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**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.

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

July 26, 2000

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

Signing the Ticket to Work and Work Incentives Improvement Act of 1999 (TWWIA) President Clinton supported and signed this 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.

**CLINTON-GORE ADMINISTRATION ANNOUNCES NEW ACTION PROMOTING
HOME AND COMMUNITY BASED SERVICES AND HOUSING OPTIONS
FOR PEOPLE WITH DISABILITIES**

Commemorates the 10th Anniversary of the Americans with Disabilities Act

Today, 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; extend 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.

To achieve this vital goal the Federal Government, States, communities, the private sector, the aging community and people with disabilities must work together to identify and actively pursue effective strategies for:

- offering individuals with disabilities the real choices and support they need to live in their own homes or communities;
- expanding accessible, affordable housing as well as home ownership opportunities for people with disabilities and their families;
- assisting persons with mental illness and substance abuse disorders in accessing the medical, mental health, housing, rehabilitation, and employment services they need to live and work in their community; and,
- setting a national agenda for the development, advancement and transfer of assistive technologies and universal design capabilities.

ENHANCING STATE CAPACITY TO PROVIDE HOME AND COMMUNITY BASED ALTERNATIVES TO INSTITUTIONALIZATION

The Clinton-Gore Administration supports a \$50 million investment in FY 2001 to provide grant funds to states, together with their disability and aging communities, to develop comprehensive, effective plans for placing qualified persons with disabilities in the most integrated setting appropriate to their needs.

These new grants, allocated from the previously unspecified portion of the health care quality assurance as announced in this year's midsession review, are identical to those included in the Medicaid Community Attendant Services and Supports Act of 1999. They would actively involve people with disabilities and their families in working with each state to develop programs that enable people with disabilities to have a real choice in where they want to live and receive services.

These funds will help states develop comprehensive, effective working plans as endorsed by the U.S. Supreme Court in Olmstead v. LC. The grants will support States in partnering with their disability and aging communities to identify ways to avoid unnecessary institutionalization and advance community-based care in ways that are realistic, equitable and affordable. Every State that is awarded a system change grant will work with a newly established consumer task force comprised of representatives from the disability and aging communities and service providers.

Grants can be used to:

- Conduct needs assessment and data gathering, training and technical assistance, and demonstrations of new approaches;
- Modify policies, practices, and procedures that result in unnecessary institutional bias and/or the overmedicalization of long term services and supports;
- Enhance interagency coordination and single point of entry activities;
- Support 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;
- Offset per capita increased fixed costs in institutions directly related to the movement of individuals with disabilities out of specific facilities and into the community; and
- Cover transitional costs of assisting people with disabilities to move out of institutions and into the community.

STATE RESPONSIBILITIES TO PROVIDE HOME AND COMMUNITY-BASED CARE CONSISTENT WITH THE OLMSTEAD SUPREME COURT DECISION

The Administration will release new guidance to states on their ability under the Medicaid program to support the implementation of the Olmstead Supreme Court decision. This guidance clarifies existing options to: assist people with disabilities in making a successful transition into the community; expand the availability and quality of community-based care services; and ensure that home and community-based services are available on an equal basis to all qualifying individuals with disabilities. This new guidance will:

Assist people with disabilities to make a successful transition from nursing homes and other institutions into the community.

Waiver Services: The guidance explains the quickest way a State can begin using Medicaid waiver funds to help people move out of institutions back into their communities.

Coverage of Community Transition Expenses: The guidance details how Medicaid can be used to pay for services and one-time expenses incurred when a person moves from an institution into the community. Covered services can include up to 6 months of case management to identify and obtain needed services as well as accessibility assessments and modifications of the new home or apartment.

Personal Care Expenses to Avoid Reinstitutionalization: HCFA will now allow States to use Medicaid to continue to pay for personal care for a period of up to two weeks while a person with a disability is hospitalized or absent from his or her home. This will enable a State to help individuals avoid losing their attendants and risking unnecessary institutionalization. This will provide parallel coverage to people whether they are living in a nursing home or in the community.

Expand access to home and community based services.

Habilitation: The guidance makes clear that habilitation services can be provided to individuals with the full range of developmental, physical and mental disabilities (not just those with developmental disabilities). This is important because habilitation services focus on assisting individuals to acquire, retain and improve skills important for living in the community.

Out of State Services: The guidance explains how a Medicaid program can pay for services provided to one of its beneficiaries in another state when it is in the beneficiary's best interest to do so, such as when a person needs to access services in rural or other underserved areas, a parent needs to be near his or her children, or a student attends college out of state.

Assure comparability in Medicaid services.

Home Health: The guidance informs States that they may no longer require that people meet the more narrow Medicare definition of "homebound" in order to receive Medicaid home health services. 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 for nursing home care. (States can set reasonable limits that do not arbitrarily deny or reduce the amount, duration or scope of a required service solely because of a person's diagnosis, type of illness, or condition, but the guidance will ensure that no one loses access to home health services simply by leaving home and spending time in the community.)

NEW NEARLY \$20 MILLION INVESTMENT IN A PUBLIC-PRIVATE PARTNERSHIP TO HELP INDIVIDUALS WITH DISABILITIES TRANSITION INTO COMMUNITY-BASED SETTINGS

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. This national demonstration project will provide a model for a coordinated response to the Supreme Court's decision in Olmstead v. L.C.. The project will begin with approximately 400 beneficiaries residing in targeted regions, with a goal, depending upon available resources, of reaching 2000 persons at full implementation.

Participants will include individuals with disabilities who have very low incomes and who currently reside in nursing homes, state institutions, Intermediate Care Facilities for the Mentally Retarded, group homes, their parents' homes, and other community-based residential programs. The goal is to reach a broad geographic sweep, with a target of up to forty states and territories at full implementation.

The demonstration project will use Section 8 housing vouchers, Nursing Home Transition Grants, Ticket to Work and Work Incentive Improvement Act grants, and other resources in a targeted manner to help individuals with disabilities make this transition. Access Housing 2000 will also reach out to other potential public and private partners to encourage them to bring additional resources to this effort. In addition, the partners will explore ways to increase the use of individual development accounts (IDAs) for low- to moderate- income individuals with disabilities and their families.

EXTENDING INCENTIVES FOR EMPLOYMENT FOR INDIVIDUALS WITH DISABILITIES TO A BROADER RANGE OF HOUSING ASSISTANCE PROGRAMS

The Vice President announced a new proposed 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 Opportunities for People with AIDS program, and the Supportive Housing for the Homeless program. It also clarifies that deductions for disability-related expenses, such as medical or attendant-care expenses, are applicable to the entire range of HUD housing programs.

Earned Income Disregards. In implementing the Quality Housing and Work Responsibility Act of 1998, HUD instituted a grace period during which the new income of individuals with disabilities, who begin working after having been unemployed or receiving certain public benefits, is excluded from the calculation of their rental payments for public housing.

For the first year, this important incentive for employment is a full disregard of earned income, phasing down to a fifty-percent disregard in the second year. Eligible families include those with a person with a disability who have been unemployed for 1 or more years or been participating in a job training/self sufficiency program, or those that have received TANF within the past 6 months.

Currently, this incentive applies only to HUD's public housing program, but the new regulation will extend the incentive, as it applies to individuals with disabilities, to tenant-based Section 8 housing vouchers, the HOME program, the Housing Opportunities for People with AIDS program, and the Supportive Housing for the Homeless program. The Administration will also work with Congress to ensure that this earned income disregard applies to the few remaining HUD programs not covered by the regulation. The Administration currently is reviewing the necessary legislative changes and will submit the requisite changes to the Congress shortly.

Deductions for disability-related expenses. The regulation clarifies the applicability of deductions for disability-related expenses, including medical expenses and attendant care expenses. This rule will clarify that these deductions apply not just to public housing and Section 8 rental housing, but also to a broad range of HUD housing assistance, including the HOME Investment Partnership Program (HOME Program), the Section 202 Supportive Housing for the Elderly, and Section 811 Supportive Housing for Persons with Disabilities.

An important subgroup of the disabled who will benefit from these actions are people with disabilities homeless who, with these work incentives and other assistance, can be supported in moving toward self-sufficiency.

THE WHITE HOUSE

Office of the Vice President

For Immediate Release
Tuesday, July 25, 2000

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

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THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

July 26, 2000

July 26, 2000

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

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

On the 10th 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 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 General Services 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 EEOC.

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

. WILLIAM J. CLINTON

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THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

July 26, 2000

EXECUTIVE ORDER 13164

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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 recordkeeping 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 accommo-dation, 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 recordkeeping track the processing of requests for reasonable accommodation and maintain the confidentiality of medical information received in accordance with applicable law and regulations; 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 1 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.

WILLIAM J. CLINTON

THE WHITE HOUSE,
July 26, 2000.

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THE WHITE HOUSE

Office of the Press Secretary
(Fayetteville, Arkansas)

For Immediate Release

July 25, 2000

July 25, 2000

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Strategy for the Development and Transfer of Assistive
Technology and Universal Design

It is my Administration's policy to accelerate the development and deployment of assistive technology and technology that promotes universal design. Assistive technology maintains or improves the functional capabilities of people with disabilities. Universal design is the design of products and environments that enables all people to use these products, to the greatest extent possible, without the need for adaptation or specialized design. 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.

Therefore, to improve the quality of life for people with disabilities, I direct as follows: (a) The Interagency Committee on Disability Research (ICDR) shall, within 120 days from the date of this directive, publish a report identifying priority areas for the advancement of assistive technologies and universal design capabilities. This report should be prepared in cooperation with the disability and the research communities. The report should cover technologies needed for improving or increasing:

- Sensory functioning, such as digital technologies to enhance speech intelligibility;
- Mobility enhancement, such as advanced prosthetic devices;
- Manipulation ability;
- Cognitive function;
- Accessibility of information and communications technology, such as text-to-speech and speech recognition systems; and
- Accessibility to, and mobility within, the physical environment.

(b) Following the issuance of this report, each agency that participates in the Small Business Innovation Research program (SBIR) shall, consistent with current law, develop a strategy for enhancing the transfer of technology that can contribute to the needs and requirements identified by the ICDR. This strategy must address both intramural and extramural research and development. Agencies shall publish their strategies 6 months after the issuance of the ICDR report. Agency strategies should include, but not be limited to, the development of focused solicitations under the SBIR program.

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

WILLIAM J. CLINTON

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Q&A: ADA EVENT
July 26, 2000 --
[Draft - July 25, 2000]

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 [update w/ selected Q&As from Lisa's final document and press paper]

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; extend 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 Section 8 Housing Choice Voucher programs, as well as to a few other programs. With the rule the Administration proposes to publish shortly, two of HUD's largest assistance programs, public housing and tenant-based housing vouchers, are covered. 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: [data to come – EG – I'll follow up w/ HUD. AK]

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

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

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 Department of Justice, the Equal Employment Opportunity Commission, the Department of Transportation and the Federal Communications Commission has resulted in hundreds of settlements improving access across the country – The Equal Employment Opportunity Commission 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.

July 26, 2000

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

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

[Back to Press Releases Page]



**The White House
Office of the Press Secretary**

**For Immediate Release
July 26, 2000**

Memorandum for the Heads of Executive Departments and Agencies

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

On the 10th 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 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.

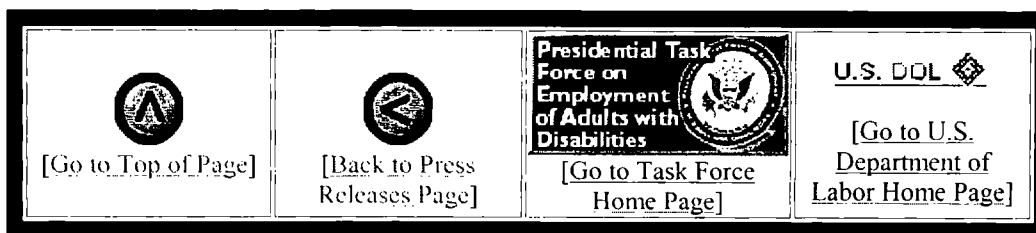
I designate the Administrator of General Services and the Secretary of Defense to participate in the IDCC, in addition to those members set out by statute (29 U.S.C. 794c).

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 EEOC.

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

WILLIAM J. CLINTON



This site is hosted by the U.S. Department of Labor.

July 26, 2000

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

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

[Back to Press Releases Page]



**The White House
Office of the Press Secretary**

**For Immediate Release
July 26, 2000**

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 5 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 nontraditional 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.

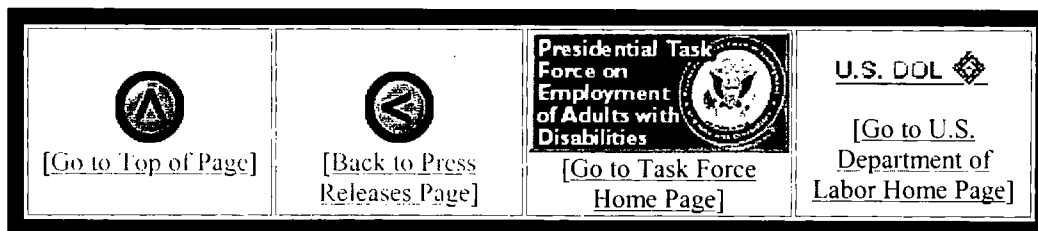
(d) This order does not require agencies to create new positions or to change existing qualification standards for any position.

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.

WILLIAM J. CLINTON
The White House, July 26, 2000



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U.S. DOL 

June 15, 2000

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

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

[Back to Press Releases Page]



**The White House
Office of the Press Secretary**

**For Immediate Release
July 26, 2000**

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 recordkeeping 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 recordkeeping track the processing of requests for reasonable accommodation and maintain the confidentiality of medical information received in accordance with applicable law and regulations; 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 1 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.

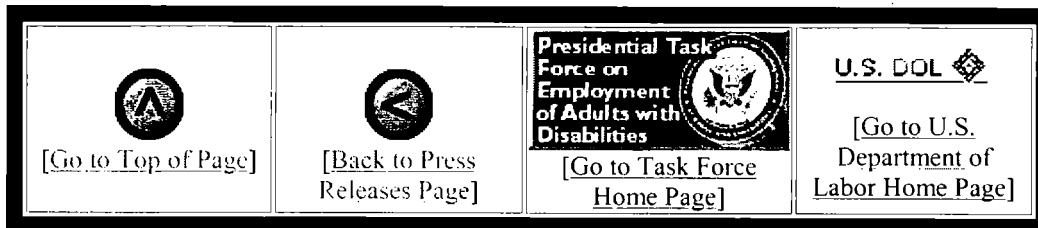
Sec. 4. Implementation. The EEOC shall issue guidance for the implementation of this order within 90 days from the date of this order.

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.

WILLIAM J. CLINTON
The White House, July 26, 2000.



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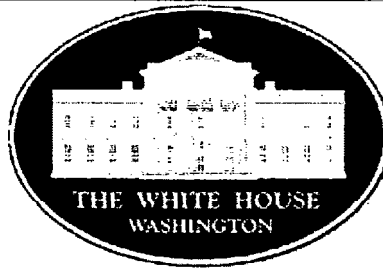
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July 25, 2000

**Memorandum Re: Strategy for the Development and
Transfer of Assistive Technology and Universal
Design**

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

[Back to Press Releases Page]



**The White House
Office of the Press Secretary
(Fayetteville, Arkansas)**

**For Immediate Release
July 25, 2000**

Memorandum for the Heads of Executive Departments and Agencies

Subject: Strategy for the Development and Transfer of Assistive Technology and Universal Design

It is my Administration's policy to accelerate the development and deployment of assistive technology and technology that promotes universal design. Assistive technology maintains or improves the functional capabilities of people with disabilities. Universal design is the design of products and environments that enables all people to use these products, to the greatest extent possible, without the need for adaptation or specialized design. 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.

Therefore, to improve the quality of life for people with disabilities, I direct as follows: (a) The Interagency Committee on Disability Research (ICDR) shall, within 120 days from the date of this directive, publish a report identifying priority areas for the advancement of assistive technologies and universal design capabilities. This report should be prepared in cooperation with the disability and the research communities. The report should cover technologies needed for improving or increasing:

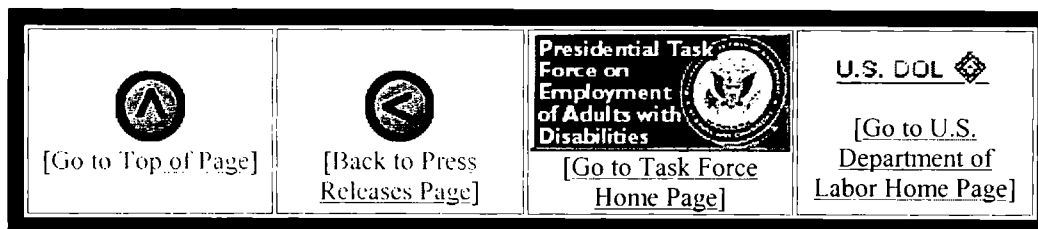
- Sensory functioning, such as digital technologies to enhance speech intelligibility;
- Mobility enhancement, such as advanced prosthetic devices;
- Manipulation ability;

- Cognitive function;
- Accessibility of information and communications technology, such as text-to-speech and speech recognition systems; and
- Accessibility to, and mobility within, the physical environment.

(b) Following the issuance of this report, each agency that participates in the Small Business Innovation Research program (SBIR) shall, consistent with current law, develop a strategy for enhancing the transfer of technology that can contribute to the needs and requirements identified by the ICDR. This strategy must address both intramural and extramural research and development. Agencies shall publish their strategies 6 months after the issuance of the ICDR report. Agency strategies should include, but not be limited to, the development of focused solicitations under the SBIR program.

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

WILLIAM J. CLINTON



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July 26, 2000

**Memorandum on Employing People with Significant
Disabilities to Fill Federal Agency Jobs that Can Be
Performed at Alternate Work Sites**

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

[Back to Press Releases Page]



**The White House
Office of the Press Secretary**

**For Immediate Release
July 26, 2000**

Memorandum for the Heads of 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 our Nation's ability 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.

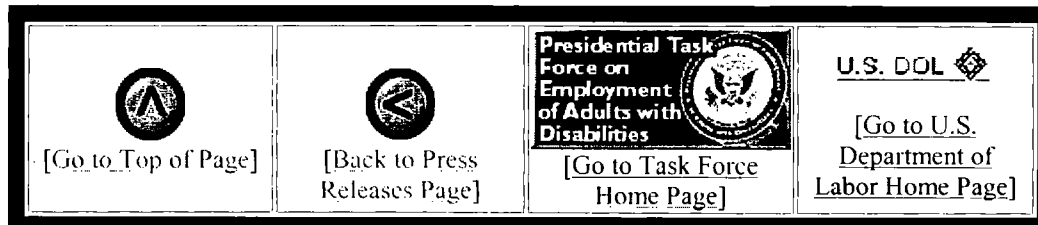
It is in the interest of the Federal Government to utilize the skills of qualified people with significant disabilities by recruiting them for appropriate off-site, home-based employment opportunities with

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 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.

WILLIAM J. CLINTON



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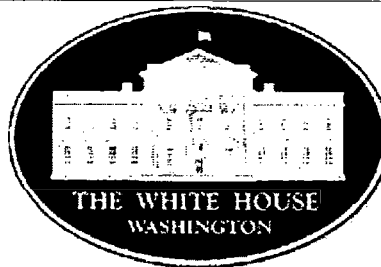
U.S. DOL 

July 26, 2000

**President Clinton And The First Lady Commemorate
The Tenth Anniversary of The Americans with
Disabilities Act**

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

[[Back to Press Releases Page](#)]



The White House

**President Clinton And The First Lady Commemorate The Tenth 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

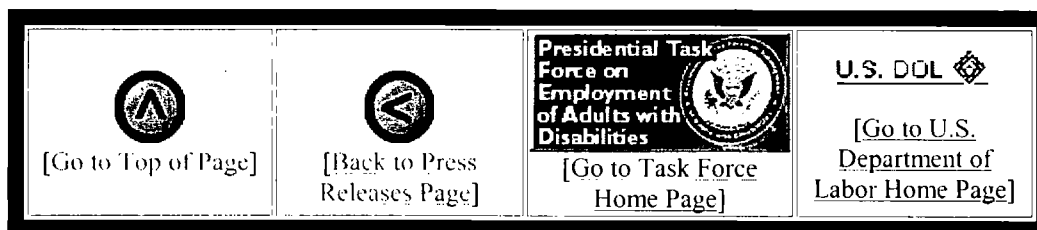
President Urges The Congress to Act Now on National Priorities For People With Disabilities.

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.



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July 25, 2000

**Vice President Gore Announces New Measures
Promoting Home And Community-based Services
and Housing Options for People with Disabilities**

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

[\[Back to Press Releases Page\]](#)



**The White House
Office of the Vice President**

**For Immediate Release
Tuesday, July 25, 2000**

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

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.

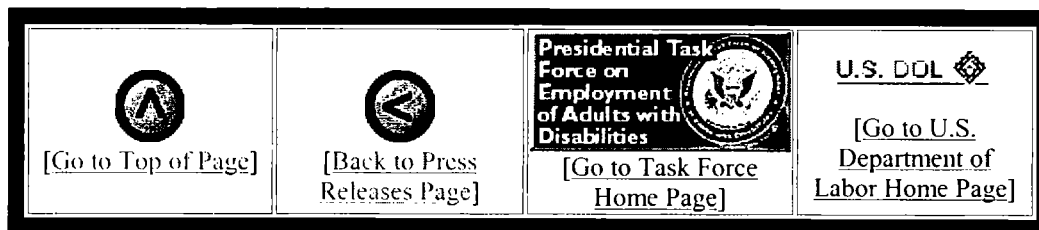
Develop And Deploy Assistive Technology And Technology That Enables Universal Design.

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.



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July 25, 2000

Clinton-Gore Administration Announces New Action Promoting Home and Community Based Services and Housing Options for People with Disabilities

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

[Back to Press Releases Page]



The White House

**For Immediate Release
Tuesday, July 25, 2000**

Commemorates the 10th Anniversary of the Americans with Disabilities Act.

Today, 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; extend 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.

To achieve this vital goal the Federal Government, States, communities, the private sector, the aging community and people with disabilities must work together to identify and actively pursue effective strategies for:

- offering individuals with disabilities the real choices and support they need to live in their own homes or communities;
- expanding accessible, affordable housing as well as home ownership opportunities for people with disabilities and their families;

- assisting persons with mental illness and substance abuse disorders in accessing the medical, mental health, housing, rehabilitation, and employment services they need to live and work in their community; and,
- setting a national agenda for the development, advancement and transfer of assistive technologies and universal design capabilities.

Enhancing State Capacity to Provide Home and Community Based Alternatives to Institutionalization

The Clinton-Gore Administration supports a \$50 million investment in FY 2001 to provide grant funds to states, together with their disability and aging communities, to develop comprehensive, effective plans for placing qualified persons with disabilities in the most integrated setting appropriate to their needs.

These new grants, allocated from the previously unspecified portion of the health care quality assurance as announced in this year's midsession review, are identical to those included in the Medicaid Community Attendant Services and Supports Act of 1999. They would actively involve people with disabilities and their families in working with each state to develop programs that enable people with disabilities to have a real choice in where they want to live and receive services.

These funds will help states develop comprehensive, effective working plans as endorsed by the U.S. Supreme Court in *Olmstead v. LC*. The grants will support States in partnering with their disability and aging communities to identify ways to avoid unnecessary institutionalization and advance community-based care in ways that are realistic, equitable and affordable. Every State that is awarded a system change grant will work with a newly established consumer task force comprised of representatives from the disability and aging communities and service providers.

Grants can be used to:

- Conduct needs assessment and data gathering, training and technical assistance, and demonstrations of new approaches;
- Modify policies, practices, and procedures that result in unnecessary institutional bias and/or the overmedicalization of long term services and supports;
- Enhance interagency coordination and single point of entry activities;
- Support 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;
- Offset per capita increased fixed costs in institutions directly related to the movement of individuals with disabilities out of specific facilities and into the community; and
- Cover transitional costs of assisting people with disabilities to move out of institutions and into the community.

State Responsibilities to Provide Home and Community-based Care Consistent with the Olmstead Supreme Court Decision

The Administration will release new guidance to states on their ability under the Medicaid program to support the implementation of the Olmstead Supreme Court decision. This guidance clarifies existing options to: assist people with disabilities in making a successful transition into the community; expand the availability and quality of community-based care services; and ensure that home and

community-based services are available on an equal basis to all qualifying individuals with disabilities. This new guidance will:

Assist people with disabilities to make a successful transition from nursing homes and other institutions into the community.

Waiver Services: The guidance explains the quickest way a State can begin using Medicaid waiver funds to help people move out of institutions back into their communities.

Coverage of Community Transition Expenses: The guidance details how Medicaid can be used to pay for services and one-time expenses incurred when a person moves from an institution into the community. Covered services can include up to 6 months of case management to identify and obtain needed services as well as accessibility assessments and modifications of the new home or apartment.

Personal Care Expenses to Avoid Reinstitutionalization: HCFA will now allow States to use Medicaid to continue to pay for personal care for a period of up to two weeks while a person with a disability is hospitalized or absent from his or her home. This will enable a State to help individuals avoid losing their attendants and risking unnecessary institutionalization. This will provide parallel coverage to people whether they are living in a nursing home or in the community.

Expand access to home and community based services.

Habilitation: The guidance makes clear that habilitation services can be provided to individuals with the full range of developmental, physical and mental disabilities (not just those with developmental disabilities). This is important because habilitation services focus on assisting individuals to acquire, retain and improve skills important for living in the community.

Out of State Services: The guidance explains how a Medicaid program can pay for services provided to one of its beneficiaries in another state when it is in the beneficiary's best interest to do so, such as when a person needs to access services in rural or other underserved areas, a parent needs to be near his or her children, or a student attends college out of state.

Assure comparability in Medicaid services.

Home Health: The guidance informs States that they may no longer require that people meet the more narrow Medicare definition of "homebound" in order to receive Medicaid home health services. 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 for nursing home care. (States can set reasonable limits that do not arbitrarily deny or reduce the amount, duration or scope of a required service solely because of a person's diagnosis, type of illness, or condition, but the guidance will ensure that no one loses access to home health services simply by leaving home and spending time in the community.)

New Nearly \$20 Million Investment in a Public-Private Partnership to Help Individuals with Disabilities Transition into Community-based Settings

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. This national demonstration project will provide a model for a coordinated response to the Supreme Court's decision in *Olmstead v. L.C.* The project will begin with approximately 400 beneficiaries residing in targeted regions, with a goal, depending upon available resources, of reaching 2000 persons at full implementation.

Participants will include individuals with disabilities who have very low incomes and who currently reside in nursing homes, state institutions, Intermediate Care Facilities for the Mentally Retarded, group homes, their parents' homes, and other community-based residential programs. The goal is to reach a broad geographic sweep, with a target of up to forty states and territories at full implementation.

The demonstration project will use Section 8 housing vouchers, Nursing Home Transition Grants, Ticket to Work and Work Incentive Improvement Act grants, and other resources in a targeted manner to help individuals with disabilities make this transition. Access Housing 2000 will also reach out to other potential public and private partners to encourage them to bring additional resources to this effort. In addition, the partners will explore ways to increase the use of individual development accounts (IDAs) for low- to moderate- income individuals with disabilities and their families.

Extending Incentives for Employment for Individuals with Disabilities to a Broader Range of Housing Assistance Programs

The Vice President announced a new proposed 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 Opportunities for People with AIDS program, and the Supportive Housing for the Homeless program. It also clarifies that deductions for disability-related expenses, such as medical or attendant-care expenses, are applicable to the entire range of HUD housing programs.

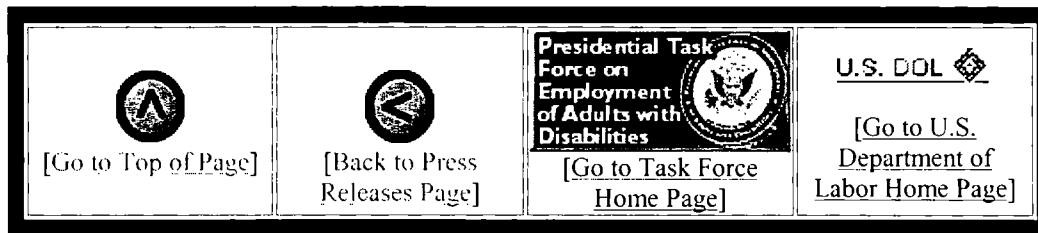
Earned Income Disregards. In implementing the Quality Housing and Work Responsibility Act of 1998, HUD instituted a grace period during which the new income of individuals with disabilities, who begin working after having been unemployed or receiving certain public benefits, is excluded from the calculation of their rental payments for public housing.

For the first year, this important incentive for employment is a full disregard of earned income, phasing down to a fifty-percent disregard in the second year. Eligible families include those with a person with a disability who have been unemployed for 1 or more years or been participating in a job training/self sufficiency program, or those that have received TANF within the past 6 months.

Currently, this incentive applies only to HUD's public housing program, but the new regulation will extend the incentive, as it applies to individuals with disabilities, to tenant-based Section 8 housing vouchers, the HOME program, the Housing Opportunities for People with AIDS program, and the Supportive Housing for the Homeless program. The Administration will also work with Congress to ensure that this earned income disregard applies to the few remaining HUD programs not covered by the regulation. The Administration currently is reviewing the necessary legislative changes and will submit the requisite changes to the Congress shortly.

Deductions for disability-related expenses. The regulation clarifies the applicability of deductions for disability-related expenses, including medical expenses and attendant care expenses. This rule will clarify that these deductions apply not just to public housing and Section 8 rental housing, but also to a broad range of HUD housing assistance, including the HOME Investment Partnership Program (HOME Program), the Section 202 Supportive Housing for the Elderly, and Section 811 Supportive Housing for Persons with Disabilities.

An important subgroup of the disabled who will benefit from these actions are people with disabilities homeless who, with these work incentives and other assistance, can be supported in moving toward self-sufficiency.



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

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

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

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

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

Then there should be approximately:

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

OPM reports*:

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

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

36% of what they should be

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

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

Percentage Representation by Other Groups

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

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

Andrea Kane

Record Type: Record

To: Barbara Chow/OMB/EOP@EOP, Jennifer E. McGee/OPD/EOP@EOP, Bruce N. Reed/OPD/EOP@EOP

cc:

Subject: fed. hiring EO

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

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



J. Eric Gould

07/13/2000 09:48:23 AM

Record Type: Record

To: Andrea Kane/OPD/EOP

cc:

Subject: fed. hiring EO

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

65,500 would have disabilities if we do nothing

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

that is 7,500 more per year.

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

No targets in EO on types of disability.

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

**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.