disability programs, Social Security Disability Insurance and Supplemental Security Income.

- ◆ **Social Security benefits are an earned benefit.** Workers pay taxes into the system, and

when they become disabled, they may be eligible to receive benefits based on their earnings. Their spouses and dependent children may also qualify.

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

Social Security Soft Talkers--ADA Event

SGA INCREASE

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

TRAIL WORK PERIOD

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

SSI FOR STUDENTS

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

■

SUMMARY OF EXECUTIVE ORDERS AND PRESIDENTIAL MEMORANDUMS RELATED TO PERSONS WITH DISABILITIES

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

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

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

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

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

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

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

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

5. Presidential Memorandum: Assistive Technology and Universal Design

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