

FOIA MARKER

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Presidential Library Staff.**

Collection/Record Group: Clinton Presidential Records

Subgroup/Office of Origin: Presidential Personnel

Series/Staff Member: Marsha Scott

Subseries:

OA/ID Number: 20122

FolderID:

Folder Title:

Americans with Disabilities Act- 10th Anniversary [1]

Stack:

S

Row:

45

Section:

7

Shelf:

7

Position:

2

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. list	Monday ADA Meetings; RE: Personally Identifiable Information [partial] (5 pages)	00/00/2000	b(6)
002. list	508 Meeting; RE: Personally Identifiable Information [partial] (1 page)	07/05/2000	b(6)
003. list	Olmstead Meeting; RE: Personally Identifiable Information [partial] (1 page)	07/10/2000	b(6)
004. list	HUD Meeting; RE: Personally Identifiable Information [partial] (1 page)	00/00/2000	b(6)

COLLECTION:

Clinton Presidential Records
 Presidential Personnel
 Marsha Scott
 OA/Box Number: 20122

FOLDER TITLE:

Americans with Disabilities Act - 10th Anniversary [1]

2007-0143-F
 db4531

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

THE WHITE HOUSE
WASHINGTON

- ① Chart - Principle Rules
- Body & Bill
- ② Tues Mtg. w/ [2:30]
~~DPC~~ Eric
~~Bob~~
~~Free~~
- Body & Bill
- Michelle
- Lisa
- ③ Next step - Clean EO's
+
- Chiu - Health
= Bruce Reed - DPC
Barbara Chow - OMB

Veep

THE WHITE HOUSE

HUD

- reg - extending across board
- a. income disregard

- Olmstead

ED

Federal
Assn

tech lab

- tech train's cth -
- funding decision -
- web accessibility

THRC

Ed - Disability ~~Handout~~
Guidance

- Youth to Work
- direct agency to coordinate
resources to ease
transition period

We set up a process
meeting

- want a Task Force
- least parts infra's
of agency

* $OPM = \frac{\text{Mater}}{100,000} \approx 5\%$

THE WHITE HOUSE

POTUS - all agencies

Need: ED -

HUD.

VA

State.

Treasury

Interior

SSA.

EEOC

Commerce.

- no specific targets

MEG

EEOC

- generic guidelines -

Commerce

- data report -

DOT -

- 2 reg changes # call
- * Plan for Action - Dang
- find out where problems are -

SSA -

proposed rule -
Talk how talks -

ADP

- Trends

Clinton Library Transfer Form

Case #, if applicable	2007-0143-F	Accession #		
Collection/Record Group	Clinton Presidential Records	Series/Staff Member	Marsha Scott	
Subgroup/Office of Origin	Presidential Personnel	Subseries		
Folder Title	Americans with Disabilities Act - 10th Anniv	OA/ID Number	20122	Box Number
Description of Item(s)	CD: Equality of Opportunity: The Making of the Americans with Disabilities Act [Digital Talking Book]			

Donor Information

Last Name:	First Name:	Middle Name:	Title:
Affiliation:	Phone (Wk):	Phone (Hm):	
Street:	City:	State (or Country):	Zip:

Transferred to:	Audio/Visual Department
Other (Specify):	

Transferred by:	Debbie Bush
Received by:	

Transfer Point	During Processing
New Location	

Date of Tranfer	11/13/2017
Date of Receipt	

THE WHITE HOUSE**Office of the Vice President**

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

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

**VICE PRESIDENT GORE ANNOUNCES NEW MEASURES PROMOTING HOME AND
COMMUNITY-BASED SERVICES AND HOUSING OPTIONS
FOR PEOPLE WITH DISABILITIES
Commemorates the 10th Anniversary of the Americans with Disabilities Act**

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

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

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

Today, the Vice President will announce new measures to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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Clinton Presidential Records Digital Records Marker

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

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

ADA MEETING

Divider Title: _____

Withdrawal/Redaction Marker

Clinton Library

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001. list	Monday ADA Meetings; RE: Personally Identifiable Information [partial] (5 pages)	00/00/2000	b(6)

COLLECTION:

Clinton Presidential Records
Presidential Personnel
Marsha Scott
OA/Box Number: 20122

FOLDER TITLE:

Americans with Disabilities Act - 10th Anniversary [1]

2007-0143-F
db4531

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concerning wells [(b)(9) of the FOIA]

MONDAY ADA MEETINGS

NAME	E-MAIL	PHONE	DOB	06/19/00	06/26/00	07/05/00	7/10/2000	7/17/2000
Marsha Scott				X	X	X	X	
Lisa Brown		69089					X	X
Jonathan Young	fax: 202.693.4929	67032		X	X	X		X
Rebecca Ogle	ogle-becky@dol.gov	202.693.4941		X	X	X	X	X
	klein-cheryl@dol.gov							
William McKinnon	mckinnon-william@dol.gov	202.693.4926		X	X	X	X	X
Barbara Chow								X
Jeanne Lambrew								
Michael Deich								
Eric Gould				X	X	X	X	X
Andrea Kane								
Michelle Aronowitz		62024			X		X	X
David Rowe				X	X	X	X	
Melissa Benton				X	X			
Alejandra Ceja				X	X	X		X
Joanne Cianci		53385		X	X	X	X	X
Eugenia Chough								
Lew Oleinick		54638	(b)(6)				X	
Karin Kullman								
Anna Richter								
Victoria Choitz				X	X	X		X
Steve Ruszczyk		57482					X	X
Christopher Jennings				X	X	X	X	
Mary Ellen McGuire						X		
Meredith Benson							X	
Samir Afridi								
Ann O'Leary								X
HUD								
Jacquie Lawing	jacquie_m_lawing@hud.gov	202.708.0523						
	scott_sherman@hud.gov							
Tino Calabia	tino_m_calabia@hud.gov	202.708.0614 x7079				X		
Doug Godesky	douglas_j_godesky@hud.gov	202.401.7914 x6477						
Lauretta Grier	lauretta_w_grier@hud.gov	202.708.0523 x3139						
Bryan Greene	bryan_greene@hud.gov	202.708.1154						

[001]

MONDAY ADA MEETINGS

David Williamson	david_r_williamson@hud.gov	202.708.0614 x2338						
Gail Williamson	gail_williamson@hud.gov	202.708.0614 x2473						
Deborah Vincent	deborah_vincent@hud.gov							
Amy Wilkinson	amy_e_wilkinson@hud.gov	202.708.4211				X	X	X
Gabriel Nemeth	gabriel_nemeth@hud.gov	202.708.0614 x7090				X		
Nestor Davidson	nestor_m_davidson@hud.gov	202.708.0614 x5573				X	X	X
Eva Plaza	eva_m_plaza@hud.gov	202.708.4252				X	X	X
HHS/SAMHSA								
Sheila Foran	sforan@os.dhhs.gov							
Lindsey M. Eldred	lelred@os.dhhs.gov							
Judy Lewis	jlewis@samhsa.gov							
David Cruz								
Lorinda Daniel	Ldaniel@samhsa.gov	202.443.5337				X		
Sheri Denkensohn	sdenkens@os.dhhs.gov	202.205.9492	X	X				
Robert Williams	bwilliams@osaspe.dhhs.gov	202.690.6643	X	X				X
Tom Perez								
Valerie Tully	vtully@os.dhhs.gov	202.690.6343	X	X				
Henry Claypool	hclaypool@hcfa.gov	202.260.2650	(b)(6)					X
Paolo del Vecchio	pdelvecc@samhsa.gov	301.443.2619					X	
Joyce Berry								
Anita Mandis								
TRANSPORTATION								
Nancy McFadden	nancy.e.mcfadden@ost.dot.gov	202.366.4702						
Marc Brenman	marc.brenman@ost.dot.gov	202.366.1119				X		
Nancy Dunham	nancy.dunham@ost.dot.gov	202.366.8072				X	X	X
Blane Workie	blane.workie@ost.dot.gov	202.366.9314				X		
Michael Winter	michael.winter@fta.dot.gov	202.366.4050	X	X				X
Beth Masuda	elizabeth.masuda@fta.dot.gov	202.366.4050	X	X		X	X	X
Nancy Johnson	nancy.johnson@fhwa.dot.gov							
Matt Welbes	matt.welbes@fta.dot.gov	202.366.1668				X		
Ron Stroman	ronald.a.stroman@ost.dot.gov	202.366.4648						
Harry Salinas		202.366.4121						
AGRICULTURE								
Ophelia Falls	ofalls@usda.gov	202.720.2600						

MONDAY ADA MEETINGS

[illegible]

MONDAY ADA MEETINGS

JUSTICE								
Mark Gross	mark.l.gross@usdoj.gov	202.514.2195		X	X			
Elizabeth Savage	liz.savage@usdoj.gov	202.514.4279		X	X			
John L. Wodatch		202.307.2227						
Mary Lou Mobley	mary.l.mobley@usdoj.gov	202.307.0816						
Ken Nakata		202.307.2232						
Janet Blizzard		202.307.0847						
SBA								
Jeanette Harvey	jeanette.harvey@sba.gov	202.205.6031		X	X	X	X	X
Monika Edwards-Harrison								
Darryl Dennis								
EEOC								
Peggy Mastroianni	peggy.mastroianni@eeoc.gov	202.663.4638		X	X		X	X
Paul Miller	paul.miller@eeoc.gov	202.663.4036						X
Nancy Segal	nancy.segal@eeoc.gov	202.663.4037						
Ellen Vargyas	ellen.vargyas@eeoc.gov	202.663.4535						
Veronica Venture	veronica.venture@eeoc.gov	202.663.4012	(b)(6)					X
Education								
Curtis Richards	curtis_richards@ed.gov	202.205.5465		X	X	X	X	
Katherine Seelman	kate_seelman@ed.gov	202.205.8997						
Mary Darnell	mary_darnell@ed.gov	202.401.6176						
William Peterson								
Defense								
Judy Gilliom								
Shannon Brown								
OPM								
Suzanne Seiden	sbseiden@opm.gov	202.606.1700		X	X	X		
Marge Tarmey	mctarmey@opm.gov	202.606.0172					X	
Matt Moore	leomonkey@usa.net	202.606.1700				X		
Marque Moore	mmoore@opm.gov	202.606.1700				X	X	
Racquel Foti							X	

MONDAY ADA MEETINGS

	FBI	DHS	HHS	EPA	AECOM	USDOJ
COMMERCE						
Laureen Daly	ldaly@doc.gov	202.482.4127	X	X	X	
Elliot Maxwell	emaxwell@doc.gov	202.482.0211				X X
Margaret Cahill	mcahill@bxa.doc.gov	202.482.8226				
NPR						
Lynn Kahn	lynn.kahn@npr.gov	202.694.0033	X	X		
Gina Pearson	gina.pearson@npr.gov	202.694.0093	X	X		
(b)(6)						
STATE						
Brian Schmuecker	Schmueckerbl@state.gov	703.875.6212				
Patsy Thomasson	thomassonpl@state.gov	703.875.6361				
Ron Tomasso	tomassorj@state.gov	703.875.6186	X	X		X
Michael Minton	mintonmr@state.gov	703.516.1740				X
Anne Marie Pecht						



Jonathan M. Young
07/17/2000 10:37:50 PM

Record Type: Record

To: Stephen W. Ruszczyk/OMB/EOP@EOP
cc: Megan J. Crowhurst/WHO/EOP@EOP
Subject: Re: ADA meeting

Thanks for your inquiry. I'm hoping we'll have a big event for the President on the 26th. Numbers will depend on the venue location. There are a number of events open to the public however. Here's a sketch of what's going on.

Tuesday, July 25

- 9:00 a.m. Endeppence Center of Northern Virginia Press Conference: The Endeppence Center is one of the nationwide independent living centers that focus on peer counseling and individual empowerment for people with disabilities. The Press Conference will feature the Spirit of ADA Torch (from its last stop in South Carolina) and focus on the theme of "Universal Design." Universal design was a concept developed in large part by architect Ron Mace, who argued that physical structures could be built so they are more usable by all people, including people with disabilities (for example: lever door handles instead of doorknobs).
- 10:30 a.m. Memorial Bridge Torch Exchange and Photo-op: The Torch will be carried from the Endeppence Center by Virginia youth to the Memorial Bridge, where it will be handed off to youth from DC and Maryland and then taken to the FDR Memorial.
- 10:00 a.m. FDR Memorial Celebration: The Spirit of ADA Torch will be officially welcomed to the City of Washington by Mayor Williams at the FDR Memorial, where construction is now underway on an addition featuring FDR seated in his long-hidden wheelchair. The theme of the event is "Honoring the Heroes and Celebrating our Future." The two-hour event will be emceed by Task Force Vice-Chair Tony Coelho and feature remarks by representatives of Congress, the Bush Administration, and the disability community active during the ADA's passage in 1990. Youth will also talk about how the ADA has changed their lives and promises a better future. An audience of 300-400 is estimated
- 12:00 p.m. National Council on Disability Luncheon: NCD will host a luncheon at the Marriott Metro Center for about 300 people. The program centers on

honoring the Leadership Conference on Civil Rights, drawing the connection between disability rights and other rights movements, and acknowledging LCCR's role in securing passage and protection of the ADA.

2:30 p.m. Gallaudet University Panel Discussion and Picnic/Festival: Gallaudet has a prominent place in the ADA's history because of the "Deaf President Now" Movement in 1998 that resulted in the first deaf President of Gallaudet (a symbol of what the ADA is all about). The afternoon discussion will focus on the future of the ADA's implementation followed by a picnic and festival for families.

- 5:00 p.m. NCIL Annual Conference Kick-Off Ceremony: The National Council on Independent Living's annual conference at the Renaissance Hotel will feature the Vice President and Senator Tom Harkin. Approximately 1,000 advocates from across the country are expected at this year's conference. Vice President Gore plans a major disability policy speech.
- 6:00 p.m. Vice President's Residence Reception: After speaking at the NCIL Conference, Vice President Gore will return to his residence with Mrs. Gore for a reception of 400-500 featuring an extensive exhibit of assistive technologies and entertainment by Jose Feliciano. The Vice President will focus on how technologies (from wheelchairs to computers to pagers to "talking signs") enable people with disabilities to be more productive in education and employment.
- 9:00 p.m. Candlelight Celebration: NCIL will host a candlelight ceremony featuring emerging leaders in the disability rights movement (hoping to make it onto 11:00 p.m. news). The ceremony will take place adjacent to the Renaissance Hotel, and include the estimated 1,000 registrants of the NCIL conference.

Wednesday, July 26

- 10:30 a.m. NCIL March to Capitol Hill: Every year during its conference, NCIL hosts a massive march to the Capitol. This year the March is scheduled to begin at Lafayette Park. An estimated 2,000 people will participate in the march, including conference attendees, D.C. advocates, and hundreds of other advocates in town for the anniversary celebration.
- 12:00 p.m. Capitol Rally with Members of Congress: Advocates will gather at the West Face of the Capitol to be addressed by Members of Congress who have signed the "ADA/IDEA Pledge." Advocates will then visit their Members' offices throughout the afternoon.
- 7:00 p.m. Gala Celebration at Union Station: The Disability Rights Education and Defense Fund (DREDF), the American Association of People with Disabilities (AAPD), and the National Council on Independent Living (NCIL) are co-hosting a gala dinner & auction. President Clinton and former President Bush are the evening's Honorary Co-Chairs. Tony Coelho, Congressman Hoyer, and Senator Harkin are the auctioneers. Other Members of Congress and Notables (including Senator Wellstone, Congressman Crane, and Congressman Bartlett) are expected to drop by, though there is no planned speaking program (focusing on a fun celebration). 1,000 to 1,500 guests are expected.

PRESIDENT CLINTON COMMEMORATES THE 10TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT (ADA) AND TAKES FURTHER ACTION TO STRENGTHEN THE ADA AND PROVIDE OPPORTUNITIES AND EQUALITY FOR INDIVIDUALS WITH DISABILITIES

July 26, 2000

DRAFT

Today at the FDR Memorial, President Clinton and the First Lady celebrated the 10th Anniversary of the Americans with Disabilities Act (ADA) and announced a number of executive actions that build on the foundation of the ADA by creating new opportunities for individuals with disabilities and strengthening protections that ensure equality.

In the decade after its enactment, the ADA has begun to transform the social fabric of our nation. It has brought the principle of disability civil rights into the mainstream of our Nation's public policy and has fundamentally affected the way Americans perceive disability. It has created increased recognition and understanding of the manner in which the physical and social environment can pose discriminatory barriers to people with disabilities and it continues to be a unifying focus for the disability rights movement.

This Administration has constantly asserted its strong support for the civil rights of people with disabilities. Since the law took effect the combined efforts of this Administration and the 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 and each has engaged in extensive efforts to educate the public about the ADA.

To further the goals of the ADA, which include equality and opportunity, the President is taking a number of actions that would increase federal employment opportunities for people with disabilities. President Clinton also announced important changes that will reduce the barriers that Social Security beneficiaries face when they return to work. In addition, the President took executive actions to ensure that federal agencies establish written procedure for addressing reasonable accommodation requests, and to ensure that Federal programs are free from disability-based discrimination. The President also announced the Access America for People with Disabilities website (www.disability.gov) created to provide quick access to services and other resources for people with disabilities and their families.

The First Lady also announced new important initiatives to address the barriers for youth with disabilities. These proposals are aimed at increasing access to educational and training opportunities youth with disabilities need to transition to work and achieve independence.

Yesterday, Vice President Gore announced a number of steps to help people with disabilities live and work in their communities. The Vice President's actions focused on steps needed to move people with disabilities out of institutions and nursing homes and into their own homes and communities with the supports they need. In addition, the Vice President took action to accelerate the development and transfer of assistive technologies that will facilitate the development of products that will enable people with disabilities to work and participate in society.

The announcements made by the President, Vice President and the First Lady are all important steps that build on this 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 two proposals announced by the President and one announced by the First Lady truly represent the spirit of the ADA. These proposals will reduce the barriers that Social Security beneficiaries face when they return to work.

- Automatically adjust the Substantial gainful Activity (SGA) level for individuals with impairments other than blindness, based on any annual increases in the national average wage index. Since the beginning of the Social Security disability program in 1956, there have been no regularly scheduled increases in SGA. 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. The increase has made it possible for disability beneficiaries to lead more productive self-sufficient lives. Annually increasing the SGA will now ensure that persons with disabilities who return to work will be able to count on having a limit that accurately reflects increases in wages.
- 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 inadvertently earning too much and losing critically important cash and medical benefits. This increase will encourage beneficiaries with disabilities to contribute their talent and energy to the workforce.

INCREASING THE OPPORTUNITY FOR INDIVIDUALS WITH DISABILITIES TO BE EMPLOYED IN THE FEDERAL GOVERNMENT. The President issued an Executive Order directing Federal agencies to hire 100,000 people with disabilities over a five-year period. 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 is more than 60% higher than current trends, 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 believes that the Federal government is ready to meet this challenge.

Despite their qualifications for employment, persons with disabilities, and most notably person 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. With this Executive Order, the Administration is directing agencies to adjust their recruitment efforts to tap into the talented pool of individuals with disabilities. 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.

ESTABLISHING EFFECTIVE PROCEDURES TO ADDRESS REASONABLE ACCOMODATION. The President issued an Executive Order requiring that all Federal agencies establish effective procedures for processing requests for reasonable accommodation by employees with disabilities and applicants for employment 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 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.

RENEWING THE FEDERAL GOVERNMENT'S COMMITMENT TO ENSURING THAT FEDERAL PROGRAMS ARE FREE FROM DISABILITY-BASED DISCRIMINATION. The President issued an Executive Memorandum for the heads of all Federal Executive Departments and Agencies. 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 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 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.

EMPLOYING PEOPLE WITH SIGNIFICANT DISABILITIES TO FILL FEDERAL JOBS THAT CAN BE PERFORMED AT ALTERNATIVE WORKSITES. 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. To harness the power of new technologies to promote employment of people with significant disabilities, the Executive Memorandum calls on Federal Agencies that already operate customer service centers to identify positions that could be relocated to home-based or off-site facilities and be filled with people who have significant disabilities. 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 encourages the recruitment and employment of individuals with disabilities for such positions. 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.

ACCESS AMERICA FOR PEOPLE WITH DISABILITIES WEBSITE. In keeping with the President's and Vice President'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 "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. There are also special features, including "success stories" of individuals with disabilities; a "hot topics" corner discussing the newest disability issues and employment trends.

ADDRESSING BARRIERS FOR YOUTH WITH DISABILITIES

FLOTUS – announcements (Ann/Vicky – please fill in and make any changes)

HELPING TO BRIDGE THE TRANSITION FROM EDUCATION TO EMPLOYMENT BY HELPING YOUNG PEOPLE WHO ARE STUDENTS WITH DISABILITIES. The First lady announced an 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 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.

YOUTH TO WORK INITIATIVE

ABLE TO WORK CONSORTIUM

YOUTH COUNCILS

(VP)HELPING DISABLED INDIVIDUALS LIVE AND WORK IN THEIR COMMUNITIES. Yesterday, Vice President Gore announced a number of steps to help disabled individuals live and work in their communities. 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. The Vice President also took a number of steps to make it easier for disabled individuals to own their own home. In addition, the Vice President took action to accelerate the development and transfer of assistive technologies that will facilitate the development of products that will enable people with disabilities to work and participate in society. **[Everything below is place-holder language that will be replaced as the VPs package comes together on Monday]**

GRANTS TO STATES TO ENGAGE IN SYSTEM CHANGE ACTIVITIES DESIGNED TO BUILD AND ENHANCE THEIR CAPACITY TO PROVIDE PERSONAL ASSISTANCE SERVICES AND SUPPORTS TO PEOPLE WITH DISABILITIES IN THE MOST INTEGRATED SETTING APPROPRIATE. No one should have to live in an institution or nursing home if they can live in the community with the right support. The Vice President announced \$50 million in new funding for States to work 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. 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 receive services, whether in their own homes and communities or in an institutional setting.

POLICY GUIDANCE ON MEDICAID THAT WILL HELP STATES OFFER INDIVIDUALS WITH DISABILITIES THE SERVICES AND SUPPORTS THEY NEED TO LEAD MEANINGFUL LIVES IN THEIR COMMUNITIES. The Vice President announced new policy guidance to States to clarify Medicaid benefits available to persons in the community and additional flexibility to provide home and community based care services. The guidance will help States: 1) assist people with disabilities to make a successful transition from nursing homes and other institutions into the community; 2) expand access to home and community based services; and 3) assure that people receive comparable Medicaid services whether they are living in an institution or in the community.

ACCESS HOUSING 2000 – A PUBLIC-PRIVATE PARTNERSHIP TO ASSIST PEOPLE WITH DISABILITIES TO TRANSITION FROM INSTITUTIONS TO THE COMMUNITY BY PROVIDING AFFORDABLE HOUSING AND NECESSARY SUPPORTS.

The Vice President announced that the Departments of Housing and Urban Development and Health and Human Services, in conjunction with the National Program Office on Self-Determination, a Project of the Robert Wood Johnson Foundation at the Institute on Disability, a University Affiliated Program, University of New Hampshire (NPOSD) are launching a unique public/private partnership, entitled Access Housing 2000, to assist individuals with disabilities in making the transition from nursing homes and other institutional settings into community living. They jointly committed resources to assist States in their efforts to expand the availability of accessible, affordable housing and to assure that individuals with disabilities receive the personal assistance and supports necessary to successfully transition from institutions to the community.

This national demonstration project will provide a model for a coordinated response to the Supreme Court's decision in Olmstead v. L.C.. The partners will launch a five-year national demonstration project to create a model for facilitating individuals with disabilities' transition from institutional settings to community living. 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.

INCREASING HOME OWNERSHIP FOR PERSONS WITH DISABILITIES. The Vice President announced that a letter entitled "Single Family Loan Production - Increasing Home Ownership Rates for Persons with Disabilities" will be sent to all approved FHA mortgagees, re-emphasizing HUD's commitment to promoting home ownership for persons with disabilities. The letter encourages HUD's lender partners to make the dream of home ownership possible for individuals with disabilities through increased, but prudent flexibility when underwriting their loan applications.

EXTENSION OF WORK INCENTIVES FOR PERSONS WITH DISABILITIES TO A BROADER RANGE OF HOUSING ASSISTANCE PROGRAMS. The Vice President announced that the Administration will take action to extend employment incentives for persons with disabilities to a broader range of HUD's housing assistance programs.

NATIONAL MENTAL HEALTH COALITION TO PROMOTE COMMUNITY-BASED CARE FOR INDIVIDUALS WITH MENTAL ILLNESSES AND SUBSTANCE ABUSE DISORDERS. 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 the housing, vocational rehabilitation, and employment services that enable them to support themselves in the community. The Vice President 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 disabilities in accessing the services they need to live in the community.

The goal of the 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. 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 private industry councils, civil rights groups, housing and employment organizations and agencies, hospital administrators, and others.

DEVELOPMENT AND DEPLOYMENT OF ASSISTIVE TECHNOLOGY AND TECHNOLOGY THAT ENABLES UNIVERSAL DESIGN. The Vice President announced an Executive Memorandum requiring that the Interagency Committee on Disability Research (ICDR) 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. The development and transfer of assistive technologies will facilitate the development of products that will enable people with disabilities to work and participate in society.

Assistive technology is used to maintain or improve the functional capabilities of people with disabilities. Universal design is the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. The development of assistive technologies and products that incorporate universal design principles can significantly improve the quality of life for people with disabilities, and increase their ability to participate in the workplace. Technology transfers are important because they stimulate economic growth and a better quality of life for all Americans.

Q&A: ADA EVENT
July 26, 2000
[Draft - July 23, 2000]

PRESIDENTIAL ANNOUNCEMENTS

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

A: In the decade after its enactment, the ADA has begun to transform our nation. It has brought the principle of disability civil rights into the mainstream of public policy. Ensuring that the provisions of the ADA are fully implemented has been a priority of this Administration. To further the goals of the ADA, which include equality and opportunity, the President is taking a number of actions that would increase federal employment opportunities for people with disabilities and proposing important changes that will reduce the barriers that Social Security beneficiaries face when they return to work. In addition, the President took executive actions to ensure that federal agencies establish written procedure for addressing reasonable accommodation requests, to ensure that Federal programs are free from disability-based discrimination and to accelerate the development of assistive technology and technology that enables universal design (which the Vice-President announced). The President also announced the Access America for People with Disabilities website (www.disability.gov) created to provide quick access to services and other resources for people with disabilities and their families. These are all important steps that build on this 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.

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) beneficiaries 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 impairments other than blindness, based on any annual increases in the national average wage index. Since the beginning of the Social Security disability program in 1956, there have been no regularly scheduled increases in SGA.
 - This will ensure that persons with disabilities who return to work will be able to count on having a limit that accurately reflects increases in wages.
2. Increase from \$200 to \$530 the minimum amount of monthly earnings for a month to count during a trial

work period for individuals who are Social Security beneficiaries and work. The President is also proposing to automatically adjust the amount thereafter based on any annual increases in the national average wage index.

- Many beneficiaries are leery of attempting to work for fear of inadvertently earning too much and 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 President 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 for the changes?

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

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

A: [Holding for numbers from SSA]

Q: Why index the SGA level?

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

Q: What is SGA?

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

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: Why is SGA 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. A person must not be able to perform SGA in order to receive benefits under the SSDI or SSI programs.

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

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

Q: Why index the revised TWP service 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 wait for the Commissioner of SSA to issue revised regulations.

Q: What is the current exclusion for students who receive SSI?

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

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

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

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: It directs Federal agencies to hire 100,000 people with disabilities over a five year period.

Q: Is this a realistic number?

A: Yes. 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 is more than 60% higher than current trends, 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: 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. With this Executive Order, the Administration is directing agencies to adjust their recruitment efforts to tap into the talented pool of individuals with disabilities.

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: How was this number determined?

A: A group of human resource managers reviewed current Federal hiring patterns, information about the future pool of disabled 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 has also issued an Executive Order requiring Federal agencies to establish systems for facilitating accommodations for individuals with disabilities. Creating a structure that allows agencies to provide appropriate reasonable accommodations to employees with disabilities is a crucial aspect of this recruitment initiative. Additionally, a Presidential Memorandum has been issued directing agencies to examine the feasibility of relocating certain jobs to home-based or other off-site facilities. Because certain disabilities may prevent employees from working in, or traveling to, traditional office settings, this initiative will open up many new employment opportunities.

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 which substantially limits one or more major life activities. Examples are speech, vision, hearing and orthopedic impairments, missing extremities, 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. Additionally, if an applicant wants to be considered for appointment under special authorities for individuals with disabilities, he or she should make that clear in an application for employment.

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.

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 Hispanic individuals. 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 more accurately reflects the American population.

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 meant by reasonable accommodation?

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.

Q: Why are reasonable accommodations important?

A: 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 accommodation 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 it 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 are to 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 affirmative action for — people with disabilities in Federal employment and prohibits discrimination against people with disabilities in all other Federal programs, among other things.

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 twenty 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 no longer be effective. 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 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 who are disabled do?

A: 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. 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 be filled with 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.

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: When will *Access America for People with Disabilities* be up and running?

A: [Hold - we are still trying to figure out if it will online in time] A prototype of the website will be unveiled on July 26, 2000, during the celebration of the 10th anniversary of the signing of the Americans with Disabilities Act. The website address is **www.disAbility.gov**. As people begin to use the website

and we start receiving comments and suggestions, we'll make appropriate additions and adjustments. We want to continually update and tailor the information on the website to best meet the needs of people with disabilities and their families.

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: [Ann/Victoria]

Social Security Disability Initiative: Increasing the SSI Income Exclusion for Students

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: 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: What is the current exclusion for students who receive SSI?

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

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

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

Youth to Work Initiative

[Hold for Q&A]

VICE PRESIDENTIAL ANNOUNCEMENTS

Q: What did the Vice President announce yesterday?

A: Yesterday the Vice President announced a number of steps that will help individuals with disabilities live and work in the community. The Vice President strongly believes that no one should have to live in an institution or nursing home if they can live in the community with the proper support. The Vice President's announcements build on the principle that everyone in our society, regardless of a disability, should have the opportunity to make the most of their abilities and contribute to our communities.

Specifically, the Vice President announced:

- **Grants to States to engage in system change activities designed to build and enhance their capacity to provide personal assistance services and supports to people with disabilities in the most integrated setting appropriate.** This \$50 million grant initiative is drawn from Section 4 of the Medicaid Community Attendant Services and Supports Act of 1999 (MiCASSA) and will help states develop the comprehensive, effectively working plans endorsed by the U.S. Supreme Court in Olmstead v. L.C.
- **New Policy Guidance to States to clarify Medicaid benefits available to persons in the community and additional flexibility to provide home and community based care services.**
- **Access Housing 2000** – The Departments of Housing and Urban Development and Health and Human Services, in conjunction with the Robert Wood Johnson Foundation are launching a unique private/public partnership, called Access Housing 2000, to assist individuals with disabilities in making the transition from nursing home and other institutional settings into community living.
- **Guidance on increasing home ownership for persons with disabilities** – A letter entitled “Single Family Loan Production – Increasing Home Ownership Rates for Persons with Disabilities” will be sent to all approved FHA mortgagees, re-emphasizing the Administration'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.

- **Extension of Income Disregards for HUD Programs** – The Administration will take action to extend employment incentives for persons with disabilities to almost all of HUD's housing assistance programs. The Vice President announced a new rule extending earned income disregards currently applicable only to public housing to other HUD programs.
- **National Mental Health Coalition to Promote Community-Based Care for Individuals with Mental Illnesses and Substance Abuse Disorders** – The Center for Mental Health Services at the Substance Abuse and Mental Health Services Administration (SAMSHA) 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 disabilities in accessing the services they need to live in their communities.
- **Executive Memorandum on Development and Deployment of Assistive Technology and Technology that Enables Universal Design** – An Executive Memorandum requiring that the Interagency Committee on Disability Research (ICDR) 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. The development and transfer of assistive technologies will facilitate the development of products that will enable people with disabilities to work and participate in society.

Health Care / Olmstead

Q: What does the Supreme Court's decision in *Olmstead v. L.C.* 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 which 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 a disabled individual 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 states have limited resources and its decision doesn't require any state to incur excessive new costs. Instead, it requires states to move at a reasonable pace to provide

community-based alternatives. And 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, effectively 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 directed 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: 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 private industry councils, 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 in their communities, but also the very important supportive 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. The national coalition will develop guidelines to be used for the application of resources to develop local coalitions, and will act as a resource as needed to assist the local coalitions in developing linkages between systems serving individuals with mental health and substance abuse problems to receive treatment in their communities.

Housing/HUD

Q: What is the Access Housing 2000 Project?

A: The Vice President announced that the Departments of Housing and Urban Development and Health and Human Services, in conjunction with the National Program Office on Self-Determination, a Project of the Robert Wood Johnson Foundation, are launching a unique public/private partnership, entitled Access Housing 2000, to assist individuals with disabilities make the transition from nursing homes and other institutional settings into community living.

This public/private partnership is intended to create a coordinated response to the Supreme Court's recent decision in Olmstead v. L.C.. The partnership will emphasize expanding the availability of accessible, affordable housing, supporting the use of Individual Development Accounts, and assuring that individuals with disabilities receive the personal assistance and support they need to make a smooth and successful transition out of institutional care. At the heart of the partnership is a proposed national demonstration project, bringing together 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 create a new model for helping individuals with disabilities make this transition. Access Housing 2000 will also serve as the centerpiece of national, regional, and local partnerships, reaching out to other potential public and private partners to encourage them to bring additional resources to this effort. Through these various avenues, Access Housing 2000 will help individuals with disabilities living in institutional settings reach the goal of independence and, ideally, join the American dream of home ownership.

Q: What are the income disregards for persons with disabilities in HUD's housing assistance programs?

A: The Vice President announced that for individuals with disabilities, the Department of Housing and Urban Development is proposing to extend important incentives for employment, primarily an income disregard, currently available in a limited number of programs to almost all of HUD housing assistance programs.

[Background: In implementing the Quality Housing and Work Responsibility Act of 1998, HUD put in place a grace period during which individuals who begin working after having been unemployed or receiving certain public benefits do not have their new income counted in the calculation of their benefits. For the first year, this important incentive for employment is a full disregard of income, phasing down to a fifty-percent disregard in the second year. Currently, this incentive only applies to HUD's public housing program, but this new initiative extends the incentive, as it applies to individuals with disabilities, to almost all of HUD housing assistance, primarily through a proposed regulation, (OMB is reviewing legislative options that would cover the few HUD programs that can't be addressed through regulation). Additionally, HUD currently offers certain targeted adjustments to annual income for individuals with disabilities, and the regulation HUD is now proposing will clarify that these adjustments apply to the entire range of HUD housing assistance.

Q: What's the letter about that the Vice President mentioned having to do with increasing home ownership for persons with disabilities? Who was it sent to?

A: The Vice President announced that the Department of Housing and Urban Development is sending a letter to all approved Federal Housing Administration mortgagees that encourages HUD's lender partners to help individuals with disabilities have the opportunity to own a home.

Department of Housing and Urban Development Assistant Secretary for Housing and Federal Housing Administration Commissioner William Apgar is sending a letter entitled "Single Family Loan Production - Increasing Home Ownership Rates for Persons with Disabilities" to all approved FHA mortgagees that re-emphasizes the Department's commitment to promoting home ownership for persons with disabilities. The letter encourages HUD's lender partners to make the opportunity of home ownership possible for individuals with disabilities through increased, but prudent flexibility when underwriting their loan applications.

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 which provide needed policy clarifications and in some instances, reflect significant changes in policy to support community integration. These letters are responsive to specific issues that have been identified as barriers by both States and the disability community. The letters will support States' efforts to:

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

- **Assisting People With Disabilities Make A Successful Transition From Nursing Homes And Other Institutions Into The Community:**

➤ ***Accessing 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. This can include paying for up to 6 months of case management to identify and obtain needed services for the person by the time he or she leaves the facility, 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 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.

- **Expanding The Availability And Quality Of Home And Community Based Services:** The new guidance HCFA sent to State Medicaid Directors also addresses some of the fiscal and programmatic challenges States face in increasing the availability and quality of home and community based services for people with disabilities of all ages. HHS has identified and made the following changes in existing guidance or HCFA's interpretation of the Medicaid statute that States and the disability community will find helpful:

➤ **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 HCBS 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 seen to be 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 to one of its beneficiary 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 young people with disabilities attending 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 scope of a required service solely because of a person's diagnosis, type of illness, or condition. However, the guidance will ensure that no one loses access to home health services simply by leaving their homes and spending time in their communities.

➤ **Nurse Delegation:** 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 others can be trained to do just as well. The guidance codifies what HCFA has permitted many States to do for years. HCFA hopes that this 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.

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 (EM) requires two things. First, the EM 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. Next, the EM 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. and each has 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 1991 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 violate the ADA

The EEOC for example 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 & 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 911 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.

Other Administration Actions Related to the 10th Anniversary of the ADA

Q: What other actions have Federal Agencies taken to commemorate the 10th anniversary of the ADA?

A: [Hold]

Presidential Task Force on Employment of Adults with Disabilities (PTFEAD)

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: They are as follows:

- Work to pass and fully fund the Ticket to Work and Work Incentives Improvement Act and on December 17, 1999, I signed this legislation into law;
- 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 that the Administration:

- Proposed 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;
- Strengthening enforcement of Section 503 of the Rehabilitation Act of 1973, as amended and this not 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;
- Established an earned income disregard for tenants with disabilities living in other-than-public housing authority 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;
- Included a \$1,000 tax credit for individuals with disabilities to defray work related expenses in FY 2000 budget;
- Included increased funding to accelerate the development and adoption of information and communication technologies and expand state loan assistive technology program in FY 2000 budget;
- Continued to fight for a strong Patients Bill of Rights;
- Created "Access America for People with Disabilities" a one-stop shop web-site dedicated to the employment of people with disabilities;
- Developed a comprehensive strategy related to transportation for people with disabilities;
- Directed all federal agencies to explore ways to encourage hiring of people with disabilities in the area of telecommuting; and
- Raised the Earned Income Exclusion in the SSI program for both adults and students, in order to encourage work efforts.

Clinton Presidential Records Digital Records Marker

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508

Divider Title: _____

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. list	508 Meeting; RE: Personally Identifiable Information [partial] (1 page)	07/05/2000	b(6)

COLLECTION:

Clinton Presidential Records
Presidential Personnel
Marsha Scott
OA/Box Number: 20122

FOLDER TITLE:

Americans with Disabilities Act - 10th Anniversary [1]

2007-0143-F
db4531

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

508 MEETING

WEDNESDAY, JULY 5, 2000 1:30-3:30PM ROOM 476

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[002]

(b)(6)



Liz Savage <Liz.Savage@usdoj.gov>

06/28/2000 08:44:00 PM

Record Type: Record

To: Marsha Scott/WHO/EOP, ogle-becky@dol.gov (Receipt Notification Requested)

cc:

Subject: 508 Deliverables

Marsha and Becky -

In preparation for tomorrow's mtg - the attached lists 6 things which are very doable. We are already working on the first two (Becky - you have the draft of the directive referred to in item 1 of the attached).

We can probably come up w/more tomorrow. Also, you should know that Sen. Jeffords wants to hold a hearing on the afternoon of the 26th and has asked DOJ to testify about 508, our report etc - so it would be great if we (Bill Lee will probably do it) could announce that the Administration has followed thru on the Reports recommendations.

Thanks -Liz
sorry for the stream of consciousness
above



- 508deliv

Outline of Deliverables for ADA Anniversary
(Based on the Attorney General's 508 Report)

* **IDCC Directive**

The President should announce the revitalization of the IDCC and direct/invite participation by key government agencies. This is one of the most important recommendations in the 508 Report.

* **DOJ Guidance on 501/504/508**

The Department will independently issue guidance on the relationship between sections 501, 504, and 508 of the Rehabilitation Act by the anniversary date.

* **Invitation/Directive to Other Agencies**

Although many initiatives are already underway to ensure successful implementation of section 508, the President should publicly direct/encourage agencies to do the following:

- * EEOC and OPM should publish guidance to assist all large and mid-sized agency set up voluntary advisory committees of persons with disabilities. All such agencies should be strongly encouraged to create such committees, if they do not already exist.
- * EEOC should publish guidance to the agencies for development and distribution of training needs surveys to help employees with disabilities use agency software.
- * GSA and the Access Board, in consultation with the FCC, should develop training materials and information to help train all federal employees who communicate by telephone with the public or with other employees on how to use TTY's, the Telephone Relay Service (TRS), and the Federal Information Relay Service (FIRS).



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

P.O. Box 65808
Washington, D.C. 20035-5808

Telephone (202) 514-2151

TELEFACSIMILE COVER SHEET

DATE:

6/28

TO:

Marsha Scott 456 - 5558

Bulky Oyle 693 4929

PHONE:

FAX:

FROM:

LIZ SAVAGE

OFFICE OF THE ASSISTANT ATTORNEY GENERAL
CIVIL RIGHTS DIVISION

FAX NUMBER: 202-307-2839

PHONE: 202-514-4279

COMMENTS:

Re 508 mtg: Exec Summary &
Recommendations Attached. 111
bring copies - although all participants
have seen it -

NUMBER OF PAGES TRANSMITTED (INCLUDING THIS SHEET) _____

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***Information Technology and
People with Disabilities:
The Current State of Federal Accessibility***

**Presented by
The Attorney General
to
The President of the United States**

April 2000

Executive Summary & Recommendations¹

Introduction

Prior to the late 1980's, computers were generally easy for most people with disabilities to use. People who were blind, for example, could use the same word processing software packages as everyone else. Instead of relying on monitors, they used assistive technology — called "screen readers" — to read in a synthesized voice all the text and punctuation that a sighted person would read on the computer monitor. All who used early word processors used keyboard commands to interact with the software. To print a document, for instance, one would simultaneously hit the "control" and "P" keys — something that could be done as easily by blind people as others.

As technology grew more sophisticated, many changes that generally made it easier for nondisabled people to use computers often created barriers for people with disabilities. For instance, software that required someone to issue commands by "pointing and clicking" using a computer mouse became inaccessible to those who could not see icons. Although the solutions were simple and inexpensive, little thought was given to preserving accessibility. For example, if word processing software allows the user to choose between entering "control-P" to print or clicking on a printer icon, then blind people can use the print function as easily as everyone else.

In the past, most agencies did not focus on the extent to which their mainstream technology was accessible to persons with disabilities. Some employees with disabilities lost jobs or became underemployed due to technological advances that unfairly screened them out from the workplace, even when they otherwise had the skills, intelligence, and knowledge to accomplish their jobs.

Section 508 of the Rehabilitation Act

An amendment to section 508, signed by President Clinton in August 1998, requires the Attorney General to report to the President on accessibility of federal electronic and information technology

(EIT) — such as federal Web sites, telecommunications, software, hardware, printers, fax machines, copiers, and information kiosks — to people with disabilities. Section 508 of the Rehabilitation Act, 29 U.S.C. § 794d, as amended.

Section 508 prohibits federal agencies from procuring, developing, maintaining, or using EIT that is inaccessible to people with disabilities, subject to an undue burden defense. "Undue burden" generally means a significant difficulty or expense.

On March 31, 2000, the Architectural and Transportation Barriers Compliance Board (Access Board) published a Notice of Proposed Rulemaking containing draft accessibility standards to implement section 508. 65 Fed. Reg. 17346. Once final, these Standards will be incorporated into the Federal Acquisition Regulation (FAR), to which most agencies are subject. Agencies not covered by the FAR will incorporate the Access Board's Section 508 Standards into their own procurement regulations.

The General Services Administration (GSA) and the Access Board share statutory authority to provide section 508 technical assistance. 29 U.S.C. § 794d(b).

Although the law technically applies to federal agencies' existing EIT, by its own terms it is unenforceable except for products procured on or after August 7, 2000; retroactive modification of existing EIT is not required. Agencies continue to have long-standing obligations under sections 501 and 504 of the Rehabilitation Act to provide reasonable accommodations to qualified individuals with disabilities (including members of the public and federal employees) upon request and to avoid disability-based discrimination, generally. 29 U.S.C. §§ 791, 794. Agencies must comply with section 508 regardless of whether they have employees with disabilities or serve members of the public with disabilities.

Built-in assistive technology is not required where it is not needed. Section 508 does not require every workstation or every EIT product to be fully accessible to persons with disabilities. Products

like desktop computers do not have to be outfitted with refreshable Braille displays;² rather they must be compatible with refreshable Braille displays, so that if an individual who is blind needs one as a reasonable accommodation, he or she can use it with the agency's standard workstations. Section 508 does not require private companies who market EIT products to the Federal Government to modify the EIT products used by company employees, or to make the companies' own Internet sites accessible to people with disabilities. For instance, if a manufacturer wishes to sell desktop computers to federal agencies, it must ensure that these computers comply with the Access Board's Section 508 Standards or agencies will be unable to purchase them. The company telecommunications systems, Internet pages, and other EIT used by company employees (including desktop computers not intended for federal use), are not subject to section 508.

The Department of Justice is not charged with enforcing section 508. Members of the public and employees with disabilities, however, may:

- file administrative complaints with agencies they believe to be in violation of section 508; or
- file private lawsuits in Federal district court.

29 U.S.C. § 794d(f).

In August 2001 and every 2 years thereafter, the Attorney General is required to provide updated reports to the President and Congress. These subsequent reports will discuss improvements in the degree of accessibility of federal EIT and will also report on the resolution of section 508 complaints filed against federal agencies. 29 U.S.C. § 794d(d).

The Report

The Department of Justice's Civil Rights Division has prepared this Report. It contains the results of the first Executive Branch-wide section 508 evaluation. It also recommends specific inexpensive, cost-effective, and easily accomplishable measures to improve the extent to which federal agencies' technology is accessible to people with disabilities. By following these recommendations, agen-

cies will facilitate their compliance with the general nondiscrimination and reasonable accommodation requirements of sections 501 and 504 of the Rehabilitation Act. The Department's recommendations make the most of existing resources and build upon model agency practices.

The Report is intended to provide guidance to:

- federal information technology personnel, policy makers, and procurement officials,
- private sector technology designers, manufacturers, and vendors, and
- disability advocates.

History of the Department of Justice's Efforts

In April 1999, the Attorney General sent a package of detailed self-evaluation materials and resource guides to federal agencies and departments, including the U.S. Postal Service, to assist them with accomplishing meaningful section 508 self-evaluations. Agencies were instructed to evaluate their procurement policies and practices, telecommunications products and systems, and their most commonly used Internet pages, software applications, information kiosks and other information transaction machines, and other electronic office equipment such as fax machines, copiers, and printers. Products were generally evaluated in 2 ways:

- using objective checklist-style questions, and
- using more subjective evaluation techniques, such as consulting with people with disabilities and viewing Internet pages with text-only browsers and other types of assistive technology.

To create this Report, the Department collected objective survey data from 81 agencies, including over 250 components, on an interactive Internet database site. A list of these agencies is attached as General Appendix A (Categories of Agencies). Subjective "overall agency evaluations" were also provided to the Department.

The Department established a section 508 home page (<http://www.usdoj.gov/crt/508>) to make available to a wide audience the Department's section 508 resource guides and self-evaluation material. Federal and state agencies, the technology industry, and disability advocates regularly use this web site. From the week ending April 12, 1999, through the week ending March 13, 2000, we recorded 201,432 "hits" on this site.

For the last 18 months, representatives of the Department of Justice have met with countless agencies to help them understand the importance of section 508 and to assist them with their self-evaluations.

This Report would not have been possible without assistance from the Department of Education, the General Services Administration, the Federal Communications Commission, and other agencies. The Department also learned from private sector leaders in the field of technology accessibility, including the World Wide Web Consortium's Web Accessibility Initiative and the University of Wisconsin's Trace Center.

General Findings and Recommendations

While several agencies are models of accessibility, the data suggest the need for improvement in the accessibility of federal EIT to persons with disabilities. Most agencies can also improve the extent to which disability accessibility issues are incorporated into their mainstream technology procurement contracts.

The most significant challenge posed by section 508 is the need for coordination between those with technological expertise and those with knowledge of disability access issues. The rapid pace of technology innovation can further complicate the issue. Increased inter- and intra-agency coordination among relevant personnel — including information technology personnel, procurement officials, telecommunications staff, equal employment opportunity professionals, and end users with disabilities — along with the private sector, would benefit everyone.

For increased coordination and cooperation to be efficient and effective, the Department recommends the following:

Increased Coordination

1. The President should issue a Technology Accessibility Coordination Directive to:

a. Revitalize the Interagency Disability Coordinating Council (IDCC), as set forth in 29 U.S.C. § 794c, with the Attorney General as Chair, consistent with Executive Order 12250, 29 U.S.C. § 2000d-1;³

b. Direct certain Federal agencies (including the General Services Administration, the Department of Defense, and the Department of Transportation), and invite other agencies (including the Federal Communications Commission and the U.S. Postal Service) to participate as nonstatutory members in the IDCC; and

c. Direct the Department of Justice, in consultation with the Office of Personnel Management, the EEOC, and the Access Board, to issue guidance to agencies clarifying the relationship among sections 501, 504, and 508 of the Rehabilitation Act.

2. The Universal Access Working Group (UAWG).⁴

Each cabinet level, large, and mid-sized agency, along with representatives from small and very small agencies, should join the inter-agency UAWG. See General Appendix A (Categories of Agencies). The UAWG has been an instrumental force in advocating for accessible technology throughout the Federal Government and private sector. Its relevance would be increased if its members were designated as their agencies' representatives, rather than participating as individual volunteers, and if more agencies were involved.

3. **508 Coordinators.** Each agency should designate Coordinators for purposes of complying with the substantive and reporting requirements of section 508. Agencies should either select multiple Coordinators -- to represent each of the agency's information technology, telecommunications, disability accommodations, and other relevant sectors -- or a single representative to act as an intermediary among these sectors. The Section 508 Coordinators of cabinet level, large, and mid-sized agencies, along with representatives from small and very small agencies, should attend UAWG

meetings as representatives of their agencies. See General Appendix A (Categories of Agencies). A list of all Section 508 Coordinators should be developed and distributed among all agencies. The Section 508 Coordinators should meet regularly with agencies' Section 504 Coordinators.

Technical Assistance

1. The General Services Administration (GSA) and the Access Board, which have statutory authority for providing technical assistance under section 508, should share in the following responsibilities:

a. Information Hotline. An information hotline should be established for federal agencies, persons with disabilities, and the IT industry. The Department of Justice's Americans with Disabilities Act Information Line should serve as a model.

b. Technical Support Center. An inter-agency technical assistance support center should be established where agencies can receive specific, hands-on assistance tailored to their individual concerns. The Job Accommodation Network of the President's Committee on Employment of Persons with Disabilities at the Department of Labor should serve as a model.

c. Internet Resources. An Internet message board and listserv (an e-mail mailing list for discussion among a group of users) should be maintained where knowledgeable agencies can post solutions to particular problems and where agencies trying to address EIT accessibility issues can post questions. Agencies that have developed evaluation criteria, techniques, and reports of existing EIT products should make these available to other agencies using these Internet resources [recommendation of the Social Security Administration].

2. GSA should do the following:

a. Accessible Products Clearinghouse. GSA should be directed to act as a clearinghouse for information regarding accessible EIT products. Any manufacturer's information regarding accessibility of EIT products should be made available to all federal contract officers and their technical representatives through this Clearinghouse. The

Energy Star and Y2K programs may provide models on which to build.

b. Training Clearinghouse. A clearinghouse for accessible training resources — and training regarding accessibility — for management, IT and procurement personnel, and end users with disabilities should be established. Vendor information regarding accessible training opportunities should be made available to all agencies through this Clearinghouse.

3. Mechanism for Reliable Information. The Federal Government, in partnership with the private sector, should explore the best mechanism to provide reliable information (including information regarding the comparative usability of EIT products for people with different types of disabilities) to manufacturers, vendors, and procurement officials.

Other General Implementation Recommendations

1. Alternative Dispute Resolution. Each agency should establish voluntary alternative dispute resolution mechanisms and make them available to members of the public and employees with disabilities as a means to resolve allegations that an agency is violating section 508.

2. Other Government Certification Programs. Government programs which test and certify software for federal use (such as the JFMIP certification of financial management applications) should incorporate Section 508's accessibility requirements into their certification processes [recommendation of the Equal Employment Opportunity Commission].

3. Voluntary Advisory Committees of Persons with Disabilities. Each cabinet level, large, and mid-sized agency that has not already done so should form an intra-agency voluntary advisory committee of persons with disabilities. See General Appendix A (Categories of Agencies). Small and very small agencies are encouraged to form joint inter-agency committees. These committees can assist agencies in recognizing accessibility issues, finding cost-effective solutions, and accomplishing testing. Participation by people with disabilities in all such committees should be fully voluntary. The Equal Employment

Opportunity Commission and the Office of Personnel Management should collaboratively publish guidance to assist agencies with setting up these committees.

4. Community Partnerships. Each agency is encouraged to form partnerships with disability rights groups. These partnerships can assist agencies with recognizing accessibility issues, finding solutions, and accomplishing testing.

Procurement Findings and Recommendations

Section 508's enforcement provisions apply only to EIT products "procured" on or after August 7, 2000. The Access Board's Standards to implement section 508 will be incorporated into the Federal Acquisition Regulation (FAR). Most agencies are subject to the FAR. Some others follow it voluntarily. The few remaining agencies, including the U.S. Postal Service, will be required to modify their procurement regulations to incorporate the 508 Standards.

Relatively few agencies currently incorporate accessibility provisions into their EIT procurement contracts (several of the better contract provisions have been incorporated into this Report to serve as models for other agencies; see, e.g., The Department of Education's contract language, attached as Procurement Appendix B). Even fewer agencies test EIT products for accessibility prior to bid acceptance. A great majority of agencies continue to address EIT accessibility issues on an ad hoc basis.

The Department recommends agencies take the following steps to improve their procurement policies and practices:

1. Specific Language for RFPs and Contracts

Each agency should incorporate appropriate procurement language that specifically addresses accessibility for persons with disabilities in all EIT RFP's (requests for proposals) and contracts to be in compliance with the Federal Acquisition Regulation or other applicable federal procurement regulation.

2. Agencies Not Subject to the Federal Acquisition Regulation (FAR). Although most agencies are covered by the FAR, any that is not should consult

with the Access Board without delay to ensure that its procurement regulations are appropriately modified to incorporate the Section 508 Standards when they are final.

3. Discontinue Ad Hoc Approach. Each agency that has not already done so should develop systematic ways to ensure that it is procuring accessible EIT products, rather than relying on an ad hoc approach. This method will increase the interoperability of different types of technology and is especially necessary as technology increases in complexity. Each agency should review all of its procurement practices and policies, formal and informal, to determine whether accessibility issues are appropriately addressed.

Technology-Specific Findings and Recommendations

Federal Agencies' Web Pages

Federal agencies' Internet and intranet sites contain some barriers to access for people with disabilities. The most commonly encountered barrier is the failure to provide appropriate and meaningful text information for visual images ("alt text" for simple images and icons and long descriptions for more complicated graphics). This barrier, like others that are encountered less frequently, can be eliminated quite easily with minimal design changes.

Part of the reason that agency Web pages are relatively easy for people with disabilities to use is that most agencies have consciously decided to make their pages readily usable by people who use older, less expensive, and less sophisticated technology. Federal Internet pages tend to be free from the "bells and whistles" that require more particular attention to accessibility issues, such as multimedia content or interactive features.

As agencies put more of their programs and services online, they must remain vigilant to ensure they are not inadvertently creating barriers for people with disabilities. Online forms and documents rendered exclusively in Adobe's portable document format (pdf) or Microsoft's PowerPoint format may raise particular concerns.

As most barriers on agency Web sites result from an inattention to detail rather than an underlying

difficulty with the design or technology, agencies should invite people with disabilities to inform them when they encounter barriers.

To address these issues and others detailed in the Report, the Department recommends the following:

1. Testing Web Pages Before Posting. Each agency should evaluate for accessibility all of its new Web pages before they are posted. Existing Web pages should be tested as they are updated. Testing should be done with text-only browsers and, where possible, with assistive technology such as screen reading software to ensure that the experience of users with disabilities is comparable to that of others.

2. Agency Web Guidelines. Each agency that has developed style guidelines to maintain a consistent "look and feel" of its Web pages should review those guidelines to ensure that they will maximize the accessibility of the agency's Web pages.

3. The Government Printing Office (GPO). Many smaller agencies rely on the GPO for their Web site design and maintenance. While section 508 does not apply to the GPO, the GPO should provide leadership to ensure that all Web pages it develops or maintains are accessible.

4. Dedicated E-mail Addresses. Because most accessibility problems on agency Web sites result from oversight or lack of awareness of accessibility issues, rather than technical or design difficulty, each agency should prominently post to its Internet pages an e-mail address through which users with disabilities can inform the agency of any accessibility barriers encountered. Each agency should be responsive to any e-mails it receives regarding the accessibility of its Web site to people with disabilities.

5. Accessibility Information Logo. The National Endowment for the Arts, along with the Universal Access Working Group, GSA, and the Access Board, should develop an easy-to-recognize accessibility information logo (and alternative text label). Each agency should use this logo (and text label) to link people with disabilities who use its Web pages with appropriate accessibility instructions and information, including an e-mail address to the agency's accessibility point-of-contact.

6. Location of Accessibility Information. Where it makes sense to do so, such as when placing a link to a text-only alternate Web site or when posting the accessibility instruction logo and label, each agency should place accessibility information in the uppermost left-hand corner of its Web pages. This location will facilitate use of the agency's Web pages by people who use screen readers, as it is the first location from which a screen reader will read.

7. Document Formats. As agencies put more of their programs and services online, each must remain vigilant to ensure it is not inadvertently creating barriers for people with disabilities. Online forms created using any of the various Web technologies pose significant accessibility challenges to Web designers. Documents rendered exclusively in Adobe's portable document format (pdf) or Microsoft's PowerPoint formats may raise particular concerns. If any posted documents or forms are less than fully accessible, each agency should also post ASCII or accessible HTML versions of the same documents, where possible. Where exclusive reliance on an inaccessible format is unavoidable, each agency should provide contact information where users with disabilities can request the underlying information in an accessible format, where doing so would not impose an undue burden on the agency or result in an fundamental alteration.

Software

Almost all software applications contained some barriers to some people with disabilities. Most applications, however, provided a fair degree of accessibility to most people with disabilities. Among the communities most likely to face significant barriers are those who are blind, those with low vision, and those with multiple disabilities.

A sizable majority of the software applications used most frequently by agencies are commercial off-the-shelf (COTS) applications used without agency modification. The most commonly encountered barriers in COTS software fall into the categories of (1) documentation and support,⁵ and (2) programming.⁶

The Department recommends the following:

1. Training Needs Surveys. Each agency should develop and distribute "training needs" surveys to all employees. These surveys should explicitly address training needs for people with disabilities, especially those who use assistive technology in conjunction with mainstream software applications. EEOC should provide guidance to agencies on this issue.

2. Appropriate Periodic Training. Each agency should train all IT personnel, procurement officials, "help desks" and other support personnel, and users with disabilities, regarding basic accessibility issues. To conserve resources, GSA and the Access Board, in consultation with other key agencies and inter-agency groups, should create training modules that can be shared among agencies. GSA and the Access Board should also make available lists of appropriate training vendors. Each agency should ensure that specialized training is available for users with disabilities for all software packages for which training is generally provided, including training provided by third-parties on behalf of agencies.

3. Software Compatibility Testing Centers. As agencies update and centralize their IT architecture, they should create software compatibility testing centers at which software can be evaluated for compatibility with existing agency platforms and with commonly used assistive technologies. Larger agencies may wish to establish their own compatibility testing centers. An interagency software compatibility testing center should be established to assist smaller agencies, larger agencies without testing centers, and private software manufacturers and developers. Centers at Department of Defense, Department of Education, the Social Security Administration, Department of Veterans' Affairs, and GSA can serve as models.

4. Documentation (Instructions, Help Files, User Manuals, Etc.). Many software applications have accessibility features of which most users, trainers, 'help desk' personnel, and others are unaware. Other software applications (such as word processors, Adobe Acrobat, etc.) can be used to create information products. Knowledgeable users can use these applications to create information products that are relatively accessible. Other people may inadvertently use the same applications in such a way that the information products they create are largely inaccessible. Each agency should require its software vendors to include clear docu-

mentation of the accessibility features and appropriate uses of their products to maximize accessibility.

5. "COTS Software Accessibility Manuals". Because many of the Federal Government's current software applications may continue to be used for a long time, federal agencies must make the most of the accessibility features built into currently-used software, rather than rely exclusively on procurement of new accessible software. GSA and the Access Board, in consultation with other key agencies and inter-agency groups, should consult with software manufacturers and should develop and distribute supplemental manuals for users of commercial off-the-shelf (COTS) software applications. These manuals should include clear instructions for maximizing the accessibility of COTS applications currently used by federal agencies and for promoting accessibility and minimizing barriers in the information products some COTS applications (such as Adobe Acrobat) are used to produce. Specific information, such as macros developed to provide shortcut keys where none previously existed, should be incorporated into these manuals.

6. Government-Wide, Low-Cost Programming Solutions. GSA and the Access Board, in consultation with other key agencies and inter-agency groups, should contact manufacturers of COTS software to determine whether software updates, containing programming "fixes" of barriers identified in this Report, may be obtained freely or purchased for a low fee and distributed throughout all federal agencies. Each agency that has already developed programming solutions to remove barriers to COTS applications should be encouraged to continue this work and to share their results with all appropriate agencies.

Telecommunications

Telecommunications poses specific accessibility issues for almost every community of persons with disabilities, including people who are deaf or hard of hearing and those with speech impairments, people who have difficulty pressing touch-tone buttons, persons with visual impairments who cannot see visually displayed information such as message waiting or caller ID indicators, and persons with cognitive impairments or learning disabilities who have difficulty understanding or

remembering serial connection choices (press 1 for ____; press 2 for ____; etc.).

Few agencies are fully utilizing the efficient, low-cost services that are available to them, such as the Federal Information Relay Service (FIRS) (which allows deaf and hard of hearing people to communicate via telephone with people who do not have special equipment, such as TTYs).⁷ The lack of awareness of such resources has a negative impact on federal employees and job applicants with disabilities, as well as members of the public with disabilities. Training is often all that is required to improve this situation.

Few agencies provide equivalent direct-access TTY connections for serial connection services, automated call sequencing connection services, or other interactive telephone services. As these services can be difficult or impossible to navigate using the Telephone Relay Service, few agencies have automated telephone systems that can be used at all by people who are deaf or hard of hearing. For minimal cost, additional lines with text messaging modes can be installed. These serial connection services and automated interactive telephone services can be made generally accessible to a wide variety of people with disabilities — including people with cognitive impairments and learning disabilities, mobility impairments affecting dexterity or speed, and others — simply by providing an operator.

Most agencies that provide employees with pagers have text pagers with vibration signals; these pagers are accessible to people who are deaf or hard of hearing.

Few agencies have begun using the wide variety of disability-friendly telecommunications products that are now offered by mainstream telecommunications companies.

In light of these findings and others discussed in the Report, the Department recommends the following:

1. Training. Each agency should train all federal employees who communicate by telephone with the public or with other employees on how to use TTY's, the Telephone Relay Service (TRS), and the Federal Information Relay Service (FIRS). GSA and the Access Board, in consultation with

the FCC, should develop a short, electronic training module that can be made available through agency intranet sites at minimal expense.

2. TTY's in Public Areas. Each agency should provide TTY's, outlets, and shelves wherever the agency provides telephones for members of the public.

3. TTY's in Call Centers. Each agency should install TTY lines wherever it receives a large volume of incoming calls.

4. FIRS. GSA, in consultation with the FCC and other key agencies and inter-agency groups, should explore upgrading the Federal Information Relay Service (FIRS) to include video relay interpreting and speech-to-speech relay services.

5. Operators. Each cabinet level, large, and mid-sized agency should make operators available on its interactive automated telephone services and should allow callers to connect with operators by pressing "0" or by staying on the line. See General Appendix A (Categories of Agencies). Small and very small agencies should explore cost-sharing measures to provide operators for their interactive telephone services.

6. Equivalent Interactive TTY Telephone Services. Each agency should configure its interactive telephone systems to be compatible with TTY's — or should provide equivalent TTY interactive systems containing the same functions and information (and updated as often). This goal can be easily accomplished by adding a second telephone line with a TTY message and TTY compatible features that are equivalent to those provided on the interactive voice systems.

7. Equivalent TTY Toll-Free Information Services. Each agency that provides toll-free information lines should ensure that those lines support TTY use or the agency should maintain equivalent separate toll-free TTY information systems that are staffed to be as responsive as the standard toll-free information lines.

8. Computer-Based TTY Equivalency Systems. GSA and the Access Board, in consultation with the FCC and other key agencies and inter-agency groups, should explore purchasing a government-wide license (or multiple licenses to offer to agencies) of ASCII/computer-based TTY systems to

ensure that all agencies' employees with net-worked computers have TTY equivalency on their network with minimal per-employee costs. Appropriate attention should be paid to factors such as computer network security.

9. Voice Recognition Technology. GSA and the Access Board, in consultation with the FCC and other key agencies and inter-agency groups, should explore buying multiple licenses for voice recognition technology to install on all agencies' interactive telephone systems.

10. Telecommunications Technology Assistance Center. The FCC, in consultation with GSA, the Access Board, and other key agencies and inter-agency groups, should establish a telecommunications technical assistance center. This Technical Assistance Center should assist agencies in working with manufacturers – for example, to reconfigure telephone systems to send a "wait" signal to TTY users – and to take full advantage of advances in technology that are coming from section 255 of the Telecom Act and section 508 of the Rehabilitation Act.

Kiosks and Other Information Transaction Machines

Few agencies currently use information kiosks, point-of-sale card reading machines, electronic building directories, or other types of 'information transaction machines' or ITMs. Where they are used, some ITMs can be made more accessible to people with mobility impairments, such as those who use wheelchairs, simply by moving them to more accessible locations. Other barriers, such as an ITM's failure to provide an audio mode that can be used by people who are blind or who have low vision, can be more properly addressed by manufacturers.

Because section 508 does not require agencies to retroactively remove barriers (although agencies continue to have nondiscrimination and reasonable accommodation obligations under sections 501 and 504 of the Rehabilitation Act), agencies with inaccessible ITMs should ensure that the programs or services for which nondisabled people use ITMs are accessible to people with disabilities through alternate means.

In light of these findings and others identified in the Report, the Department recommends the following:

1. Non-Agency-Owned ITMs. Each agency that has facilities or property containing ITMs that are owned or controlled by other entities (including private entities, other federal agencies, or others) should notify them of any barriers to access in their ITMs and recommend that such entities address accessibility issues on a specific time schedule.

2. Location of ITMs. Each agency that has ITMs should ensure that its ITMs are located on accessible routes and are otherwise accessible to people with disabilities such as those who use wheelchairs.

3. Inaccessible ITMs. If an agency's existing ITM is inaccessible or contains inaccessible features, the agency should ensure that whatever information or services the agency provides on the ITM are also available through an accessible and comparably convenient and useful alternate means of access (e.g., automated telephone service or through the Internet). The agency should provide appropriate signage with full instructions regarding use of the accessible alternative method of obtaining information or services.

4. Upgrading Existing ITMs. While section 508 does not generally require retrofitting existing EIT, each agency that replaces or updates an ITM's software or hardware should look for and take advantage of easy opportunities to improve the ITM's accessibility.

5. Instructions. Many times, an ITM contains accessible features, such as a volume control mechanism, but instructions on how to use these features are missing or inadequate. Each agency that has an ITM should survey the ITM and, if appropriate, contact the ITM vendor for a full list of accessible features. The agency should provide clear instructions in accessible formats.

Fax Machines, Copiers, Printers, and Other IT Office Equipment

Most fax machines, copiers, printers, and other IT office equipment contain barriers to access by people with disabilities. For instance, most copiers

give error messages on liquid crystal display (LCD) screens that are generally inaccessible to people who are blind or who have low vision. Many LCD screens are angled so that they are difficult or impossible for people who use wheelchairs to read them.

Agencies generally found that when they used IT office equipment that was attached to their computer network, many of these barriers were eliminated. Most networked office equipment is designed to communicate with the user while he or she is at his or her workstation. Desktop computers can be easily equipped with assistive technology, such as screen readers, for people with disabilities.

For these reasons, and others set forth in the Report, the Department recommends the following:

1. Instructions. Many times, office machines contain accessible features, such as a volume control mechanism on a fax machine, but instructions on how to use these features are missing or inadequate. Each agency should survey its fax machines, copiers, and printers and, if appropriate, contact vendors for a full list of accessible features. The agency should provide clear instructions in accessible formats.

2. Networked IT Office Equipment. The extent to which copiers and fax machines are accessible is greatly enhanced when the user can send commands from an attached desktop computer terminal (such terminals may be easily outfitted with the appropriate assistive technology to meet an individual's needs). Each agency should, in appropriate circumstances, seek out network solutions over stand-alone machines when such solutions would provide a greater degree of accessibility for employees and members of the public with disabilities.

3. Instructions for Alternatives. For inaccessible IT office equipment that is available to the general public or a large number of employees, each agency should ensure that accessible instructions are available on how a person with a disability can obtain accessible alternative services (such as where to seek assistance).

¹This document is available on the Department of Justice's section 508 Web site (www.usdoj.gov/crt/508). People with disabilities may request copies in Braille, large print, or on computer disk by calling 1-800-514-0301 (voice) or 1-800-514-0383 (TTY).

²Some people who are blind and people who are deaf-blind use computer devices called "refreshable Braille displays," which move pins up and down to form Braille letters. The user "reads" the Braille letters across a line, then advances the Braille display to the next line when ready.

³Revitalization of the IDCC will enable it to function as a central coordination point to eliminate duplication of efforts and/or inconsistencies among agencies and inter-agency groups.

⁴The Universal Access Working Group is part of the Federal Information Services Applications Council of the National Science and Technology Council's Committee on Computing, Information, and Communications. It is coordinated through the Center for IT Accommodation in the Office of Governmentwide Policy at the General Services Administration.

⁵Frequently encountered documentation and support barriers include:

- A lack of clear instructions for keyboard functions (26%)
- Instructions for keyboard use not widely available (30%)
- Manuals and documentation are not provided in an electronic format with text descriptions of charts, graphs, etc. (37%)
- Specialized training is not provided for users with disabilities (53%)

⁶Frequently encountered programming barriers include:

- Lack of shortcut keys (37%)
- Poorly located field labels and descriptions (24%)
- Application won't allow users to override default fonts for printing and text displays (28%)
- Application does not support "print to ASCII" (26%)

⁷TTYs are text telephones. They are also called 'TDDs' or 'telecommunications devices for deaf persons.'

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OLMSTEAD

Divider Title: _____

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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003. list	Olmstead Meeting; RE: Personally Identifiable Information [partial] (1 page)	07/10/2000	b(6)
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COLLECTION:

Clinton Presidential Records
Presidential Personnel
Marsha Scott
OA/Box Number: 20122

FOLDER TITLE:

Americans with Disabilities Act - 10th Anniversary [1]

2007-0143-F
db4531

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

OLMSTE. EETING
MONDAY, JULY 10, 2000

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Ronald Copeland
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[003]

(b)(6)

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HUD

Divider Title: _____

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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004. list	HUD Meeting; RE: Personally Identifiable Information [partial] (1 page)	00/00/2000	b(6)
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Clinton Presidential Records
Presidential Personnel
Marsha Scott
OA/Box Number: 20122

FOLDER TITLE:

Americans with Disabilities Act - 10th Anniversary [1]

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HUD MEETING							
NAME	E-MAIL	PHONE	SSN	DOB	6/28/2000	7/6/2000	
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Lisa Brown							
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Nestor Davidson						X	
Eva Plaza						X	

[004]

RECOMMENDATIONS FOR THE PROPOSED INITIATIVE: ACCESS HOUSING 2000

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

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

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

HUD and HHS would launch this targeted initiative by:

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

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

MEMORANDUM FOR:

FROM: Eva M. Plaza, Assistant Secretary, E

SUBJECT: Executive Order 12892, Creating the President's Fair Housing Council

As you know, Executive Order 12892, among other things, called for the creation of the President's Fair Housing Council which would coordinate activities among several agencies to further the objectives of the Fair Housing Act. As chair of the Council, the Secretary of HUD has the authority to bring together 14 other Federal Departments on a sustained and meaningful basis to examine housing and urban development related programs for impediments to affirmatively furthering fair housing. This same Executive Order called for the rulemaking by the Department on mortgage lending and insurance.

While the implementation of this Executive Order occurred prior to my arrival at HUD, I have learned about the vigorous efforts to implement it from former and current FHEO staff. Since the formation of the Fair Housing Council in 1994, the Office of Fair Housing and Equal Opportunity has made significant progress with carrying out the directives set forth under the Order, despite the many obstacles created by lack of funding and limited human resources.

Under the direction of former Secretary Henry Cisneros and Assistant Secretary Robert Achtenberg, an interagency senior executive working group and a Policy Oversight Committee of Administration appointees were immediately established in an effort to fulfill the Council's mission. During the regularly scheduled meetings of the working group and the quarterly meetings of the Policy Committee, proposals were made for the development of various program initiatives, regulations, and other activities designed to achieve fair and equal housing choices.

In particular, the Order called for the identification and implementation of policies to affirmatively further fair housing (AFFH) by all relevant agencies and departments, and for the design and implementation of a metropolitan-wide demonstration project by the Council, spearheaded by HUD. Designs for a demonstration project were proposed, but without specific congressional appropriation, ideas for the project were eventually downsized and reconfigured. I have, however, heard reports that even in their most scaled-down versions, the concepts that had been advanced up to that time as a basis for assembling and giving substance and direction to the Council were very ambitious.

Ongoing efforts were made to find more modest ways of assembling an agenda for the Council through the Regional Opportunity Counseling demonstration. In two of the sites selected for that demonstration, officials expressed interest in the idea of doing an analysis of Federal impediments to fair housing choice which would form the basis for engaging the Council in the removal of those impediments. A small purchase order was approved to provide them with advice on how such an analysis might be carried out but the concept never fully materialized due to lack of local resources.

Nevertheless, the Council's working group continued to seek possible alternative approaches to furthering the fair housing component of the Order. Some of those alternatives included:

- 1) monitoring welfare reform legislation to determine whether new laws would have room for a fair housing component (for example, getting people into housing nearer to suburban-area jobs;
- 2) selecting pilot programs developed by other agencies serving on the Council that implemented a fair housing component as a result of a Memorandum of Understanding or an existing regulation or other requirement;
- 3) incorporating fair housing as a component of the President's National Homeownership Strategy under which the Council would work with other agencies and localities within specific geographic regions on developing interagency strategies to improve housing choice;
- 4) funding experts to assist in the analysis of barriers to fair housing in the programs of 2 or 3 other cabinet departments or agencies; and
- 5) conducting an internal review of HUD's existing fair housing programs and activities.

As I understand it, Council staff never achieved full strength, and the small 2-person Federal Coordination staff assigned to manage this enormous undertaking, eventually resigned or were reassigned to other high priority matters. As a result, the full panel of Council members have never convened. Still, these setbacks have not thwarted the Department's progress in its mission of affirmatively furthering fair housing and eliminating all forms of housing discrimination.

During this Administration, although not under the auspices of the Fair Housing Council, HUD has engaged in various departmental and interagency fair housing activities that are consistent with the goals and objectives of the Executive Order. With HUD's ten million dollar increase in its budget between the 1998 and 1999 fiscal years; and with this Administration's unwavering commitment to fair housing, the following accomplishments have been realized:

- the introduction of a \$7.5 million comprehensive nationwide audit to test for and evaluate housing discrimination in urban, suburban and rural communities;
- the establishment of a \$1 million fund with the Urban Institute for a nationwide mortgage lending study
- the doubling of enforcement actions taken against violators of the Fair Housing Act and obtaining millions of dollars in settlements for HUD;
- brokered the largest civil right settlements with two leading financial institutions that resulted in over \$3 billion made available for loans to minority and low-income home-buyers;
- assisted a fair housing group with obtaining a \$100 million judgment against Nationwide Insurance for discrimination against persons of color; in addition to the many other housing discrimination hot cases settled or brought to trial, which have resulted in large monetary civil penalties levied against violators;
- achieved the ability to provide immediate access to foreign language interpreters for individuals wishing to file housing discrimination complaints over the phone or in person, which allows FHEO investigators to respond to the public in 150 languages;
- established Memorandums of Understanding (M.O.U.s) with the Department of Justice on hate crimes and with the Internal Revenue Service on tax credit violators under the Fair Housing Act;
- created a cultural diversity training program under an agreement between HUD and the National Association of Realtors (NAR);
- redesigned FHEO's Title VIII housing discrimination complaint process, which earned a Hammer Award from Vice President Al Gore; and
- establishment of the Best Practice's initiative.

Various individuals have suggested invoking the Department's Fair Housing Council authority when proposing fair housing initiatives, or interagency fair housing activities, as they are consistent with the directives of the Order. As Assistant Secretary, I accept full responsibility for not being more tenacious in my effort to convene the members of the Council, and to promote and initiate fair housing activities under the authority and guidance of the Council.

Since the beginning of my term, however, FHEO has been consumed by this

Administration's mandate to double HUD's enforcement activities. We have also made several attempts to promulgate a regulation under the Executive Order that would describe the responsibilities of other executive agencies in affirmatively furthering fair housing. A key stumbling block is that HUD itself does not have a regulation describing HUD's obligation to affirmatively further fair housing. If we haven't defined our obligation, it raises the question of how we can define the obligation for other agencies. In any event the leadership of this Department concluded sometime ago that we could not promulgate such a regulation.

Despite the fact that the Council was never convened, the office of Fair Housing has not lost sight of the goals and objectives under the Executive Order. I believe the accomplishments of FHEO and of the Department speak volumes about our commitment to furthering the goals of the Order by continuing to vigorously protect the housing rights of all Americans, and developing new and progressive initiatives for creating equal housing opportunities for everyone.

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DELIVERABLES

Divider Title: _____

Deliverables for the ADA Events July 25 & 26

President

Theme: Employment Opportunities and Equality

Page 2

Adjust the Substantial Gainful Activity Levels to Encourage Work Efforts	SSA is proposing significant changes to the amounts that disabled adults can earn and be eligible for DI or SSI benefits. Under these proposals, the amounts would be adjusted annually based on the national average wage index. • <u>Indexing the Monthly Substantial Gainful Activity Level.</u> Annually adjust per the average wage index the earnings level used to determine whether work done by persons with impairments other than blindness is substantial gainful activity. Currently, the SGA level is changed on an ad hoc basis through regulation. (SSI and DI) • <u>Increase (from \$200 to \$530) the Monthly Trial Work Period (TWP) Service Level.</u> During the TWP DI beneficiaries can test their ability to work without fear of losing benefits. Any month's earnings that exceed the TWP service amount counts as a TWP month. In addition, the TWP service amount would be annually adjusted based on the national average wage. (DI Only)	Regulatory Change	OMB
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Vice President

Theme: Integration and Technology

SUBJECT	DESCRIPTION	FORMAT	STAT
Technology: - Development/ Adoption of Information and Communication Technologies Used by People with Disabilities (TF '99) - Reiterate the \$35 million in our 2001 budget for assistive technology. Where is this in the Budget?	This would accelerate the development and deployment of assistive technology and technology that enables universal design. Assistive technology is used to maintain or improve the functional capabilities of people with disabilities. Universal design is the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. The development of assistive technologies and products that incorporate universal design principles can significantly improve the quality of life for people with disabilities, and increase their ability to participate in the workplace.	Executive Order	Pending

First Lady
Theme: Youth

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

Significant Disability	The Department of Labor will issue guidance to the Workforce Investment partners on the following: • Emphasizing need for states to be aggressive in ensuring that WIA structures address the concerns of people with disabilities in their programs; and • Encouraging outreach to and inclusion of state MR/DD Directors and state Medicaid Directors on state Workforce Investment Boards.		
Guidance on Non-Harassment of Students with Disabilities – Education	The Department of Education will issue a “Dear Colleague Letter” to offer schools guidance to address student harassment based on disability.	Dear Colleague Letter from Education	D
Improving Education: The Promise of Inclusive Schooling	The Department of Education has just published through one of its grantees the National Institute on Urban School Improvement, a pamphlet designed to facilitate the unification of current general and special education.		
Youth Leadership Development Project	The Department of Education will publish a grant announcement in late August to establish a Youth with Disabilities Leadership Development project. This project will help identify barriers to economic independence for youth with disabilities and identify strategies for reducing or removing these barriers. This project, to be awarded in October, is jointly funded with the Department of Labor, the Department of Health and Human Services, the Social Security Administration, the President’s Committee on Employment of People with Disabilities, and the National Council on Disability.		
High Stakes Testing Guide and Guidance on District Assessments of Students with Disabilities	The Department of Education recently published for public comment a guide to high stakes assessment which includes a small section that discusses the “Testing of Students with Disabilities: (Final version-September). In addition, the Department of Education will issue guidance in the form of commonly asked questions and answers around the inclusion of students with disabilities in statewide and district assessment. (Late July or early August)		

DOL

SUBJECT	DESCRIPTION
Create Office of Disability Policy Headed by Assistant Secretary – DOL (TF'99)	This office headed by an Assistant Secretary would bring a perm heightened focus on disability employment issues at the DOL [Note: Included in FY 2001 Budget request. The Senate support the House did not. Pending in Conference.]
	[Note: Pending at OMB. Will not be cleared by July 26.]

OPM

SUBJECT	DESCRIPTION
Showcase success stories of the Federal government as a model employer.	Last October, the President released "Assess Plan for Employment of People with Disabilities Government, which the VP asked OPM to develop compiling success stories from federal agencies which showcase stories of the Federal Government employer.
Announce final regulation to make it easier for agencies to hire people with psychiatric disabilities.	This regulation will level the playing field for psychiatric disabilities by giving them the same opportunities as other people with disabilities.

ED

SUBJECT	DESCRIPTION
IEP Guide	In early July, ED published an easy-to-understand guide for teachers and parents on the requirements for Individualized Education Program (IEP), under the Individuals With Disabilities Education Act.
Charter Schools and Students with Disabilities	In late summer/ early fall, ED will release information on charter schools and students with disabilities, including the reasons parents enroll students with disabilities in charter schools, the nature of the services provided, and goals for students with disabilities.

Deliverables for the ADA Events July 25 & 26

President

Theme: Employment Opportunities and Equality

Page 2

Adjust the Substantial Gainful Activity Levels to Encourage Work Efforts	SSA is proposing significant changes to the amounts that disabled adults can earn and be eligible for DI or SSI benefits. Under these proposals, the amounts would be adjusted annually based on the national average wage index. • <u>Indexing the Monthly Substantial Gainful Activity Level.</u> Annually adjust per the average wage index the earnings level used to determine whether work done by persons with impairments other than blindness is substantial gainful activity. Currently, the SGA level is changed on an ad hoc basis through regulation. (SSI and DI) • <u>Increase (from \$200 to \$530) the Monthly Trial Work Period (TWP) Service Level.</u> During the TWP DI beneficiaries can test their ability to work without fear of losing benefits. Any month's earnings that exceed the TWP service amount counts as a TWP month. In addition, the TWP service amount would be annually adjusted based on the national average wage. (DI Only)	Regulatory Change	OMB
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Vice President

Theme: Integration and Technology

SUBJECT	DESCRIPTION	FORMAT	STAT
Technology: - Development/ Adoption of Information and Communication Technologies Used by People with Disabilities (TF '99) - Reiterate the \$35 million in our 2001 budget for assistive technology. Where is this in the Budget?	This would accelerate the development and deployment of assistive technology and technology that enables universal design. Assistive technology is used to maintain or improve the functional capabilities of people with disabilities. Universal design is the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. The development of assistive technologies and products that incorporate universal design principles can significantly improve the quality of life for people with disabilities, and increase their ability to participate in the workplace.	Executive Order	Pending

First Lady
Theme: Youth

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

Significant Disability	The Department of Labor will issue guidance to the Workforce Investment partners on the following: • Emphasizing need for states to be aggressive in ensuring that WIA structures address the concerns of people with disabilities in their programs; and • Encouraging outreach to and inclusion of state MR/DD Directors and state Medicaid Directors on state Workforce Investment Boards.		
Guidance on Non-Harassment of Students with Disabilities – Education	The Department of Education will issue a “Dear Colleague Letter” to offer schools guidance to address student harassment based on disability.	Dear Colleague Letter from Education	D
Improving Education: The Promise of Inclusive Schooling	The Department of Education has just published through one of its grantees the National Institute on Urban School Improvement, a pamphlet designed to facilitate the unification of current general and special education.		
Youth Leadership Development Project	The Department of Education will publish a grant announcement in late August to establish a Youth with Disabilities Leadership Development project. This project will help identify barriers to economic independence for youth with disabilities and identify strategies for reducing or removing these barriers. This project, to be awarded in October, is jointly funded with the Department of Labor, the Department of Health and Human Services, the Social Security Administration, the President’s Committee on Employment of People with Disabilities, and the National Council on Disability.		
High Stakes Testing Guide and Guidance on District Assessments of Students with Disabilities	The Department of Education recently published for public comment a guide to high stakes assessment which includes a small section that discusses the “Testing of Students with Disabilities: (Final version-September). In addition, the Department of Education will issue guidance in the form of commonly asked questions and answers around the inclusion of students with disabilities in statewide and district assessment. (Late July or early August)		

DOL

SUBJECT	DESCRIPTION
Create Office of Disability Policy Headed by Assistant Secretary – DOL (TF'99)	This office headed by an Assistant Secretary would bring a perm heightened focus on disability employment issues at the DOL [Note: Included in FY 2001 Budget request. The Senate support the House did not. Pending in Conference.]
	[Note: Pending at OMB. Will not be cleared by July 26.]

OPM

SUBJECT	DESCRIPTION
Showcase success stories of the Federal government as a model employer.	Last October, the President released "Assess Plan for Employment of People with Disabilities Government, which the VP asked OPM to develop compiling success stories from federal agencies which showcase stories of the Federal Government employer.
Announce final regulation to make it easier for agencies to hire people with psychiatric disabilities.	This regulation will level the playing field for psychiatric disabilities by giving them the same opportunities as other people with disabilities.

ED

SUBJECT	DESCRIPTION
IEP Guide	In early July, ED published an easy-to-understand guide for teachers and parents on the requirements for Individualized Education Program (IEP), under the Individuals With Disabilities Education Act.
Charter Schools and Students with Disabilities	In late summer/ early fall, ED will release information on charter schools and students with disabilities, including the reasons parents enroll students with disabilities in charter schools, the nature of the services provided, and goals for students with disabilities.

Deliverables for the ADA Events July 25 & 26

President

Theme: Employment Opportunities and Equality

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

Encourage Federal Agencies with Customer Service Call Centers to Explore Ways to Hire People with Disabilities (TF '99)	Agencies operating customer service centers shall examine the feasibility and appropriateness of using home-based employees as customer service representatives. If it is appropriate to establish home-based positions, agencies shall implement procedures that encourage the recruitment and employment of people with significant disabilities for such positions.	Executive Memo	DPC	July 26, 2000
Adjust the Substantial Gainful Activity Levels to Encourage Work Efforts (Note: These proposals do not address the "SSI Earned Income Exclusion." One of the proposals on the First Lady's list deals with the student version. We are not addressing the adult recipients at this time.)	SSA is proposing significant changes to the amounts that disabled adults can earn and be eligible for DI or SSI benefits. Under these proposals, the amounts would be adjusted annually based on the national average wage index. <u>Indexing the Substantial Gainful Activity Level.</u> Annually adjust per the average wage index, the earnings level used to determine whether work done by persons with impairments other than blindness is substantial gainful activity. Currently, the SGA level is changed on an ad hoc basis through regulation. (SSI and DI) <u>Increase (from \$200 to \$530) the Monthly Trial Work Period (TWP) Service Level.</u> During the TWP DI beneficiaries can test their ability to work without fear of losing benefits. Any month's earnings that exceed the TWP service amount counts as a TWP month. In addition, the TWP service amount would be annually adjusted based on the national average wage. (DI Only)	Regulatory Change	OMB	July 26, 2000

Create "Access America for People with Disabilities" Web Site – SSA/DOL (TF'99)	Provide information and services offered by virtually every major federal government agency, by linking to an abundance of helpful Federal agency sites, programs and services.	Announcement of Website	Done	July 26, 2000
Strong, Enforceable Patient's Bill of Rights (TF '99)		Legislation	In Congress	Pending
Tax Credit to Assist Adults with Disabilities with Expenses Related to Work (TF '99)	Provide flexible ways to assist people with disabilities in defraying the costs of personal attendant services, technologies and other services required for employment.	Budget Proposal	In Congress	Pending

Vice President

Theme: Integration and Technology

SUBJECT	DESCRIPTION	FORMAT	STATUS	ANNOUNCE
Technology: • Development/ Adoption of Information and Communication Technologies Used by People with Disabilities (TF '99) • Reiterate the \$35 million in our 2001 budget for assistive technology.	This would accelerate the development and deployment of assistive technology and technology that enables universal design. Assistive technology is used to maintain or improve the functional capabilities of people with disabilities. Universal design is the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. The development of assistive technologies and products that incorporate universal design principles can significantly improve the quality of life for people with disabilities, and increase their ability to participate in the workplace.	Executive Order	Pending	? July 25, 2000 July 25, 2000

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

Access Housing 2000	This initiative through cooperative agreement between HHS/HUD and Robert W. Johnson would expand accessible, affordable housing to enable individuals currently residing in a nursing home or institution to move into the community.	Bob Williams/ Henry Claypool/ Nestor Davidson and Becky Ogle	Discussion: OMB/HCFA	July 25, 2000
Homeownership	HUD will send a letter from Assistant Secretary for Housing William Apgar to all approved FHA mortgagees entitled "Single Family Loan Production – Increasing Home Ownership Rates for Persons with Disabilities". This Mortgagee Letter will re-emphasize the Department's commitment to make home ownership a reality for persons with disabilities and encourage its lender partners to make this dream possible through increased, but prudent flexibility when underwriting their loan applications.			

Creating of a National Mental Health Coalition to Promote Community-Based Care	SAMHSA will support the creation of this coalition. Key organizations and constituencies will come together to work in partnership with the States to develop a plan for the coalition, working with consumers. This technical assistance effort will link with the Private Industry Councils looking at employability, housing authorities, case managers, professional organizations, social security services and Access Housing 2000 Initiative.			
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First Lady
Theme: Youth

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

SSI Regulation – Student Earned Income Exclusion (TF '99)	Increase the Student Earned Income Exclusion maximum monthly (from \$400 to \$1,290) and yearly (from \$1,620 to \$5,200) amounts used in determining SSI eligibility and payment amounts, and then annually adjust these amounts per the CPI.			
Youth Councils	The Department of Labor will issue guidance to the Workforce Investment partners on the creation of newly authorized Youth Councils under the Workforce Investment Act. This guidance, among other things, will encourage the inclusion of young people and other parties representing the interests of youth with disabilities on these councils. (August)	DOL Guidance		
Significant Disability	The Department of Labor will issue guidance to the Workforce Investment partners on the following: • Emphasizing need for states to be aggressive in ensuring that WIA structures address the concerns of people with disabilities in their programs; and • Encouraging outreach to and inclusion of state MR/DD Directors and state Medicaid Directors on state Workforce Investment Boards.			
Guidance on Non-Harassment of Students with Disabilities – Education	The Department of Education will issue a “Dear Colleague Letter” to offer schools guidance to address student harassment based on disability.	Dear Colleague Letter from Education	Done	July 26, 2000
Improving Education: The Promise of Inclusive Schooling	The Department of Education has just published through one of its grantees the National Institute on Urban School Improvement, a pamphlet designed to facilitate the unification of current general and special education.			

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

HUD

SUBJECT	DESCRIPTION
Consolidated Planning For Community Development	HUD is requiring all states and localities that have already developed a Consolidated Plan during the year 2000. To encourage recipients to specifically address assisting adults and families with disabilities in this plan, the Office of Community and Planning Development (CPD) will distribute a publication entitled "Piecing it All Together in Our Community: Learning to Use HUD's Consolidated Plan to Expand Housing Opportunities for People with Disabilities."
Tax Credits	HUD is entering into a Memorandum of Understanding (MOU) with the Department of the Internal Revenue Service) and Justice that sets forth the reporting and other responsibilities of each Department when a multifamily project constructed and operated using Low-Income Housing Tax Credits (LIHTC) is found to be possibly or actually in violation of the Fair Housing Act.
Data Collection	HUD is modifying its Tenant Rental Assistance Certification System (TRACS) to identify which units of the 30,000 assisted projects in the Department's multifamily inventory are accessible to persons with disabilities.
Outreach and Information on Regulatory Enforcement	HUD will issue a notice to reemphasize the responsibility of Community Development to further affirmatively fair housing and to assess compliance with the requirements of the Fair Housing Act (the Act) concerning accessible multifamily design and construction.
Neighborhood Network Centers	Over the next year, HUD will review and modify the current Neighborhood Network form to include questions regarding the Centers' accessibility and what needs there might be to make the Centers accessible.

HHS/ SAMHSA/ HCFA

SUBJECT	DESCRIPTION
Improving Employability	• Providing Employers with the Tools and Kno conduct a “National Summit on Employment of People with Psychiatric Disabilities.” This summit will provide businesses with the tools and knowledge they need to make informed decisions in increasing efforts to hire people with psychiatric disabilities and implement workplace policies to support such hiring.

TRANSPORTATION

SUBJECT	DESCRIPTION
Comprehensive Plan of Action	DOT has conducted the initial interagency coordination, and has completed its "Comprehensive Plan of Action," addressing the lack of transportation services and systems for persons with disabilities, as directed by the President and recommended by the President's Task Force on Employment of Adults with Disabilities. The Plan, designed specifically to address barriers to "finding and keeping jobs," will issue shortly.
New Regulations	We expect to announce the issuance of two new regulations: one on DOT's adoption of Access Board's Updated Accessibility Guidelines and one extensive supplemental rule on safety standards for platform lifts and for motor vehicles using platform lifts.
Report on "Designing Sidewalks and Trails for Access: A Best Practices Guide"	We will announce the impending issuance of volume Two of "Designing Sidewalks and Trails for Access: A Best Practices Guide." This highly-anticipated guidance will provide much-needed technical advice on creating and adapting sidewalks and trails for use by all, including persons with mobility impairments, visual impairments, and other disabilities.
Report to Congress on Commercial Drivers Licenses for Insulin-dependent Diabetics	We are working to complete a number of other deliverables, including issuance of a Report to Congress on Commercial Drivers Licenses for insulin-dependent diabetics; completion of an interagency Air Carrier Access Act outreach plan for travelers with a disability; issuance of a new Departmental policy statement and plan on Section 501 and Affirmative Action for Persons with a Disability; and the announcement of a biennial "Secretary's Excellence in Accessibility Award."

Plan of Action to Address Transportation Services and Systems for
People wit Disabilities (TF '99)

This comprehensive plan would be to concentrate federal efforts
on developing an interagency action plan that addresses the lack
of public transportation as a major employment barrier for people
with disabilities.

DOL

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

FCC

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

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

- **EEOC**

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

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

DOJ

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

OPM

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

DIRECTIVES

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

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

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

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

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

DRAFT**DRAFT**

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

DELIVERABLES

POSSIBLE PRINCIPAL ANNOUNCEMENT:

INCENTIVES FOR EMPLOYMENT

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

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

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

*Future
or
Keep*

POSSIBLE HUD ANNOUNCEMENTS:

CONSOLIDATED PLANNING FOR COMMUNITY DEVELOPMENT

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

DRAFT

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DATA COLLECTION

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

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

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

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

HOMEOWNERSHIP

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

OUTREACH AND INFORMATION ON REGULATORY ENFORCEMENT

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

Notice in Federal Register

07/19/2000 02:12
HUD SPEC ACTION 7 34362233 NO. 181 004
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120 pp. are complete 24. plan to make complete
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HUD will launch a web page that contains technical assistance letters, court decisions, answers to frequently asked questions and other developments in accessibility issues; permits the public to ask questions and receive answers; directs the public to relevant publications or studies; and provides text of particularly important publications.

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

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

NEIGHBORHOOD NETWORK CENTERS

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

NATIVE eDGE

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

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

(b)

HHS/SAMHSA Deliverables for the Anniversary of the ADA

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

Key Actions/Announcements:

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

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

Key Actions/Announcements:

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

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

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

Key Actions/Announcements:

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

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

Key Actions/Announcements:

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

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

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

Contact: Lorinda Daniel, 301-443-4795

- met w/ Chris Jennings -

NEW RECOMMENDATIONS/HHS

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



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

Record Type: Record

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

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

The Department of Transportation has conducted the initial interagency coordination, and has completed its "Comprehensive Plan of Action," addressing the lack of transportation services and systems for persons with disabilities, as directed by the President and recommended by the President's Task Force on Employment of Adults with Disabilities. The Plan, designed specifically to address barriers to "finding and keeping jobs," will issue shortly.

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

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

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

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

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

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

<<10thmemo.wpd>>



- 10thmemo.wpd

Possible Transportation Deliverables

ADA

ADA Enforcement

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

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

Reauthorization of TEA-21

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

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

2. DOT, through its Access Flagship Initiative, One DOT, or other mechanism, should review the programs and funding amounts currently authorized under TEA-21 to determine how each program can be modified to better respond to the needs and capacities of people with disabilities.
3. DOT should establish a time-limited task force consisting of representatives from DOT, DOL, HHS, transit authorities, transit providers and disability advocacy groups to review existing law and practice and develop recommendations to the Secretary of DOT regarding the provision of transportation services to Americans with disabilities. Their Report should be completed and submitted to the Secretary of Transportation by June 1, 2001, prior to planning for the reauthorization.
4. The Federal Highway Administration should assess the need for additional funding and outreach for sidewalk improvements under the Surface Transportation Program.

Expansion of the Coordinating Council on Access and Mobility

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

1. DOT and HHS should immediately expand the Coordinating Council to include representation from several agencies within, at a minimum, the Department of Labor, Housing and Urban Development, and the Department of Education (*HHS is supportive of this*).
2. The Council should develop a strategy for including people with disabilities in all of its proposed initiatives and activities.
3. The expanded Coordinating Council should sponsor a series of regional workshops on facilitating local coordination of transportation for people with disabilities for representatives of workforce investment boards, people with disabilities, transit authorities, private providers, metropolitan planning organizations, and advocacy organizations. These workshops should emphasize local transportation's role in workforce development and the one-stop system.

Changes to Existing Programs

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

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

Other program deliverables:

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

Dunham, Nancy

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

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

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

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

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

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

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

Department of Agriculture

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

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

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

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

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

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

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

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

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

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

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

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

DELIVERABLES

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

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

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

Access to Capital and the CDFI Program

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

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

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

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

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

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

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

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

POTUS

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

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

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

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

ANNOUNCEMENT

EEOC ISSUES GUIDANCE LIMITING EMPLOYER ACCESS TO MEDICAL INFORMATION ABOUT EMPLOYEES

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

PROPOSED ANNOUNCEMENT

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

Background

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

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

Highlights

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

disclosure of protected genetic information.

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

PRINCIPALS:

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

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

OTHERS

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

Disabilities Leadership Development project. This project, to be awarded in October, is jointly funded with the Task Force, the Department's of Labor and Health & Human Services, the Social Security Administration, and the President's Committee on the Employment of People with Disabilities and the National Council on Disability.

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

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

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

POTOS

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

HHS
Ref.
Lab
~~Ag~~ Ag
Justice
Energy

Objectives:

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

PROPOSED ANNOUNCEMENT

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

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

=====

BACKGROUND

Current State of Play

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

What Happens If We Do Nothing

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



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

Please respond to EMaxwell@doc.gov

Record Type: Record

To: Megan J. Crowhurst/WHO/EOP

cc:

Subject: re: ADA event

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

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

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

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

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

Treasury
Labor
Justice
SBA
Defense
Commerce
NPR

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

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

relation to ADA over the past year that is significant, but may not be at the principle level.

I need to receive these items by the close of business tomorrow, friday, july 14. If I do not receive anything from your department, you will not be mentioned in the south lawn event--which will be an embarrassment to your secretaries. Please make sure to e-mail me these two pieces of information. If you have no deliverable or accomplishments, let me know so that I understand that you have made an attempt to research the cause. Thanks.

 - DISACCOM

Department of the Interior
Announcements

Department of the Interior
Accessible Technology Center

The Department of the Interior will open a center dedicated to helping people with disabilities with greater accommodation in the workplace. The center scheduled to open in October of this year, will display the latest in technological apparatus for disabled employees. The center will focus on designs and devices to make the workspace more accommodating through either specialized equipment or workspace modifications.

\$300 Million Proposed for
Construction and Renovation of
Native American Schools

Pending before Congress is an Interior proposal for \$300 Million for construction and repair of schools on American Indian lands. If approved in the Department of the Interior budget the funds will be used to address some of the problems faced by these old and decaying structures. Included in the repairs are projects that address the accessibility issue for disabled people. All of the new construction will comply with ADA standards and any renovation projects will also be subject to these same guidelines. In addition to the bricks and mortar component of these projects the schools will be wired for computer and internet access.

The National Park Service
Makes Accessibility a Priority

In an effort to accommodate all persons in our National Parks, the Park Service is reviewing all project proposals to determine how many are adequately addressing the elimination of architectural barriers for persons with disabilities. The Park Service reviewed 3,380 projects for compliance. Of that number NPS found that 175 projects specifically addressed accessibility and another 1,263 involved the alteration or modification to address access deficiencies. There have been a total of 339 projects approved by NPS that include accessibility as at least one component of the project. The total amount of funds involved exceeds \$82,500,000.

Refurbishing of Main Interior Building

The Department of the Interior is in the preliminary stages of remodeling the Main Interior Building located at C Street N.W. in Washington, DC. Current plans call for an 8 year project that is estimated to cost \$170 million. Prominate among the renovations are accessibility designs to assist people with disabilities. Plans for the "new" Interior Building include wheelchair accessible ramps, parking for hadicapped equipped cars and vans, an improved fire warning and evacuation system, better entrance accessibility lifts and improved signage and lighting. The Department of the Interior is a leader in addressing issues related to the disabled and the leadership at Interior wanted to make sure that this new space reflected their concerns for accomodation for employees and visitors.

July 21, 2000

Release of Information
ADA 10th Anniversary Committee...

The following text is released by the U.S. Department of State, for use by the ad hoc Federal Committee in connection with planned announcements to be made by the Executive Branch in conjunction with the 10th anniversary of the ADA. Please note the date of this announcement. This announcement supercedes and replaces any and all previous drafts provided to the committee in previous discussions, which should be discarded.

Department of State

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

For questions or comments regarding this announcement, please contact:

Ronald J. Tomasso, AIA
Barrier-Free Accessibility Specialist
U.S. Department of State
Office of Foreign Buildings Operations (A/FBO)
(703) 875-6186
(703) 875-4548 fax
tomassorj@state.gov

June 29, 2000

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

Department of State

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

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

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

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

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



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

Record Type: Record

To: Megan J. Crowhurst/WHO/EOP

cc:

Subject: RE: Deliverables

Megan:

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

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

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

Thank you,

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

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

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

Thanks so much for the timely arrival of your list of

accomplishments.

This is just a reminder that I have not yet received a deliverable from either interior or state. The deliverable is what we would like for one of the principles to announce at the ADA event on the south lawn on July 16.

If you do not have a deliverable, please respond to let me know.
(That way

I know that you attempted to do the research!) You may send your deliverable as a reply to this e-mail. I would like to have them by close of business tomorrow. Thanks.



Lynn.Kahn@npr.gov
07/17/2000 12:47:25 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: Marsha Scott/WHO/EOP
Subject: RE: ADA event

NPR's work in this area would be part of the speaking points:

1. workers.gov launched on July 10, 2000 had one of 9 core categories devoted to disabilities resources -- our research found over 150 links. This section of workers.gov serves as the foundation for the disAbility.gov being launched on July 26.
2. workers.gov is the first Access America portal to have accessibility needs integrated into initial and evolving design.
3. our e-gov initiative includes outreach and education about access issues.

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

From: Megan_J._Crowhurst@who.eop.gov
[mailto:Megan_J._Crowhurst@who.eop.gov]
Sent: Thursday, July 13, 2000 5:11 PM
To: susan.morris@do.treas.gov; barry.eigen@ssa.gov; juan.lopez@ssa.gov;
ken.mcgill@ssa.gov; mike.greenberg@ssa.gov; mark.l.gross@usdoj.gov;
liz.savage@usdoj.gov; jeanette.harvey@sba.gov; ldaly@doc.gov;
emaxwell@doc.gov; lynn.kahn@npr.gov; gina.pearson@npr.gov
Cc: Marsha_Scott@who.eop.gov
Subject: ADA event

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NPR

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lawn on July 26.

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Message Sent To:

Megan J. Crowhurst/WHO/EOP
susan.morris@do.treas.gov
barry.eigen@ssa.gov
juan.lopez@ssa.gov
ken.mcgill@ssa.gov
mike.greenberg@ssa.gov
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