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Folder Title:

Americans with Disabilities Act- 10th Anniversary [2]

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. list	Youth to Work Meetings; RE: Personally Identifiable Information [partial] (1 page)	00/00/0000	b(6)

COLLECTION:

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

FOLDER TITLE:

Americans with Disabilities Act - 10th Anniversary [2]

2007-0143-F
db4532

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]

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YOUTH INITIATIVE

Divider Title: _____

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Youth To Work Meetings

Lisa Brown		
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[001]

(b)(6)

Jadith Heumann



Sybrena Bullock

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AGENDA

POTENTIAL YOUTH ANNOUNCEMENTS

- 1) Introductions
 - 2) Proposed Executive Order
 - a) Contents
 - Findings
 - Public Awareness Campaign
 - One Stop Information Center
 - Cross-Agency Policy Guidance
 - Institutes
 - Coordinated Research
 - Shared Demonstrations
 - Cross-Training
 - b) Resource Commitments
 - c) Timelines for Completion
 - 3) Youth Recommendation for a Coordinating Council
 - 4) Other Potential Announcements
 - a) WIA Youth Programs Policy Guidance
 - b) TA Guidance to Job Corps and YO programs
 - c) Joint DOL/ED letter on how to access WIA youth programs
 - d) ED's Disability Harassment Guide
 - e) ED's Assessment of Students with Disabilities Q & As
 - f) SSA's Student Earned Income Exclusion Regulations
 - 5) Message/Theme
 - Instilling a Strong Work Ethic in our Young People
 - High Expectations
 - Independence Not Dependence
 - "It takes a Village"
 - Interdependence of Agencies
 - All Kids
- 
- 

PROPOSED EXECUTIVE ORDER

INCREASING EMPLOYMENT OF YOUNG PEOPLE WITH DISABILITIES

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to promote the employment of young people with disabilities, it is hereby ordered as follows:

Section 1. Policy

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

(b) The transition needs of young people with disabilities are reflected in many factors. School completion rates for students with disabilities are low, while at the same time, national studies report that students with disabilities who complete high school as well as participate in work site learning experiences are more likely to be employed, to earn higher wages, and to enroll in postsecondary

education and training. The labor market demands higher levels of education and skills, and the completion of high school and further education has become even more critical. Practitioners lack knowledge about integrating service systems to assure a smooth transition from adolescence to adulthood. However, more than 20 years of research and experience has demonstrated that key ingredients to a smooth transition for young people with disabilities include: (1) career exploration and development as an integral part of the educational process; (2) school personnel using contextual teaching and learning methodologies that clearly connect classroom learning with the real world, (3) opportunities to participate in work-based learning activities that tie the world of work back to classroom learning; (4) partnerships between multiple agencies serving young people with disabilities and employers; and (5) facilitating self advocacy, self-determination, family interventions and independent living.

(c) The unemployment rate of young people with disabilities 16 to 24 years of age is 22.5%, among the highest of disadvantaged groups in the nation. These individuals are an important, untapped resource of talent and skills, and a key element in sustaining our historic economic growth. Improving the postschool, transition, and independent living results provides a critical new source of employment opportunities for young people with disabilities.

Sec. 2. Implementation

(a) Each head of executive departments and agencies shall work with the Presidential Task Force on Employment of Adults with Disabilities to design and coordinate a public awareness campaign to promote high expectations and successful transition of young people with disabilities. This campaign should promote successful examples from local programs, youth, and employers. The campaign will be designed to:

Educate parents of youth with disabilities of the initiatives and services that will help prepare their children to successfully

transition into adult roles.

Educate business, especially during such a tight labor market, that youth with disabilities can grow up to be productive, contributing adults in the workplace.

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

The campaign will create an environment where stakeholders can be well-informed of the services available to improve the transition outcomes of youth with disabilities. In addition, stakeholders should be encouraged to share successful strategies with one another.

(b) Each head of executive departments and agencies shall design and implement an interagency one-stop information center on transition of young people with disabilities. This Center will work with these Federal departments and agencies to create a national information center to provide youth, families, employers, and multiple-agency service providers at the state and local level with one-stop information on a range of transition and post-school services, supports, and best practices issues. The Center will provide coordinated information on resources and options about education, employment, health care, independent living, and other opportunities.

(c) The Departments of Education, Labor, Health and Human Services, Interior, Justice, the Small Business Administration, and the Social Security Administration shall work with the Office of Management and Budget to issue comprehensive policy guidance on Federal agency programs, purposes, and how they meet transition services planning requirements of the IDEA. This policy guidance will achieve two outcomes: (1) establish clear guidelines on the interpretation of definitions of common terms in Federal law impacting young people in transition; and (2) strengthen interagency coordination in the transition planning process and provision of transition services to young people with disabilities. At a minimum, the guidance should incorporate the key ingredients of a smooth transition outlined in Section (1) (b).

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

(e) The Departments of Education, Labor, Health and Human Services, Interior, Justice, the Small Business Administration, and the Social Security Administration work with the Office of Management and Budget and the Presidential Task Force on Adults with Disabilities in FY 2001: (1) coordinate and implement research activities to identify and synthesize best practices, across agencies and programs, for improving the transition results of young people with disabilities; (2) conduct interagency demonstration programs based on the key ingredients outlined in Section (1) (b) to promote "what works" for young people with disabilities, families, service providers, employers, and decision-makers; and (3) carry out interagency cross-training activities designed to integrate best practices for transitioning youth with disabilities for service providers. While these coordinated activities shall serve all youth, it shall ensure a focus on young people with mental illness, those with the most significant disabilities, and youth from diverse cultures and with limited English proficiency.

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

(g) The Department of Health Services shall convene a Federal interagency Work Group to develop a legislative and budgetary proposal to ensure access to and utilization of Healthy & Ready To Work services by youth with special health needs. The work group shall be composed of: Health Resources Services Administration (HRSA), Health Care Financing Administration (HCFA) Substance Abuse & Mental Health Services Administration,

Administration on Developmental Disabilities (ADD) within the Department of Health and Human Services; the Social Security Administration; the Department of Education; the Bureau of Indian Health Services within the Department of Interior; the Department of Labor; the Office of Management & Budget; and other appropriate departments and agencies as well as family and youth representatives. The work group shall submit its recommendations by December 1, 2000.

Sec. 3. Judicial Review. This order does not create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its officers, its employees, or any other person.

THE WHITE HOUSE

EXECUTIVE ORDER

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ACCOMPLISHMENT

Divider Title: _____

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

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

I. BUDGET

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

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

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

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

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

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

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

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

III. Collaboration with the Department of Justice

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

IV. PUBLIC NOTICE ON ACCESSIBILITY

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

V. AROUND THE COUNTRY

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

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

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

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

VI. A FEW BEST PRACTICES

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

PRESIDENTIAL TASK FORCE ON
EMPLOYMENT OF ADULTS WITH DISABILITIES:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**I. 1999 RECOMMENDATION TO THE PRESIDENT FROM THE
PRESIDENTIAL TASK FORCE ON EMPLOYMENT OF ADULTS WITH
DISABILITIES**

The President has directed the Department of Housing and Urban Development to explore steps needed to establish an earned income disregard for tenants with disabilities living in other-than-Public Housing Authority housing who return to work, and to exempt any disability-related expenses incurred when a tenant goes to work from the "countable" income used to determine rents.

Some provisions for an earned income disregard currently exist. For example, the regulations at 24 CFR 5.609(c)(8)(ii) indicate that under a Plan to Attain Self Sufficiency, which is a Social Security Administration program, a person with a disability who is receiving SSI, and who also is receiving other income is permitted to have a portion of the other income excluded from annual income in order to achieve a work-related goal.. Also, under 24 CFR 5.610 (c)(8)(v), "incremental earnings and benefits resulting...from participation in qualifying State or local employment training programs" are not included in annual income.

Good **II. CONSOLIDATED PLANS**

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

Currently, HUD requires all states and localities that have already developed a Consolidated Plan to create a new plan during the year 2000 that specifically addresses assisting adults and families with disabilities. To assist in developing this plan, the Office of Community and Planning Development (CPD) will distribute to communities 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."

CPD conducts front end reviews of the Consolidated Plans submitted to it by state and local jurisdictions to ensure that they meet Section 504 requirements. In conducting these front end reviews, CPD uses a Suggested Checklist for Review of Requirements for Section 504. The checklist specifically includes a review of the jurisdiction's communications with individuals with disabilities to ensure that these individuals receive the benefits and services of programs and a review of program accessibility.

Where CPD identifies a Consolidated Plan that does not adequately address these areas, it consults with the Office of Fair Housing and Equal Opportunity (FHEO) regarding the steps that the jurisdiction needs to take. CPD then notifies the jurisdiction about addressing the deficiencies.

Moreover, CPD and FHEO conduct a "Risk Analysis" to identify communities and programs to be monitored. If a fair housing problem is identified during the monitoring process, FHEO sees that it is resolved in the most timely manner possible through additional monitoring, compliance reviews, negotiations, agreements, and other means.

To ensure that the fair housing monitoring is being conducted accurately and completely, FHEO will do a general review 100% of CPD's front end reviews to determine which ones require follow up by FHEO, and take appropriate action. In addition, FHEO will conduct a thorough review of a randomly selected 35% of those reviews for quality assurance. If the analysis shows that CPD staff needs additional technical assistance, FHEO staff will provide it.

III. DATA COLLECTION

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

HUD is implementing modifications to 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.

Also, HUD's Report to Congress entitled "Rental Housing Assistance—The Worsening Crisis, A Report to Congress on Worst Case Housing Needs", was released in March of 2000. Throughout the Report are statistics regarding nonelderly disabled families experiencing physical housing problems, overcrowding or a high rent burden (paying over half of their income for rent). The Report found that the number of nonelderly adults with disabilities in families with worst case housing needs was between 1.1 million and 1.4 million.

IV. TAX CREDITS

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

HUD is planning to enter 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.

V. INTERNATIONAL BUILDING CODE 2000

Joint efforts to promote use of model building codes which have incorporated the accessibility requirements of the Fair Housing Act.

Background: The Fair Housing Act (the Act) requires that covered multifamily dwellings (buildings with four or more units) which were built for first occupancy after March 13, 1991 incorporate certain basic features of accessible design. On March 6, 1991, the Department published final Fair Housing Accessibility Guidelines (the Guidelines), which provide a safe harbor for meeting the accessibility requirements in the Act. The Department provided technical assistance to model building code organizations, at their request, on drafting building code language to reflect the Guidelines. After the model code organizations completed that effort, they requested that the Department review the three national model building codes and the draft International Building code to determine the extent to which these codes are consistent with the Fair Housing Act, the Department's regulations, and the Guidelines.

HUD Review of Model Building Codes - The Department completed its review of the model building codes, and published a Final Report in the Federal Register on March 23, 2000. The Final Report focused on those provisions in the model building codes that did not meet the requirements of the Act. The Final Report found that in most cases, the accessibility requirements in the model codes were consistent with the requirements in the Act, the Department's regulations, the Guidelines, and the American National Standards Institute (ANSI) A117.1 standards. The ANSI A117.1 standard is the standard addressing accessibility for persons with disabilities that has been used since by the private industry since 1961. The ANSI A117.1 standard is also the design standard referenced in the Fair Housing Act as a safe harbor in terms meeting the Act's technical design specifications. However, for each model code, the Department identified approximately 15 to 21 areas of inconsistency, and offered recommendations for addressing these inconsistencies.

International Building Code - Following publication of its Final Report on HUD Review of Model Building Codes, the Department's Model Codes Work Group convened meetings with a working group that included representatives of the International Code Council (ICC), Eastern Paralyzed Veterans, the National Association of Home Builders, the National Multi Housing Council and other interested persons, and developed a package of recommendations for addressing all of the approximately 15 areas of inconsistency in the International Building Code 2000 (IBC 2000) that were identified by HUD in its March 23, 2000 Final Report. This package of recommendations has passed the first phase of the ICC's model building code review process. If the package passes all phases of the ICC code review process, the revisions will appear in a 2001 Supplement to the IBC 2000.

Code Requirements for Housing Accessibility (CRHA) - The International Code Council (ICC) developed the *Code Requirements for Housing Accessibility*, in order to bring together, in one document, up-to-date housing provisions from the model codes and the consensus national standards which will meet or exceed the minimum requirements of the Fair Housing Act, HUD's regulations, and the Guidelines. The CRHA consists of existing IBC 2000 code text and ICC/ANSI A117.1 consensus standards text, which have been renumbered and organized to facilitate their use as a separate document addressing housing.

In order for the CRHA to be adopted by State or local building code jurisdictions that have already adopted the International Building Code 2000, the CRHA contains code text revisions necessary to address variances identified in HUD's Final Report.

Finally, at the request of the National Association of Home Builders (NAHB), the Department analyzed a document prepared by NAHB which identifies five areas where the CRHA exceeds the requirements in the Guidelines. The Department determined that NAHB's analysis was correct, and requested that ICC include it in the CRHA. However, in the language introducing this section, the Department cautions that it is not attempting to invalidate any existing or future state or local laws that require or may require greater accessibility for persons with disabilities than is contained in the NAHB analysis. The Department also is not suggesting that the code changes in the NAHB analysis are required in order to achieve consistency with the Department's Guidelines or the Act, as State and local governments are free to adopt codes and standards that provide for greater accessibility.

HUD will continue to collaborate with model code organizations, disability advocates, home builder organizations and other federal agencies to encourage state and local governments to adopt model building codes that are consistent with the Fair Housing Act accessibility requirements.

VI. HOMEOWNERSHIP

HUD is planning to 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.

Moreover, HUD's Office of Native American Programs is presenting accessibility training workshops to representatives from Housing Authorities (HAs) and Tribally Designated Housing Entities (TDHEs). The workshop series shows HAs and TDHEs how homes and apartments can be remodeled, altered, or newly constructed to increase access for special needs populations who may be elderly or have disabilities. The new construction or alteration of five or more attached or detached apartments or single-family homes conducted by HAs and TDHEs must comply with the Federal accessibility requirements of Section 504 of the Rehabilitation Act of 1973. Section 504 is designed to ensure equitable use for people with and without disabilities to programs that receive Federal funding. Since HAs and TDHEs receive Federal funding to alter or newly construct housing, they are responsible for ensuring equitable use to housing by complying with the Section 504. The first two workshops were held in Reno, NV and Oklahoma City, OK. Subsequent workshops will be held in Billings MT, Minneapolis MN, Albuquerque, NM, and Seattle, Washington.

VII. HUD REGULATION ENFORCEMENT

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

While FHEO welcomes additional budgetary support, it should be noted that under this Administration, the Fair Housing budget has increased from \$15 million in FY 1993 to \$44 million in FY 2000.

The FY 2000 HUD budget provides \$44 million for Fair Housing initiatives, an increase of \$4 million from last year's budget and close to the Administration's request. These funds will support the Fair Housing Assistance Program (FHAP) and the Fair Housing Initiatives Program (FHIP). FHAP provides Federal funds to State and local civil rights agencies that enforce laws which are equivalent to the Federal Fair Housing Act. FHIP provides funding for private fair housing groups that carry out enforcement (such as testing and private litigation) and education and outreach activities. HUD's efforts to enforce the Fair Housing Act include direct HUD complaint investigations and a range of education and outreach activities. HUD also enforces the Act through a variety of partners, which include FHAP agencies, FHIP organizations and recipients of HUD funds.

FHEO has been taking steps to increase its effectiveness and efficiency in enforcing the Fair Housing Act. These steps included regular communication with its partners, the

Office of General Counsel and the Department of Justice. This communication allows for early identification of problems and ways to address those problems. In addition, FHEO has been reviewing its intake and investigation processes and is developing procedures and mechanisms for streamlining them to shorten the time it takes to complete resolution of complaints.

During the second term of the Administration, disability accounted for the second most common basis in complaints received after race (as of February 2000, 2498 disability complaints and 2708 alleging race discrimination). Also during the second term of the Administration, HUD and the FHAP agencies achieved "desirable results" more frequently on disability complaints than on race complaints. As of February 2000, of the cases closed during the second term, 40.1% (2457) of all HUD and FHAP disability complaints resulted in cause determinations, conciliations or settlements. This compares to 29.8% (2489) for race complaints.

In the Education and Outreach Component of the Fair Housing Initiatives Program, \$750,000 has been set aside for organizations that perform education and outreach regarding the requirements of the Fair Housing Act pertaining to individuals with disabilities.

HUD's FY 2001 budget proposes \$2.5 million specifically for an Education and Outreach Initiative to fund training and technical assistance to builders, developers, architects, building code officials and others on the accessibility requirements of the Fair Housing Act.

FHEO allocated \$1 million of its 1999 FHIP funds and requested \$2.5 million in 2001 FHIP funding for a Project of Accessibility Training and Technical Assistance. The focus will be on the accessibility requirements of the Fair Housing Act, primarily for multifamily construction.

In addition, the Department's FY 2000 FHIP Notice of Funding Availability earmarks \$1 million to fund collaborative activities involving disability rights advocacy groups, housing industry organizations, and other agencies and institutions capable of facilitating and encouraging adoption of building codes at the state and local levels that are consistent with the accessibility requirements of the Fair Housing Act.

The Department will undertake the following initiatives:

- HUD will maintain an interactive 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;

- HUD is planning to 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;

VIII. PROPOSED INITIATIVE: ACCESS HOUSING 2000

Outreach: 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.

Housing Assistance: For fiscal year 2000, HUD has set-aside approximately 7200 vouchers to assist families headed by persons with disabilities, as well as approximately 1800 vouchers for this purpose under the Section 811 "mainstreaming" program.

In addition, HUD's NOFA for 60,000 "Fair Share" vouchers gave extra points to housing authorities that serve such families with at least 15% of the new vouchers, or (of particular relevance to the *Olmstead* effort) would combine the vouchers with Medicaid waivers for at least 3 % of the new vouchers.

Even without these incentives, about 22% of nonelderly families using the voucher program have been headed by persons with disabilities. The first funding awards, for the category of vouchers awarded in connection with "designation plans" for public housing or similar plans for assisted housing (part of the 7200 vouchers discussed above), are scheduled to be announced July 25.

For fiscal 2001, the President requested 120,000 vouchers, as well as a 5,000-voucher set-aside for persons with disabilities and a \$9 million increase in the Section 811 program.

IX. NEIGHBORHOOD NETWORK CENTERS

HUD should ensure that all existing or planned Neighborhood Network Centers are accessible - structurally and otherwise - to people with disabilities.

The Secretary has made a commitment to expand Neighborhood Network Centers to 1000 by the end of Fiscal Year 2001.

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

In June, HUD offered the third installment of the Neighborhood Network Regional Technical Assistance Project (RTAP). This series of workshops featured full-day sessions on putting technology to work which can help people with disabilities. Sessions also provided guidance to help property owners comply with the HUD Accessibility Guidelines and ADA requirements.

X. SECTION 3 OF THE HOUSING AND URBAN DEVELOPMENT ACT

Section 3 of the Housing and Urban Development Act is an existing and powerful mechanism that can be utilized to effectively reduce all unemployment rate of public housing residents, including those with disabilities through compliance reviews, technical assistance and enforcement.

The intent of the Section 3 requirement is to provide training, jobs, and other entrepreneurial opportunities to low and very-low income public housing residents of assisted neighborhoods through opportunities generated by housing and community development projects. While not focused on civil rights per se, the program impacts all protected classes.

HUD intends to provide training, education and technical assistance to HUD aid recipients on methods to improve economic opportunities for all low and very-low income public housing residents, respond to all complaints, and enforce the law. We expect this focused effort to make significant improvements in economic opportunities for all low and very-low income residents, including those with disabilities.

XI. REVITALIZATION OF THE FAIR HOUSING COUNCIL

The Fair Housing Council should convene and conduct regular meetings to examine the programs, activities, policies and practices of all Federal Departments and Agencies to identify those programs, activities, policies and practices that make housing unobtainable to people with disabilities and develop a plan for implementation that will increase the housing opportunity for said group.

Over the past 6 years, the Secretary has promoted fair and equal housing opportunities for all Americans. Additionally, he has focused attention to housing programs that promote opportunities for people with disabilities. In pursuing this aggressive approach, he has met with other cabinet officials, housing and lending industry officials and others, and promoted fair housing and equal access for all Americans. Recently, he met with

Secretary Donna Shalala on the *Olmstead* decision to begin to develop programs and outreach efforts to assist individuals with disabilities move from nursing homes and other institutions into the community.

HUD will begin to meet with staff from other Federal agencies with the ultimate objective of convening the Fair Housing Council as specified under Executive Order 12092.

XII. OTHER PROPOSALS

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.

RECOMMENDATIONS
FOR THE
DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT

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

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

The following recommendations, if implemented, will go a long way toward eliminating many of the barriers to accessible, affordable housing that exist for people with disabilities. The first recommendation was included in the Presidential Task Force on Employment of Adults with Disabilities second report, *Re-charting the Course: If Not Now, When?* The next seven recommendations apply to all individuals with disabilities in need of community-based, affordable housing. The eighth recommendation targets individuals currently residing in nursing homes and institutional settings. In *Olmstead v. L.C.*, 119 S.Ct. 2176 (1999), the Supreme Court ruled that "unjustified isolation... is properly regarded as discrimination based on disability..." under Americans With Disabilities Act. Accordingly it is necessary for HUD to substantially increase housing opportunities for individuals with disabilities. Finally, the ninth through eleventh recommendation concerns implementation of strategies identified by HUD in its September 1999 report to the Presidential Task Force on Employment of Adults with Disabilities. The following recommendations seek to provide a basis from which to accomplish this goal.

I. 1999 Recommendation to the President from the Presidential Task Force on Employment of Adults with Disabilities

The President direct the Department of Housing and Urban Development to explore steps needed to establish an earned income disregard for tenants with disabilities living in other-than-Public Housing Authority housing who return to work, and to exempt any disability-related expenses incurred when a tenant goes to work from the "countable" income used to determine rents.

Background:

The Department of Housing and Urban Development has promulgated rules under recently enacted legislation aimed at providing additional incentives for low-income individuals in public housing to go to work, or work additional hours. Current rules, however, do not provide sufficient incentives for employment of people with disabilities who are assisted by the Department of Housing and Urban Development subsidies, but do not live in Public Housing Authority housing. The Department should explore ways to extend similar incentives to all HUD-subsidized tenants with disabilities.

II. CONSOLIDATED PLANS

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

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

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

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

To address this problem, HUD should actively conduct random compliance reviews of five percent (5%) of the Consolidated Plans submitted by state and local governments, and should report to Congress and the Presidential Task Force on Employment of Adults with Disabilities on the extent to which such Plans (a) accurately identify the priority housing needs of people with disabilities; (b) direct the spending of federal housing funds to meet such priority needs; and (c) contain affirmative outreach efforts to ensure that people with disabilities and their advocates are included in the planning process. In concert with this review of consolidated plans, HUD should fund partnership initiatives with the disability community (e.g., centers for independent living, non-profit disability and community provider organizations) in those same locales in order to gather customer-focused input relating to plan development and housing needs of people with disabilities.

III. DATA COLLECTION

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

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

IV. TAX CREDITS

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

Background: Since 1986, the Low Income Housing Tax Credit program has been the nation's primary engine for affordable rental housing development. The program is administered by the Department of the Treasury, which makes allocations of credits available each year in cooperation with state housing finance agencies (HFAs). However, many Tax Credit units have been built in violation of the accessibility guidelines promulgated under the Fair Housing Act. This is in part because the Department of the Treasury has no special expertise in low-income housing or civil rights enforcement, and has not developed a compliance program for developers. In other instances, Tax Credit developers have failed to implement affirmative marketing programs or have adopted other policies which discourage the tenancy of people with disabilities.

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

V. INTERNATIONAL BUILDING CODE 2000

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

Background: The Fair Housing Act requires that multifamily buildings with four or more units which were built for first occupancy after March 13, 1991 must meet basic accessibility requirements. Pursuant to the statutory requirement, HUD promulgated the Fair Housing

Accessibility Guidelines on March 6, 1991. According to later HUD publications (including the Fair Housing Act Design Manual), these Guidelines demonstrate a number of ways that architects, builders, developers and others can satisfy the Act's accessibility requirements. However, Congress and HUD cannot require state and local governments to incorporate these requirements into local building codes. As a consequence, nine years after the effective date, a significant proportion of new multifamily units are being built in an inaccessible fashion.

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

VI. HOME OWNERSHIP

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

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

VII. HUD REGULATION ENFORCEMENT

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

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

Actions should include: (a) increasing the civil rights enforcement budget for HUD and the

Department of Justice to ensure prompt resolution of discrimination complaints; and (b) providing intensive outreach, information and technical assistance from HUD to the disability community on housing laws and policy.

VIII. PROPOSED INITIATIVE: ACCESS HOUSING 2000

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

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

HUD and HHS would launch this targeted initiative by:

- Setting aside a minimum of 2000 Section 8 certificates for use by people with disabilities and families of children with disabilities who currently reside in nursing homes or institutions in select States to rent, lease or purchase their own accessible and affordable homes and residences.
- Directing States receiving nursing home transition grants to work with HUD, State and local housing agencies and others to facilitate the use of Section 8 vouchers by those leaving institutions.
- Expressly permitting and encouraging States receiving WIIA infrastructure development grants to use a portion of the funds to work with these agencies and others to highlight the uses of Section 8 vouchers and otherwise expand housing and home ownership opportunities for employed individuals with disabilities.
- Urging State Medicaid Directors and other key stakeholders to tap into the initiative.
- Working with SSA in identifying ways Individual Development Accounts can be used by individuals with disabilities and families to purchase, rent or make necessary modifications to a home or residence.
- Funding a technical assistance exchange at \$500-750,000 a year for 4 years to assist States and others on supporting people with disabilities to rent or own homes and have a controlling say in how they live life.

- Encouraging other Federal agencies, Fannie Mae, States, the disability community, foundations and others to make specific contributions to the work of AccessHousing 2000, especially as it relates to the movement of individuals residing in nursing homes and institutions into community homes and apartments.

IX NEIGHBORHOOD NETWORK CENTERS

HUD should ensure that all existing or planned Neighborhood Network Centers are accessible –structurally and otherwise --to people with disabilities.

Background: A Neighborhood Networks is a community-based initiative of the U.S. Department of Housing and Urban Development (HUD) that encourages the development of resource and computer learning centers in privately owned HUD-assisted and/or insured housing. The mission of the Neighborhood Networks is to create vibrant communities that foster economic opportunity and encourage life-long learning, primarily in HUD-assisted and/or insured housing. Accordingly, Neighborhood Networks are working to increase employment opportunities and access to health and wellness, improve education performance of children, empower residents, increase participation by property owners and decrease dependency on federal funding. Currently, there more that 608 Neighborhood Network Centers (NNC) in operation and at least 705 additional NNC sites being planned.

A significant percentage f the HUD-assisted and/or insured housing is occupied by people with disabilities. Yet, by HUD's own admission, most of the NNCs connected with HUD-assisted and or insured housing where people with disabilities live is not fully equipped to accommodate the needs of people with disabilities. In fact, many of the NNC sites are physically inaccessible or the computers and/or other information technology is not usable by people with disabilities. Id.

NNCs present an extraordinary opportunity for people with disabilities to develop and/or improve marketable skills for the purposes of employment and the overall enhancement of everyday life, and should be accessible to people with disabilities to the same extent that they are accessible to people with without disabilities.

X. SECTION III OF THE HOUSING AND URBAN DEVELOPMENT ACT

Section 3 of the Housing and Urban Development Act (Section 3) is an existing and powerful mechanism that can be utilized to effectively reduce the unemployment rate of public housing residents with disabilities through data collection and enforcement.

Background: Section 3 requires that, pertaining to housing development programs and community development programs, recipients of Department of Housing and Urban Development (HUD) funds, their contractors and their subcontractors provide jobs and other economic opportunities to low- and very low-income persons. The intent of the Section 3 requirement is to provide training, job, and entrepreneurial opportunities to public housing residents and lower income residents of assisted neighborhoods through opportunities generated

by housing and community development projects that require physical skills -- such as, but not limited to appliance repair, custodial services, landscaping, bricklaying, masonry, carpentry, drywall installation, demolition and electrical work -- and administrative or management skills, such as, but not limited to, accounting, purchasing and word processing. Where there are indications and a subsequent satisfactory investigation demonstrating that the recipient agency and/or its contractors have not made a good faith effort to meet the Section 3 mandate, HUD is vested with the authority to conduct further review, and take appropriate actions to resolve the issue of non-compliance. Appropriate actions in this case include sanctions, debarment, suspension and limited denial of participation in HUD programs.

Currently, HUD does not collect data on the extent to which persons seek, obtain or are denied employment from HUD recipients and/or contractors. Consequently, HUD is incapable of targeting its Section 3 enforcement efforts effectively with respect to people with disabilities. With rigorous enforcement of the Section 3 authority, people with disabilities living in public housing and assisted neighborhoods will be presented with enhanced training, employment and entrepreneurial opportunities in and around their own communities. If the employment opportunity is near the home there will be greater community involvement and other barriers to employment for people with disabilities, such as transportation, are alleviated. This translates into the full participation by people with disabilities in all aspects of American society .

XI. REVITALIZATION OF THE FAIR HOUSING COUNCIL

The Fair Housing Council should could convene and conduct regular meeting to examine the programs, activities, policies and practices of all Federal Departments and Agencies to identify those programs, activities policies, and practices that make housing unobtainable to people with disabilities and develop a plan for implementation that will increase the housing opportunities for said group.

Background: The Fair Housing Council was established by Executive Order 12092 on January 17, 1994 for the purpose of affirmatively furthering fair housing in all Federal programs and activities relating to housing and urban development throughout the United States. The Executive Order provides that the Fair Housing Council be chaired by the Secretary of Housing and Urban Development and consists of the Secretary of Health and Human Services, the Secretary of Transportation, the Secretary of Education, the Secretary of Labor, the Secretary of Defense, the Secretary of Agriculture, the Secretary of Veterans Affairs, the Secretary of the Treasury, the Attorney General, Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Chair of the Federal Deposit Insurance Cooperation and such other officials of executive department and agencies as the President may designate. The primary duty of the Council is to review the design and delivery of Federal programs to ensure that they support a coordinated strategy to affirmatively further fair housing. The Executive Order also authorizes the Council to revise existing programs or activities, develop pilot programs and activities and propose new programs and activities to achieve the goal of affirmatively furthering fair housing.

In the six years since this Executive Order was published, the Fair Housing Council has never convened. Accordingly, there has been no tangible accomplishments or agenda. During this

time, there have been many changes in federal agencies that may weigh upon the effectiveness of the Council. For example, a number of new agencies have been created, programs and functions have changed, and actions that were supposed to have been taken to affirmatively further fair housing have not been fully implemented or may be no longer relevant.

Affordable and accessible housing near the workplace or within easy access to public transportation spells the difference between a stable, good paying job and unemployment for many people with disabilities. Given the diverse Agency representation of the Council, it is clear that the Council presents an extraordinary vehicle by which to address the housing barriers people with disabilities face on a daily basis.

HHS/Substance Abuse and Mental Health Services Administration

Key Accomplishments 10th Anniversary of the ADA

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

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

DEPARTMENT OF HEALTH AND HUMAN SERVICES

- ✓ Letter to State Medicaid Directors regarding interest in working collaboratively to provide technical assistance to states to meet their legal obligations. (but what has been done?)
- ✓ Letter offering policy clarifications or reforms to promote home and community based services for people with disabilities.
- ✓ Letter to the nation's Governors to encourage emphasis on ADA.
- ✓ Letter highlighting the work of HHS' interagency group's review of Department programs, practices and procedures consistent with the *Olmstead* decision.
- ✓ Attempting to resolve over 120 complaints against states and other public entities that have failed to provide services to people with disabilities.
- ✓ Played a key role in the development of *Olmstead* planning coalitions across the nation.
- ✓ Secretary Shalala to participate in the July 9 ADA Torch Relay Event in Chicago. NO

= Olmstead - major / focus issue -

* Olmstead - meeting -

HHS

Sam HR

Judith

Transfector

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES' IMPLEMENTATION OF OLMSTEAD V. L.C.: ADA 10th ANNIVERSARY EVENTS/PRODUCTS

In June 1999, the U.S. Supreme Court ruled in Olmstead v. L.C., 119 S. Ct. 2176 (1999) that unnecessary institutionalization of individuals with disabilities is discrimination under the Americans with Disabilities Act (ADA).

In the wake of this landmark decision, the Department of Health and Human Services (HHS) committed to work both internally and externally to increase opportunities for individuals with disabilities to live in their own communities.

HHS Implementation of Olmstead: ADA Anniversary Events/Products

1. "Chapter 2" Olmstead State Medicaid Director Letter(s) [PROBABLE PRODUCT]

A joint letter dated 1/14/00 to State Medicaid Directors from HCFA CMSO director Tim Westmoreland and Office for Civil Rights (OCR) director Tom Perez provided background on the Olmstead decision, and identified six key principles for OCR investigations and compliance reviews. The letter also reiterated the Department's interest in working collaboratively and providing technical assistance to states to meet their legal obligations. This letter was forwarded to various national associations of state officials and other organizations.

HHS' major Olmstead-related ADA anniversary product is a second such State Medicaid Director letter. This "Chapter 2" missive, if cleared, will offer updates concerning: policy clarifications or reforms which HCFA can accomplish now to promote home and community based services (HCBS) for people with disabilities; regulatory changes HCFA is planning to propose to promote the development of HCBS; and technical assistance and grant opportunities available to help states transition people with disabilities from institutions to community-based services.

2. Letter to the Governors from Secretary Shalala [PROBABLE PRODUCT]

On January 14, 2000, the Secretary sent a letter to the nation's Governors, encouraging them to "place substantial emphasis on developing programs and services for individuals with disabilities that will further our shared goal of integrating individuals with disabilities into the social mainstream, promoting equality and maximizing individual choice."

Another major ADA anniversary product is a second such letter, this time highlighting the work of HHS' interagency group's review of Department programs, practices and procedures to ascertain consistency with the principles of Olmstead.

3. Progress Report on the Development of Comprehensive, Effectively Working Plans [PROBABLE PRODUCT]

In Olmstead, the Supreme Court indicated that states may demonstrate compliance with the ADA by showing that they have comprehensive and effective plans for placing qualified individuals with disabilities in less restrictive settings, and waiting lists that move at a reasonable pace.

The Office for Civil Rights at HHS has received more than 120 complaints alleging that states and other public entities have failed to provide services to people with disabilities in most integrated settings. OCR is attempting to resolve these complaints by working with all parties to build comprehensive, effectively working plans for placing qualified persons with disabilities in the most integrated setting appropriate.

The Department has played a key role in the development of Olmstead planning coalitions across the nation. In some states, special governor's commissions have been established to head these coalitions. In others, particular disability groups have taken up the challenge of coalition building. In all, some twenty states are engaged in various stages of Olmstead planning.

We are developing a "progress report" regarding states' development of comprehensive, effectively working plans as another ADA anniversary product. This product will probably be for internal use only, but we will highlight for public use the work of states which are furthest along in the planning process.

4. Secretary Shalala: July 9 ADA Torch Relay Event in Chicago

HHS Secretary Donna Shalala is committed to participate in the July 9 ADA Torch Relay Event in Chicago. OCR Director Tom Perez will also be participating in one or more Relay Events. OCR's Regional Managers, Regional Attorneys, and Olmstead Regional Coordinators will be participating in local Torch Relay Events throughout the summer. Two nationwide conference calls with OCR regions have already been held to discuss participation, and the regions have all available information on events.

MEB

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMSHA)

- ✓ Addressing the following challenges: Ensuring that services are available for all who need them, applying information to those entering the workforce with substance abuse and mental disabilities, and reducing the stigma of substance abuse and mental health.

Responses include:

- ✓ Educating and Informing About the ADA. Planning to release a booklet entitled, "Filing and ADA Employment Discrimination Charge: Making it Work for You."
- ✓ Reducing Discrimination. Developing and conducting activities in response to the Olmstead decision. (Too vague)
- ✓ Increasing Parity in Health Care Coverage. Working with OPM to ensure and evaluate health insurance equality for Federal employees with mental health disabilities. Including a brief to health lawyers regarding a lack of insurance coverage as discrimination. Also working with HCFA Medicaid Bureau and the States to develop early warning systems to identify problems with services for persons with psychiatric and/or substance abuse disabilities arising in public managed managed care mental health and substance abuse carve-out systems. (what??)
- ✓ Creating a National Safety Net. Working with HHS on a Community Assistance Program to aid over 30 million uninsured Americans. The \$25 million will be used to build comprehensive health care delivery systems, including substance abuse and mental health practices.
- ✓ Eliminating Stigma through Awareness. Working with the National Mental Health Awareness Campaign to educate the public, amplify the voices of people with psychiatric disabilities, eliminate negative images, and distribute fact sheets and brochures. (to whom?)
- ✓ Targeting Co-Occurrence of Physical Disabilities and Mental Illness/Substance Abuse. In corroboration with CMHS is supporting a study to address issues concerning disabilities and mental illness from the consumer perspective. In addition, released a treatment improved protocol entitled "Substance Use Disorder Treatment for People with Physical and Cognitive Disabilities" for professionals to aid in the diagnosis and treatment of individuals with disabilities in need of substance abuse treatment. And, the Recovery Community Support Program is designed to allow those persons in recovery a voice in policy and planning at the State and Local levels.

① Regional summit - study in fall

**Substance Abuse and Mental Health Services Administration (SAMHSA)
Proposals for Deliverables for the 50th Anniversary
of the Americans with Disabilities Act (ADA)**

The Issue...

Psychiatric disabilities and substance abuse disorders present unique disability issues to be addressed under the Americans with Disabilities Act (ADA) and through related activities. Actions must be undertaken to ensure the availability of treatment services and employment opportunities for individuals with psychiatric disabilities and substance abuse disorders, including dissemination of knowledge about best practices related to serving those individuals and those with co-occurring physical and cognitive disabilities. Ensuring access to appropriate care and services for adolescents and adults with specific mental health and substance abuse disabilities can significantly impact on the future success in recovery and in functioning with the disability.

Facing Challenges...

SAMHSA is challenged to ensure that the needs of those with psychiatric and substance abuse disabilities, as well as those with a co-occurring physical disability, are met. Specific challenges include:

- Closing the Treatment Gap - ensuring available services for all who need them
- Knowledge Dissemination - application of knowledge about how best to serve those with substance abuse and mental disabilities as they enter the workforce
- Stigma - lack of understanding of mental illness and substance abuse as disabilities and how to cope.

The Response...

SAMHSA is supporting actions to address these challenges in the following areas:

Educating and Informing About the ADA - People with psychiatric disabilities have staggeringly high unemployment rates. Of the many factors contributing to the high unemployment rates, discrimination by employers and co-workers is an important one. It is, therefore, important for people with psychiatric disabilities to know how to file an ADA employment discrimination charge. SAMHSA will soon be releasing a booklet explaining how the process works, entitled "*Filing an ADA Employment Discrimination Charge: Making it Work for You.*" This publication, along with other SAMHSA activities, improves the ability of those with psychiatric and substance abuse disabilities to know their rights.

Reducing Discrimination: the *Olmstead v. L.C.* Decision - In June 1999, the U.S. Supreme Court ruled in *Olmstead v. L.C.* that unnecessary institutionalization of individuals with disabilities is discrimination under the ADA. As the lead agency in the Department of Health and Human Services (HHS) on matters related to mental health and substance abuse, SAMHSA is working with a department-wide workgroup to develop and conduct activities in response to the *Olmstead* decision. In particular, SAMHSA is pursuing training and technical assistance activities with grantees to educate and inform about *Olmstead* and its implications.

Increasing Parity in 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. In fact, SAMHSA's Employee Intervention Demonstration Program (EIDP) found that the availability of health insurance coverage is central to the ability of people with disabilities to return to and retain employment. As such, 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.

In addition, SAMHSA recently commissioned a legal issues brief on the ADA, in order to demonstrate the ability of health lawyers to submit legal challenges related to coverage of mental and/or substance abuse disorders in the

insurance industry. The brief demonstrates that the ADA can be used to combat the lack of insurance coverage as discrimination.

Lastly, SAMHSA is working with the Health Care Financing Administration's (HCFA) Medicaid Bureau and the States (and sub-state regions, e.g. PA), to develop early warning systems to identify problems with services for persons with psychiatric and/or substance abuse disabilities arising in public managed care mental health and substance abuse carve-out systems.

Creating a National Safety Net - SAMHSA is participating with components of HHS 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. Applications were due on June 1.

Eliminating Stigma Through Awareness - SAMHSA's Center for Mental Health Services (CMHS) works to eliminate the stigma, discrimination, and prejudice associated with psychiatric disabilities through a number of activities, including working with the recently announced *National Mental Health Awareness Campaign* to educate the public, amplify the voices of people with psychiatric disabilities, and eliminate negative images. An anti-stigma poster has also been developed which includes fact sheets and brochures. In addition, SAMHSA is developing a guide on how to respond to stigma and is offering training and curricula to help reduce stigmatizing attitudes, behaviors, and practices in the mental health and substance abuse arenas.

Targeting Co-Occurrence of Physical Disabilities and Mental Illness/Substance Abuse - Many individuals suffer co-existing disabilities, creating special challenges in how these disabilities are accommodated. SAMHSA's CMHS is supporting a study to address issues raised by co-occurring disabilities and mental illness from the consumer perspective. An understanding of that perspective may provide insight into the barriers to service and may serve as a model for identifying future training needs.

To further address co-existing disabilities, SAMHSA's Center for Substance Abuse Treatment (CSAT) released a best practice guideline titled "*Substance Use Disorder Treatment for People with Physical and Cognitive Disabilities*" in January 1999. This guideline, or Treatment Improvement Protocol (TIP), helps guide treatment professionals in the diagnosis, treatment, and accommodation of people with disabilities in need of substance abuse treatment. It emphasizes that treatment programs have a "legal and ethical responsibility" under the ADA to insure appropriate treatment for all clients.

SAMHSA's CSAT also supports the Recovery Community Support Program, designed to give persons in recovery a stronger voice in services policy and planning at the state and local levels. The "*Access Now! Recovery Community Alliance Project*" in Tucson, Arizona specifically targets physically and cognitively disabled populations by organizing, training, and educating individuals with disabilities and their families to affect changes in the local treatment system.

Lastly, many of SAMHSA's program announcements now target particular high-risk populations, including physically and cognitively disabled clients, in order to better meet and address their special needs.

For More Information Contact: Lorinda Daniel, HHS/ SAMHSA, Office of the Administrator (301) 443-4795

A New Era is Dawning: People with Mental Illness Can Work!

The Surgeon General's Report on Mental Health indicates that mental illnesses account for four of the top ten causes of disability worldwide. Moreover, mental illness is the fastest growing segment of the federal disability benefits roles. Despite these statistics, mental illness continues to be treated differently and separately from other types of disabilities. **As part of its Employment Initiative, the SAMHSA Center for Mental Health Services is setting a new goal to double the employment rate of people with psychiatric disabilities within the next five years.**

The Center is now completing the largest study of employment support services for people with serious mental illness that has ever been conducted—the Employment Intervention Demonstration Program (EIDP). Over 1600 people have been enrolled in 17 programs at eight sites across the nation. CMHS will roll out the results of the study throughout the coming year. The completion of the study will kick off widespread efforts to implement the most effective practices for helping people with mental illness to find jobs and keep them.

Preliminary findings suggest that, with the right supports, over 50% of people with even the most severe and persistent forms of mental illness, can work. In the old days, work for people with disabilities often meant sheltered workshops in which employees performed piecemeal work for very low pay and were isolated from their nondisabled peers. EIDP, however, focused on helping people to find work in the *competitive labor force* at real wages. EIDP demonstrates the possibilities for a new and better era of work for people with psychiatric disabilities.

What is CMHS doing to promote the dawning of this new era?

1) We are working to engage businesses in hiring people with psychiatric disabilities.

The EIDP site in Maine has developed a model program for educating employers about mental illness and influencing their hiring practices. This “Employers’ Consortium” has been so successful in Portland that consortiums are now being established in Augusta, Lewiston, and Bangor. The unemployment rate in Maine, as in other parts of the country, has been at an all-time low, and reports from employers who have hired people through EIDP have been enthusiastic. As a result, local businesses who were not involved in the program have begun to seek out access to this valuable labor pool.

In December, CMHS sponsored a meeting with the National Alliance for the Mentally Ill and the Association for Health Services Research to further explore ways to reach out to the business community. An exciting booklet on “Mental Illness and the Workplace” came out of the meeting and is now available through the CMHS Knowledge Exchange Network at 1-800-789-CMHS or www.mentalhealth.org.

Next summer, CMHS will hold a National Employment Summit that will bring together businesses with mental health consumers and experts. The Summit will provide businesses with

everything they need to know about hiring people with mental illness, including information on the Americans with Disabilities Act. A second track will provide consumers with everything they need to know to find and keep a job.

2) We are working to bring employment programs to people with mental illness who are homeless.

In the past year, CMHS held a meeting with leaders in the fields of homelessness and employment to explore ways in which the needs of the homeless population could be addressed. CMHS will release a Toolkit on Approaches to Employment for Homeless Persons with Serious Mental Illness at the end of this year.

3) We are working to help young people with mental illness to make a smooth transition to the adult working world.

Preliminary data from EIDP also indicate a need to help people with mental illness to further their education in order to find higher paying, more meaningful work. CMHS is in the process of developing a Youth Transition Initiative in which supported education will play a significant role. By partnering with other federal agencies, such as the Department of Education, CMHS hopes to maximize the impact of this program to help young people with psychiatric disabilities to stay in school and make a smooth transition to the adult working world.

4) We are working with other federal agencies to decrease disincentives to work.

CMHS continues to work with the Social Security Administration, the Health Care Financing Administration, and the Presidential Task Force on the Employment of Adults with Disabilities to decrease the disincentives for working that are created through the federal disability benefits structure. CMHS is working closely with these other federal agencies to assure that people with psychiatric disabilities will benefit equally to people with physical disabilities from the Ticket-to-Work/Work Incentives Improvement Act.

As we celebrate the 10th anniversary of the Americans with Disabilities Act, it is time to recognize the prominent role that mental illness plays in the disability community. We must assure that in the coming decade of increasing empowerment for people with disabilities, people with mental illness do not remain second class citizens. True parity in the financing of mental health services is essential, and mental health issues must be fully considered in the development of any new disability programs. People with psychiatric disabilities are willing and able to work, and we must assure that programs to help them do so are appropriate to their needs. It is time to rechart the course of psychiatric disabilities. After all, if not now, when?

CMHS Campaign Addresses Homelessness for Americans With Disabilities

Launching a bold new campaign, CMHS has created “New Directions on Homelessness and Mental Illness.” The campaign is designed to effectively eliminate homelessness among persons with serious mental illness. Using the federal KDA (Knowledge Development and Application) strategy, the initiative has five key activities:

What is CMHS doing to end homelessness among persons with mental illness?

- 1. We are developing a “Blueprint” for services for homeless persons with serious mental illness.** CMHS is currently drafting a “Blueprint” identifying the essential principles and components of a system of care for homeless persons with serious mental illness. The “Blueprint” will be based on the latest findings from CMHS and other knowledge development activities that have been underway over the past decade. The draft “Blueprint” will undergo a review process to ensure “buy-in” from key stakeholders.
- 2. We are providing grants to states and localities to develop the infrastructure needed to address homelessness among persons with serious mental illness.** Beginning in 2001, CMHS will offer small grants designed to help states and localities develop the infrastructure necessary to fully implement the “Blueprint.”
- 3. We are continuing to develop new knowledge about what works for whom.** CMHS has a long history of sponsoring knowledge development initiatives. Four such programs are currently in various stages of completion: (1) the ACCESS program is studying the impact of systems integration on homelessness in 18 communities; (2) the eight-site Collaborative Program to Prevent Homelessness is looking at the prevention of homelessness; (3) a study of housing for persons with serious mental illnesses is underway in six sites; and (4) a study of homeless families has just started in fourteen sites nationwide.
- 4. We are collaborating with other federal agencies to create systems change.** Together with HUD, CMHS is developing an *action plan for public housing agencies* that will identify specific actions and supports needed by local housing officials to help persons with serious mental illnesses remain in housing.

CMHS is collaborating with other federal agencies to identify obstacles that prevent homeless persons with serious mental illnesses from gaining eligibility for services like Medicaid and TANF. Together with other federal agencies, CMHS will plan regional meetings to identify obstacles and formulate solutions that will allow homeless persons with serious mental illnesses to gain access to services for which they are entitled.
- 5. We are working to promote the adoption of “best practices.”** CMHS is planning the first semi-annual National Training Conference on Homelessness and Mental Illness for the fall of 2001. This event will bring the CMHS KDA activities full circle. Every two years, what has been learned about best practices will be disseminated to the field and practitioners will help identify new directions for future knowledge development activities.

**CMHS Announces Intent to Form National Task Force
and Develop Partnership Action Plan
to Improve Services for Youth with Serious Emotional Disturbances
in Transition to Adulthood**

Edward just turned eighteen. He has a history of violent outbursts and a bipolar mood disorder. He no longer takes medication. He was recently expelled from his residential school, and his special education program hasn't found another school that will accept him. He would like to graduate from high school. Edward now lives at home with his aunt and her family. He sleeps much of the time. He belongs to a gang. He often yells at his aunt, and doesn't contribute to any chores. Despite this, they are very fond of one another. His aunt wants for him to graduate and do well, but she wants him to live elsewhere. As an adolescent he received child welfare and public mental health services, but he doesn't qualify for adult mental health services, and he wants nothing to do with child welfare now.

Edward is typical of many young people with emotional or behavioral difficulties who have been involved with public children's systems and are reaching an age when they are no longer a "child". The lead agency is ending their work with him, and though he had been involved with children's mental health, he does not meet eligibility requirements for the adult mental health system. While his aunt has been an avid advocate for Edward, job and family constraints prevent her from taking on the complex and time consuming role of service coordinator. In addition, there are no formal services that appeal to him, and few for which he is eligible or that his insurance will pay for. Without more support for his aunt, living in her home is not feasible. He is not ready to live on his own, and it's unlikely he'll be able to do so and finish high school. In addition, he is at risk for contact with the justice system.

Providing services and supports for young people like Edward is tremendously challenging both because of the unique developmental stage that they are in, and because of the many systems issues that leave youth in transition to adulthood as the remaining "Unclaimed" population (Knitzer, 1983). Services and supports are greatly needed because this is a critical window of development during which many skills and abilities that prepare young people for adult life develop for the first time. Failing to master these skills and abilities greatly limits their success in adulthood. Numerous studies of youth in transition demonstrate that "services as usual" fail them miserably.

By partnering with other federal agencies, including education, child welfare, justice, health, substance abuse, housing, vocational rehabilitation and health care financing, CMHS hopes to develop an a National Action Plan which would maximize the impact of this initiative to help young people with emotional and behavioral disabilities stay in school, obtain and retain employment, avoid contact or recidivism with the justice system, and obtain appropriate mental health and other services they and their families are entitled to.

CMHS continues to work with the *Presidential Task Force on the Employment of Adults with Disabilities* through the *Subcommittee on Youth Transition* to assure that young people with emotional and behavioral disorders and/or emerging mental illness receive every opportunity to obtain and retain meaningful employment accompanied by the necessary and appropriate supports and services. At the Task Force's recent Youth Transition to Work Summit, CMHS contributed to recommendations made to President Clinton regarding steps that must be taken to achieve and retain equal and accessible employment for these youth.

**MEMORANDUM FOR THE SECRETARY
THE DEPUTY SECRETARY**

FROM: NANCY E. MCFADDEN

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

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

Attachment

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

I. Accomplishments

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

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

II. New Initiatives

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

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

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

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

DEPARTMENT OF TRANSPORTATION

- ✓ 80% of the transit fleet is accessible.
- ✓ 82% of existing subway, commuter rail, and light rail stations are accessible.
- ✓ 23 new fully accessible rail transit systems have been funded.
- ✓ Establishment of a toll-free ADA hotline in 1996.
- ✓ In 1996 DOT established a pedestrian access initiative.
- ✓ Secretary Slater issued the Departmental Accessibility Policy Statement in 1996.
- ✓ Amended the Air Carrier Access Act to eliminate the provision that capped airline liability for loss or damage to wheelchairs.
- ✓ Regulations established in 1996 to require lifts and boarding devices for small commuter aircraft.
- ✓ Notification to foreign airlines that they are subject to the requirements of the Air Carrier Access Act on June 1, 2000.
- ✓ Proposed regulations issued in 1998 to install adaptive driving equipment to make necessary vehicle modifications.
- ✓ Publication issued in February of 2000: "Adapting Motor Vehicles for People with Disabilities."

US Department of Transportation
Accomplishments Since Inception of ADA
Prepared for President's Task Force on Employment of Adults with
Disabilities

- DOT's ADA implementing regulations required all transit buses purchased after August 25, 1990 to be accessible; today, 80 percent of the transit fleet is accessible.
- Of the 689 existing subway, commuter rail and light rail stations that were designated key stations under the ADA, 564 stations - 82 percent - are either accessible today or are scheduled to be by the end of next year.
- DOT has funded the construction of twenty-three new rail transit systems or extensions since 1993, all of which are fully accessible.
- In 1996, the Federal Transit Administration has established a toll-free "ADA hotline" and e-mail address dedicated to consumer assistance.
- On September 28, 1999, DOT amended its ADA regulations to require new over-the-road-buses to be accessible, and to require accessible service. This rule applies to intercity and other fixed-route bus operators and to charter and tour operators.
- On July 26, 1999, DOT established a pedestrian access initiative, recognizing that an accessible pedestrian system is the foundation of an accessible transportation system.
- On July 26, 1999, Secretary Slater issued a Departmental Accessibility Policy Statement stressing access for persons with disabilities to all modes of transportation and reaffirming accessibility in transit as an important civil right.
- On August 2, 1999, the Department amended its Air Carrier Access Act regulations to eliminate a provision that "capped" the liability of airlines for loss or damage to wheelchairs and other assistive devices.
- On November 1, 1996, the Department issued regulations requiring lifts or other boarding devices for small commuter aircraft.

- On June 1, 2000, DOT notified foreign airlines serving the United States that they are now subject to the requirements of the Air Carrier Access Act (ACAA). The extension of these requirements, which protect the rights of air travelers with disabilities, implements a provision of the Aviation Investment and Reform Act for the 21st Century (AIR-21) that was proposed by the Administration.
- On September 28, 1998, the Department issued proposed regulations that will make it easier for motorists with disabilities to install adaptive driving equipment and make other necessary vehicle modifications.
- In February 2000, the National Highway Traffic Safety Administration issued *Adapting Motor Vehicles for People with Disabilities*, a consumer publication which provides information on evaluating, selecting, and modifying vehicles for use by drivers and passengers with disabilities.

Department of Agriculture Accomplishments

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

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

TREASURY ACCOMPLISHMENTS

Tax Policy Initiatives

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

Community Development Financial Institutions (CDFI) Fund Initiatives

- **Bank Enterprise Award Program**

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

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

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

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

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

Internal Department and Bureau Noteworthy Accomplishments

DEPARTMENT

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

BUREAUS

- **INTERNAL REVENUE SERVICE (IRS)**

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

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

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

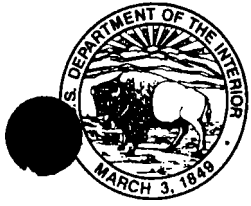
A team of managers and national Treasury Employees Union representatives developed a booklet to identify career paths for deaf employees.

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

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

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

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



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

July 11, 2000

Ms. Marsha Scott
Deputy Assistant to the President
Room 149
Old Executive Office Building
Washington DC 20501

Dear Ms. Scott:

Enclosed are the Department of the Interior lists of accomplishments regarding the Accessibility compliance issues that were requested.

We apologize that we were not a more actively involved participant in this forum, but we hope our contributions will help to make this effort an overwhelming success. As you can tell from the enclosed report, the Department is presently engaged in removing barriers to people with disabilities both in the workplace and for visitors to our public lands

As the Departments' representative to the U.S. Access Board, I take very seriously the goal of ensuring our facilities and lands are as accessible as possible and am working actively with our bureaus to ensure compliance with this public policy objective.

If you have any questions or need any additional information, please feel free to contact me or my staff at 202 - 208 - 4203.

Sincerely,

John Berry
Assistant Secretary
Policy, Management and Budget

Department of the Interior
ADA Compliance

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

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

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

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

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

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

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

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

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

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

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

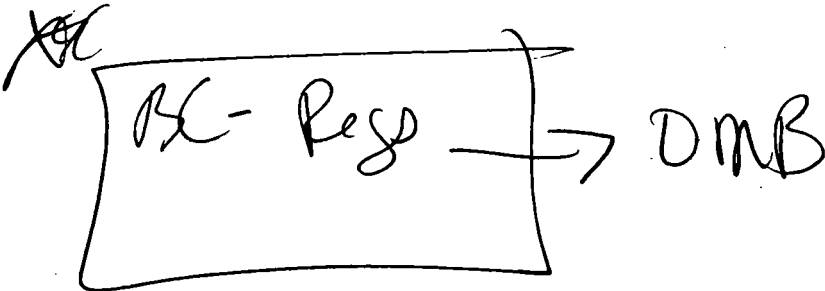
Up until 1999, some courts had held that an individual could not claim to be totally disabled in order to obtain benefits from SSA and also bring an ADA action against an employer saying that he would have been able to work if reasonable accommodations were made. In conjunction with DOJ and the EEOC,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

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

SOCIAL SECURITY ADMINISTRATION

- ✓ Signed a partnership agreement with the SBA Welfare to Work Initiative and the Social Security Disability Insurance and Supplemental Security Income programs.
- ✓ Sponsored public education forums entitled, "Federal Policy- State Opportunities: Models and Strategies for an Inclusive Workforce."
- ✓ Began a two-state Youth Continuing Disability Initiative in Maryland and Florida to assist youth in obtaining information and services to successfully transition to work. (Will be used to examine the same approach nationwide.)
- ✓ Awarded funds to the Children's National Medical Center to serve SSI youth and to improve post-secondary and employment outcomes for young people with disabilities.
- ✓ Launched *The Work Site*, which is fully accessible to people with disabilities. (Fewer than 5% of all Internet sites are accessible to people who are visually impaired, hearing impaired, or have limited dexterity.)
- ✓ Will enhance service to people with disabilities in the new One-Stop system to provide information to SSDI and SSI beneficiaries who would like to work and to provide funds to States for improvements related to Medicaid for workers with disabilities.
- ✓ Filed briefs related to the *Cleveland v. Policy Management Systems Corp.* decision that expressed that an individual could be disabled within the meaning of the Social Security Act but still is able to work with reasonable accommodations.
- ✓ Provided information for the Access America for Workers web site.
- ✓ Plans to address regulatory action for the following: to increase the earnings amount that shows that a person has used one of his/her trial work months under SSDI, increase the maximum monthly and yearly Student Earned Income Exclusion.
- ✓ Supporting the "Spirit of ADA Campaign and Torch Relay" with the personal involvement of Commissioner Apfel and Deputy Commissioner Halter.

- Ticket to work East - July 24+25 = Public
meeting - Crystal City



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

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

We along with other federal agencies provided information on links to their web sites to the National Partnership for Reinventing Government for developing the **Access America for Workers** web site. NPR is developing this web site for the Department of Labor. SSA's information on employment support for people with disabilities will be featured on the disability page of **Access America for Workers** web site (to be unveiled in July).

We are discussing with OMB some possible regulatory actions that would:

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;

Increase (from \$200 to \$530) the earnings amount that shows that a person has used one of his/her a trial work months under SSDI, and then annually adjust the amount per the average wage index;

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.

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

EEOC ACCOMPLISHMENTS 10th ANNIVERSARY OF THE ADA

EEOC POLICY DEVELOPMENT UNDER ADA

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

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

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

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

3. Effects of Representations in Applications for Disability Benefits on the Determination of Whether an Individual is a "Qualified Individual with a Disability" Under the ADA (1997): This guidance was instrumental in changing the course of judicial decision-making on an issue of paramount importance to many people with disabilities.

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

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

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

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

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

ADA LITIGATION HIGHLIGHTS

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

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

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

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

EEOC ADA CHARGES

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

EEOC ADA MEDIATION ACTIVITY

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

rate of 63%.

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

EEOC OUTREACH

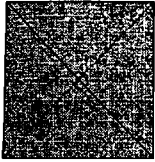
- EEOC conducted 3,439 outreach and education activities in which the ADA was the principal topic during the period 1991-1998.
- In FY 1999, EEOC field offices conducted 119 outreach events for disability rights audiences of nearly 7,000 persons. These included 63 oral presentations, 11 training sessions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

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

- ✓ Dedicating the July Commission Meeting to the 10th Anniversary of the ADA. (effects public??)
- ✓ Issuing a report containing EEOC's data on charge and litigation relating to the ADA, including: the amount of relief obtained for ADA complainants, the cause and settlement rates for various types of ADA claims, and the percentages and types of ADA charges that go into mediation.
- ✓ Updating and improving ADA material offered at the EEOC website.
- ✓ Plans to issue new policy guidances. (What are these?)

TBC

Issue policy guidances
on discrimination



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, D.C. 20507**

**TENTH ANNIVERSARY OF THE ADA
EEOC PROJECTS**

1. Commission Meeting on the ADA: EEOC will dedicate its July Commission Meeting to the 10th Anniversary of the ADA. As such, the Commission will likely use this meeting as the event in which to announce EEOC's Report on ADA Title I Enforcement, the improved website, and any new policy guidance on ADA-related matters (see below).

2. Issuance of Commission Report on ADA Title I Enforcement: The Commission will issue a report containing a discrete analysis of EEOC's charge and litigation data to be used for both strategic enforcement purposes as well as to showcase the ADA's effectiveness since its enactment. Areas of analysis may include: the amount of relief obtained for ADA complainants, both through administrative enforcement and litigation, including monetary and non-monetary relief; the cause and settlement rates for various types of ADA claims, such as reasonable accommodation, hiring, and discharge; and the percentages and types of ADA charges that go into mediation and those that are successfully resolved in mediation.

3. Update and improvement of ADA material on the Commission's website including: more effective presentation and interpretation of the statistics on ADA charges and litigation, and anecdotal information regarding EEOC's enforcement efforts.

4. Issuance of New Policy Guidance on ADA Employment Discrimination Issues: The Commission hopes to issue several new policy guidances on cutting edge ADA issues as part of its observance of the ADA's Tenth Anniversary.

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

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

development.

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

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

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

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

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

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

managers covering policies and procedures on providing reasonable accommodations for employees with disabilities.

- Institutionalization of the Work Force Recruitment program for College Students with Disabilities to employ substantial numbers of students with disabilities each summer.
- For some application notices for Discretionary Grant competitions, preference points are awarded for applicants who indicate in their submittal that they will be hiring individuals with disabilities to administer the grant.

DEPARTMENT OF EDUCATION

good for HRC
+
MEG

In the past:

- ✓ ED's Office of Management provided the Rehabilitation Act Section 508
- ✓ National Institute for Disability and Rehabilitation Research funded Rehabilitation Research and Training Centers
- ✓ Office of Special Education Programs conducted activities including: reinvention teams to streamline business functions within office of special Education and Rehabilitation Services, recommendations for OSER's Planning Reinvention Team (1996) implemented, Planning Coordination Team created to oversee planning process.

In the present:

- ✓ FY 1999-2001 to fund the following: Research Institute on Incarcerated Youth, Inclusion of Students with Disabilities in Large-Scale Assessments. (what is the rest of that saying??)

In the future:

- ✓ FY 1999-2001 to fund the following research projects: Inclusion of Students with Disabilities in Large-Scale Assessment, Assessment of Young Children and Youth with Low-Incidence Disabilities.
- ✓ School-wide Demonstration Projects on Improving Results for Children with Disabilities.
- ✓ Center on Achieving Results in Educations for Students with Disabilities
- ✓ Center on Accessing the General curriculum by Students with Disabilities.
- ✓ Early Prescriptive Assessment of Children with Learning and Emotional or Behavioral Disorders.
- ✓ Literacy Issues for Students with Disabilities (Research Projects)
- ✓ Instruction Models to Improve Early Reading Results for Children with Learning Disabilities (FY 1998- 1999).

(everything else, WHAT DOES THIS MEAN TO THE PUBLIC ?)

- many goals - to be packaged
 - outcomes of summit last week - Youth to Work Initiative
 - should be mention school construction bill -

**Department of Education
List of Past, Present and Future Activities
Related to the work of the Task Force**

Past:

The Education Department's (ED's) Office of Management provided Rehabilitation Act Section 508 compliance assistance to other agencies in keeping with Task Force Recommendation #6.

The National Institute for Disability and Rehabilitation Research (NIDRR) funded Rehabilitation Research and Training Centers specifically focused on various aspects of employment in keeping with Recommendations #3, 4, 6, 10 and 12.

The Rehabilitation Services Administration (RSA) published Standards and Indicators Regulations related to the overall success of Vocational Rehabilitation programs, thereby setting benchmarks for program success.

RSA developed its 2000 Monitoring and Technical Assistance Guide. The process involved 50 or so constituents meeting in Washington to develop a new instrument that focused on outcomes, choice, due process, etc.

The Office of Special Education Programs (OSEP) conducted the following activities, some of which are designed to meet the requirements of Recommendation #3:

Reinvention teams were created to streamline business functions within Office of Special Education and Rehabilitative Services (OSERS), (strategic planning, communications, administrative processes, grants)

Recommendations of OSERS' Planning Reinvention Team (1996) implemented

Permanent OSERS-wide Planning Coordination Team (PCT) created to oversee strategic planning process

- Reading to Learn, Learning to Read—directed contract staff to get information through Trade Associations. OSEP has begun to develop reading enhancement-related materials specifically for dissemination through the Associations.
- OSERS conducted External Assessment (1997).
- Disability/Business TA Center customer-service surveys on TA are conducted and provide data on TA.
- Response times to constituent/consumer inquiries have improved.

- Monitoring reports are distributed to field in timely manner.
- Review of coordination and data functions conducted by Department's Inspector General's Office.

OSERS has improved use of telecommunications to create an environment that promotes the sharing of information and ideas in keeping with Recommendation #6.

Significant upgrades to computer resources have been implemented to meet Recommendation #6.

OSERS has undertaken major redesign of its Web pages to enhance dissemination of critical best-practice information in keeping with aspects of Recommendation #10 and #11.

NIDRR Minority Leadership Development, Recommendation #10.

Programs for Historically Black Colleges and Universities, Recommendation #10.

Funding Youth Leadership Program, Recommendation #2.

Present:

FY 1999-2001 – OSEP to fund the following projects/priorities related to Recommendation #2:

- Research Institute on Incarcerated Youth (Joint ED and DOJ collaboration – FY 1999)
- Inclusion of Students with Disabilities in Large-Scale Assessments (Research Projects)
- Assessment of Young Children and Youth with Disabilities with Low-Incidence Disabilities (Research Projects)

RSA Notice of Proposed Rulemaking on Extended Employment related to the Task Force Summit on Significant Disability

- removes extended employment as a viable employment outcome

RSA Choice Conference related to Task Force Goals under Choice/Self-Determination

- to be held in DC, discusses innovative ways to provide consumers choice in outcomes, providers, etc.

RSA National Employment Conference, related to Recommendation #10

- to be held in Philadelphia in September, and emphasizes five major theme areas, including partnering with WIA and other programs, and marketing to employers.

RSA Response to Florida Privatization/Implementation assistance

- providing statutory guidance and assistance to State government

RSA "Project Employ," related to Recommendation #10:

- Phase One: funding for the development of a marketing tool to employers
- Phase Two (implementing now): provide TA to States wishing to boost outcomes to individuals with cognitive disabilities.

RSA In a Changing Environment

- contractor holding various forum to develop a strategy for VR to adapt post-WIA, TWIA.

Future:

OSERS participation, including substantial financially, in the Task Force's National Transition Summit related to Recommendation #3.

FY 1999-2001 – OSEP to fund several projects/priorities (Recommendation #2) in the area of Assessments, including:

- Research Projects: Inclusion of Students with Disabilities in Large-Scale Assessments
- Research Projects: Assessment of Young Children and Youth with Low-Incidence Disabilities
- School-wide Demonstration Projects on Improving Results for Children with Disabilities
- Center on Achieving Results in Education for Students with Disabilities

- Center on Accessing the General Curriculum by Students with Disabilities
- Early Prescriptive Assessment of Children with Learning and Emotional or Behavioral Disorders (FY 1999)
- State Improvement Grants
- Innovative Whole-School Models to Improve Results for All Children with Disabilities
- State and Local Implementation of IDEA and IDEA, Part C (SLIIDEA & SLIIDEAC)
- Early Childhood Longitudinal-Kindergarten
- Kindergarten Longitudinal Study
- Secondary Longitudinal Study
- National Early Intervention Longitudinal Study
- Elementary School Longitudinal Study

FY 2001 – OSEP to Fund Several Projects/Priorities in the Area of Transition, Including:

- Promoting Postsecondary Education (Demonstration Projects)

FY 2001 – OSEP to fund the following projects/priorities:

- Literacy Issues for Students with Disabilities (Research Projects)
- Instructional Models to Improve Early Reading Results for Children with Learning Disabilities (FY 1998-99)

FY 2001 – OSEP to fund the following projects/priorities:

- Secondary School Initiative – Promoting What Works!
- Promoting Postsecondary Education (Demonstration Projects)

OSERS to fund (\$400,000) an Olmstead Disability Community Empowerment Project in conjunction with the Department of Health & Human Services.

*U.S. Department of State
Office of Foreign Buildings Operations*

ACCOMPLISHMENTS SHEET

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

In 1998, FBO adopted a Policy and Procedures Directive entitled Barrier-Free Accessibility, which provide guidance on barrier-free accessibility requirements.

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

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

Recently Completed New Embassy Office Buildings

Ottawa, Canada
Moscow, Russia

Recently Completed Ambassador's Residence Renovations

Ljubljana, Slovenia
London, England
Havana, Cuba
Berlin, Germany

New Embassy and Consulate Office Buildings under Design or Construction

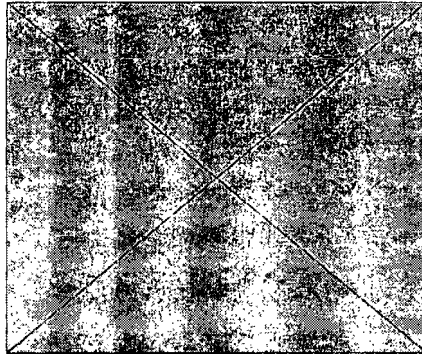
Istanbul, Turkey
Zagreb, Croatia
Dar Es Salaam, Tanzania
Nairobi, Kenya
Tunis, Tunisia
Kampala, Uganda
Doha, Qatar
Luanda, Angola

Embassy Staff Housing Facilities

Rome, Italy
New Delhi, India
Paris, France
Kuwait City, Kuwait

Barrier-Free Accessibility Action Plan

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



U.S. Department of State
Foreign Buildings Operations

Accomplishments Sheet

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London, England
Havana, Cuba
Berlin, Germany

New Embassy and Consulate Office Buildings Under Design or Construction

Istanbul, Turkey

Zagreb, Croatia

Dar Es Salaam, Tanzania

Nairobi, Kenya

Tunis, Tunisia

Kampala, Uganda

Doha, Qatar

Luanda, Angola

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Barrier Free Accessibility Action Plan

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

DEPARTMENT OF STATE

- ✓ Will ensure that all new and altered facilities will be made accessible. (How is the this a large step? How is this different than what you are required by law?)

DRAFT

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.~~

COMMERCE DEPARTMENT ACTIVITIES TO ASSIST PEOPLE WITH DISABILITIES

The Department is:

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

The Department has:

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

chairmanship, a standard industry specification for such readers was agreed upon.

World Institute on Disability

1994 TOP Grant

Oakland, CA

Total Project Cost \$559,231

Federal Share \$338,585

The World Institute on Disability, partnering with the Trace Research and Development Center at the University of Wisconsin and the CPB/WGBH National Center for Accessible Media, worked to bring together the various disability communities, researchers, and the information industries to create protocols and agreements so that the NII would be accessible to disabled persons and language minorities.

Greater Los Angeles Council on Deafness, Inc.

1997 TOP Grant

Los Angeles, CA

Total Project Cost \$719,821

Federal Share \$356,408

The Greater Los Angeles Council on Deafness (GLAD) sought to increase hearing impaired persons' access to information, education, employment services, and human interaction. Deaf individuals, and stakeholders, such as therapists and social workers, concerned with their well-being, could be enabled to use direct video conferencing, distance learning, video remote interpretation, and the Internet, available at several locations, to increase access to services, share resources, and obtain information.

National Cristina Foundation

1995 TOP Grant

Stamford, CT

Total Project Cost \$1,960,316

Federal Share \$561,388

The National Cristina Foundation coordinates the effort, to bring together a wide range of non-profits from fifteen states for a national system to recycle donated computers to give to public school systems, local foundations, and advocacy organizations for people with disabilities.

Kentucky Rural Telecommunications Center Inc.

1997 TOP Grant

Elizabethtown, KY

Total Project Cost \$260,733

Federal Share \$130,141

The project makes it possible for citizens in rural areas and small town communities of north-central Kentucky to address a variety of local economic, educational, cultural, and communication issues through a comprehensive regional information network. The Disability sector group develops ways to identify severely disabled persons and train them to use computers and access online services.

WGBH Educational Foundation

1997 TOP Grant

Boston, MA

Total Project Cost \$120,000

Federal Share \$60,000

The Web Access Project: Public Broadcasting will develop a plan for creating opportunities for sight and hearing impaired individuals to use computers to participate more fully in community affairs and access lifelong learning services available through public broadcasting World Wide Web Sites. The development of accessible Internet web sites would be important for sight and hearing impaired individuals since public broadcasting stations and providers of programming are in the process of making information on current and historic events, programs, and learning resources available on their Web sites. Without a coordinated plan, the information on these web pages would not be accessible. The inclusion and involvement of the disabled community in the planning process could help to ensure that the information will be presented in the best possible manner to be useful to those with special needs.

Very Special Arts Massachusetts, Inc.

1997 TOP Grant

Boston, MA

Total Project Cost \$373,238

Federal Share \$182,580

The project extends an interactive network, Access Expressed! Network, offering information to people with disabilities and thus enabling greater participation in the cultural activities of their communities. Using a model developed by Very Special Arts in Massachusetts, this project allows approximately 3,500 cultural institutions in twenty-five states through web sites, e-mail, online conferencing, and discussion groups to develop accessibility information on local cultural events and activities.

Ballet Arts Minnesota

1999 TOP Grant

Minneapolis, MN

Total Project Cost \$1,014,319

Federal Share \$507,159

The project would use interactive telecommunications to link master teachers with dancer, non-dancer and disabled people across generations.

Recording for the Blind and Dyslexic

1998 TOP Grant

Princeton, NJ

Total Project Cost \$819,723

Federal Share \$384,891

Using the AudioPlus Process, which integrates electronic text files with digitally Recorded audio, RFB&D makes its library of 75,000 Educational texts available on the Internet in a user-friendly Format.

Knoxville-Oak Ridge Regional Network (KORRnet)

1998 TOP Grant

Knoxville, TN

Total Project Cost \$1,095,094

Federal Share \$524,838

The Knoxville-Oak Ridge Regional Network is developing Computers for Homebound and Isolated Persons (CHIPS), designed to help people with disabilities or other obstacles that prevents them from leaving their homes. The CHIPS project can provide homebound and isolated individuals with computers, modems, and extensive training and support. Many of the computers will be given to people who are visually impaired or suffer from paralysis. The computers are equipped with assistive technologies specifically developed by disabled computer pioneers to aid disabled users. The computers will improve the quality of life for the disabled by giving them access to the outside world and helping them learn to live as self-sufficiently as possible.

City of Seattle

1998 TOP Grant

Seattle, WA

Total Project Cost \$878,746

Federal Share \$410,000

The project would demonstrate how interactive technologies can improve the efficiency and quality of home care services for low income, elderly and disabled individuals in King County, using a Home care Aide Time Tracking System in which interactive voice response technologies, are initiated and concluded over the telephone by a worker from a client's home. The city's Aging and Disability Services (ADS) can then monitor when the worker arrives and leaves a client's home, helping create a more efficient reporting and billing structure. As a result, ADS personnel would have greater knowledge of a worker's reliability and performance, enabling them to make better decisions when deploying home care workers.

Society's Assets, Inc.

1996 TOP Grant

Madison, WI

Total Project Cost \$78,945

Federal Share \$37,505

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

COMMERCE DEPARTMENT

meeting on technology

- ✓ Forming a committee to advise on accessibility.
- ✓ Establishing an accessibility page on the website.
- ✓ Aid bureaus with providing accessibility technology.
- ✓ Working with Stanford University to advance assistance technology.
- ✓ Working with the Bureau of Labor Statistics to establish the number of people with disabilities in the workforce.
- ✓ Assessing the needs of the assistance technology industry with the resources of the Federal laboratory system.
- ✓ Drafted a project to develop testing procedures to determine compliance with accessibility standards (explain what this means)
- ✓ Preparing a forecast of the growth of the market for assistive technology due to our aging society.
- ✓ Developed a Braille reader that can transform the text of e-books into Braille.

Technology package -

① Survey to find technologies that are adaptable -

② Archimedes project - mobile interface for workstations

③ Workplace statistics - some funding now available - U of Michigan

COMMERCE DEPARTMENT ACTIVITIES TO ASSIST PEOPLE WITH DISABILITIES

- Is establishing a committee of employees and another with customers to advise on accessibility.
- Will coordinate the Department's EIT standards to insure accessibility.
- Will establish an accessibility page on the Department's web site on which to publish research and activities
- Will establish a central capability to aid bureaus in providing accessible technology to individuals with disabilities.
- With Stanford University, has been successfully working on the "Archimedes Project" to develop assistive technology that more quickly returns injured or disabled workers to their work stations.
- With the Bureau of Labor Statistics, working to develop a methodology for accurately determining the number of people with disabilities in the workforce. This will include both those currently employed and those seeking employment
- Conducting an assessment to match the resources of the Federal laboratory system with the needs of the assistive technology industry and hopes to have a report on the subject and to begin matching activities by this Autumn.
- Drafted a project to develop testing procedures to determine compliance with accessibility standards.
- Developing statistics for a report that would highlight the size of the current market and labor force of people with disabilities, and forecast the growth of the market for assistive technology due to our aging society.
- Developed a Braille reader that can transform the text of e-books into Braille. NIST researchers developed the Braille prototype as a possible low-cost alternative to conventional electronic Braille readers. Spent about \$200 on materials for the machine. Braille readers typically carry price tags ranging from \$10,000 to \$15,000.
- Developed an electronic book project to implement new features in an electronic book reader ST has, and to construct a prototype to demonstrate these new features. This research led to the filing of a patent application, "Modular Electronic Book". Brought together all participants in the electronic book industry and under the Department's chairmanship, a standard specification was agreed upon.

PRESIDENT CLINTON AND VICE PRESIDENT GORE *Encouraging the Growth of Small Business*

"The entrepreneurial spirit burns brightly as the creativity and productivity of America's small businesses make our Nation's business community the envy of the world."

-- President Bill Clinton

The Strongest Economy in a Generation

Longest Economic Expansion in U.S. History. In February 2000, the United States entered the 107th consecutive month of economic expansion -- the longest economic expansion in history. Economic growth has averaged 3.8 percent per year since President Clinton and Vice President Gore took office, after growing just 1.7 percent per year from 1988-1992. [National Bureau of Economic Research and Council of Economic Advisors]

Moving From Record Deficits to Record Surplus. In 1992, the deficit in the Federal budget was \$290 billion -- the largest dollar deficit in American history. In January 1993, the Congressional Budget Office projected that the deficit would grow to \$455 billion by 2000. The Office of Management and Budget is now projecting a \$211 billion *surplus* for 2000 -- the third consecutive surplus and the largest surplus ever, even after adjusting for inflation. Compared with original projections, that is \$666 billion less in government drain on the economy and \$666 billion more potentially available for private investment in this one year alone. [Office of Management and Budget; National Economic Council, 6/26/00]

Over 22 Million New Jobs. 22.1 million new jobs have been created since 1993, the most jobs ever created under a single Administration -- and more new jobs than Presidents Reagan and Bush created during their three terms. Under President Clinton and Vice President Gore, the economy has added an average of 248,000 jobs per month, the highest under any President. This compares to 52,000 per month under President Bush and 167,000 per month under President Reagan. [White House Fact Sheet, 7/7/00]

Strong Private Sector Growth. The private sector of the economy has grown 4.5 percent annually since 1993, compared to 3.4 percent under President Reagan and 1.8 percent under President Bush. Since 1993, 20 million new jobs have been created in the private sector, the highest share since Harry Truman was president (excluding temporary Census workers). That's 225,000 private jobs created per month, the fastest rate of any President on record. [White House Fact Sheet, 7/7/00]

Lowest Inflation Since 1965. In 1999, the underlying core rate of inflation was 1.9 percent -- the lowest since 1965. Under President Reagan and President Bush, the underlying core rate of inflation averaged 4.7 percent annually. [White House Fact Sheet, 4/13/00]

Unemployment Is Nearly the Lowest in Three Decades. Unemployment is down from 7.5 percent in 1992 to 4.0 percent in June 2000, and in April 2000 the unemployment rate was the lowest in thirty years. The unemployment rate has fallen for seven years in a row, and has remained below 5 percent for 34 months in a row. African-American unemployment has fallen from 14.2 percent in 1992 to an average of 7.7 percent in the first half of 2000 -- the lowest rate on record. The unemployment rate for Hispanics has fallen from 11.6 percent in 1992 to an average of 5.7 percent in

the first half of 2000 -- the lowest rate on record. For women the unemployment rate was 4.1 percent in June -- nearly the lowest since 1953. [White House Fact Sheet, 7/7/00]

Small Businesses Contribute to Economic Growth. America's 25.5 million small businesses generate more than half of the nation's gross domestic product; represent 26 percent of America's exporters; create 80 percent of all the net new jobs in the United States; and employ 52 percent of the private sector work force. [Small Business Administration]

Strong Economy Drives Small Business Growth

Record Number of New Businesses. More than 5.9 million new businesses have been created since President Clinton and Vice President Gore took office. A record 898,000 new businesses opened their doors in 1998 -- nearly 130,000 more than in 1990, the best year of the Bush Administration. [Small Business Administration, 1/00; SBA, The Facts About Small Business 1999]

Small Business Bankruptcies at Lowest Rate in Nearly Two Decades. Small business bankruptcies decreased by 17.9 percent between 1998 and 1999, to the lowest level in over 18 years. And in 1996, the business failure index was at its lowest level since 1989. [SBA, Small Business Economic Indicators, 1998; SBA, The State of Small Business: A Report of the President, 1997]

Number of Small Businesses that Export Tripled in Last Decade. The number of small firms that export products has tripled, rising from 69,354 in 1987 to 209,455 in 1997. Nearly 97 percent of American firms that export are small businesses, and in the past five years, the value of small business exports has increased 300 percent. [SBA, News Release, 11/10/99]

Small Businesses Report More Income. Corporate profits increased in 1999 for the tenth year in a row, up 49.2 percent since 1992. Not since the recovery from the 1981-82 recession has there been such a string of increases in corporate profits. Nonfarm proprietorship earnings, an important measure of the health of the small business sector, has increased by 34 percent since 1992. The growth in proprietorship earnings from 1991-96 was the highest for any five-year period since 1983-88. [Commerce Department, BEA; SBA, The State of Small Business: A Report of the President, 1997]

Enhancing International Trade and Federal Procurement Opportunities

Expanding Exports and Creating Jobs. Since President Clinton took office, the Administration has concluded nearly 300 new trade agreements. This export expansion has accounted for more than one-quarter of the record U.S. economic growth between 1992 and 1998 and has helped created jobs that, on average, pay 15 percent more than non-export related jobs. Small businesses represent nearly 97 percent of all U.S. exporters. [National Security Council; SBA, "Learn About SBA"]

Historic U.S.-China Trade Agreement. After 13 years of negotiations, the Administration concluded a landmark agreement for China's entry into the World Trade Organization. China agreed to grant the U.S. significant new access to its rapidly growing market of over one billion people, while we have agreed simply to maintain the market access policies we already apply to China by granting it permanent Normal Trade Relations. The U.S.-China agreement slashes Chinese tariffs on American goods; opens China's markets to American services, and contains safeguards against unfair trading practices. China's membership in the WTO will spur economic reforms in China, open

China to information and ideas from around the world, and strengthen the rule of law in China.

Created Three Major Global Trade Agreements In the World Trade Organization. In the last year, this Administration completed a “trifecta” of three major global trade agreements in the World Trade Organization: the Information Technology Agreement covering \$500 billion in global trade and more than \$100 billion in U.S. exports, the global telecommunications services agreement (which will create more than a million jobs in the next ten years) and the financial services accord (which covers 95 percent of the global financial services market). Together, these initiatives cover trade totaling more than \$1 trillion annually.

Eliminated Barriers to Open Trade in Asia Pacific Nations from Asia Pacific Economic Cooperation (APEC) Summit. The Administration secured commitments from Asian Pacific nations to eliminate barriers to open trade in the region by 2020 for developing countries and 2010 for industrialized countries. Over the next two years, 15 sectors will be identified for tariff reductions, including energy products and services, environmental technologies and services, natural resources, medical equipment, telecommunications, gems and jewelry.

Enacted the African Growth and Opportunity Act. In May 2000, President Clinton signed into law the African Growth and Opportunity Act, groundbreaking legislation which recognizes African countries’ efforts to institute sound economic policies and reform. The philosophy of the legislation is simple: America stands ready to help those African countries that undertake difficult reforms to build a better future. Effective aid, combined with strong reform and increased trade and investment, will help bring Africa into the global economy and create new markets for U.S. exports. [White House, Office of the Press Secretary, 5/18/00]

Enacted the Caribbean Basin Trade Initiative. Also in May 2000, President Clinton signed into law the U.S.-Caribbean Basin Trade Partnership Act (CBTPA), which will expand our trading relationship with Caribbean and Central American countries. The CBTPA will create opportunities for American companies and workers as it provides enhanced market access and economic stimulus for countries devastated by Hurricane Mitch. [White House, Office of the Press Secretary, 5/18/00]

Trade Agreements Enforcement Initiative. The President is committed to ensuring that trade is free and fair and that American companies and workers benefit fully from our bilateral and multilateral trade agreements. He is proposing in FY 2001 that the Commerce Department and related agencies have the resources necessary to monitor and enforce international trade agreements.

Streamlining the Government Procurement System. In FY 1999, SBA helped small firms receive 23.1 percent of Federal contracts -- meeting the annual small business goal. The Clinton-Gore Administration has worked with Congress to streamline the procurement process through administrative changes and the Federal Acquisition Reform Act of 1996. The changes instituted in these reforms are cost-effective for the government and will enable businesses to compete more effectively for government contracts worth billions of dollars. [SBA, Office of Government Contracting, FY 99 Report on Annual Procurement Preference Goaling Achievements, 4/24/00; SBA, FY99 Annual Performance Report; The State of Small Business: A Report of the President, 1997]

Electronic Gateway to Procurement Information. The Small Business Administration's web page

includes a search engine for its database of federal, state and private contracts available to small firms.

Opening Doors for Small Business

Expanding Access to Capital. Since 1992, the Clinton-Gore Administration has backed more than \$80 billion in loans to small business -- more than in the prior 40-year history of the SBA from 1953 to 1992. In 1999 alone, the SBA maintained a portfolio of more than \$40 billion in loan guarantees to 486,000 small businesses that otherwise would not have had such access to capital. The SBA backed another \$12 billion in loans to 50,000 small businesses in 1999. [Small Business Administration]

Doubled Venture Capital Investments. In the last three years, the SBA's Small Business Investment Company Program doubled venture capital investments. In 1999, this program made 53 percent of all institutional venture capital deals in the United States, enabling 3,100 venture capital investments totaling \$4.2 billion. [Small Business Administration]

Providing Loans and Technical Assistance through the MicroLoan Program. The MicroLoan program combines the resources and experience of the Small Business Administration with those of locally based nonprofit organizations to provide small loans and technical assistance to small business owners. To date, SBA has not experienced any defaults on the direct microloan program, suggesting that the technical assistance has had a positive impact. In 1999 alone, SBA provided counseling and technical help to more than 900,000 small businesses, and the Administration intends to increase that number to 1.2 million in 2001 -- a 300,000 increase since 1993. [Small Business Administration, The Facts About...the MicroLoan Program for Entrepreneurs; FY 2001 Budget, p. 217]

Cutting Taxes for Small Business. President Clinton signed the Taxpayer Relief Act of 1997, which provided an estimated \$20 billion in tax relief to small business over the next ten years. The bill included provisions to reduce the estate tax; increase the health insurance deduction for self-employed individuals; and update home office deductions. It also reduced capital gains taxes from 28 percent to 20 percent, giving small businesses an infusion of capital. The new law also exempts small corporations from alternative minimum tax calculations, saving about two million businesses from complex and unnecessary paperwork. [SBA, The State of Small Business: A Report of the President, 1997]

Ensuring Access to Health Insurance for Small Business. In August 1996, President Clinton enacted the Kennedy-Kassebaum Health Insurance Portability and Accountability Act (HIPAA). HIPAA required insurance companies to sell coverage to small employer groups and to individuals who lose group coverage without regard to their health risk status. The bill also eliminated the discriminatory tax treatment of the approximately 10 million Americans who are self employed, increasing the tax deductibility of their health insurance premiums from 30 percent to 80 percent by 2006. [White House, Office of the Press Secretary, 8/21/96]

Increasing Pension Security for Small Business. President Clinton signed the Small Business Job Protection Act of 1996, which created a simplified 401(k) retirement plan for small businesses, making it easier for such companies to offer pensions to their employees. The bill provided a tax credit to small business that adopt pension plans; created a simplified and better defined contribution plan for small businesses; and promoted pension portability. [White House, Office of the Press Secretary,

8/20/96]

Removing Barriers to Electronic Commerce. To ensure the continued growth of e-commerce, Vice President Gore announced a new initiative in November 1999, to revise laws and regulations that impose barriers to the growth of electronic commerce. A working group will gather comments from the public, State and Local governments, and Federal agencies, and develop recommendations to facilitate e-commerce while ensuring consumer protection. More than 4.5 million small employers (83 percent of all employers) used computer equipment in their operations in 1998. [SBA, The Facts About Small Business 1999]

Tapping America's Potential with the New Markets Initiative. President Clinton's New Markets Initiative is helping to bring economic development and renewal to communities that have not benefited from the soaring economy by prompting approximately \$15 billion in new investment in urban and rural areas. The Initiative is providing tax credits, loan guarantee incentives, a network of private venture capital companies, technical assistance and mentoring programs to stimulate \$22 billion in new investment in urban and rural areas.

Ready with Disaster Relief. In 1999 alone, the Small Business Administration provided victims of natural disasters with access to more than 36,000 disaster loans totaling over \$936 million. [Small Business Administration]

Prepared with Y2K Assistance. On April 2, 1999, President Clinton signed the Small Business Year 2000 Readiness Act to help small business get loans to avoid and repair problems stemming from Y2K related computer problems. [White House, Office of the Press Secretary, 4/2/99]

Using the Internet to Make Information Available to Small Business Owners. The Small Business Administration web site [www.sba.gov] offers everything from loans to outreach initiatives for women and minority-owned businesses. The highly praised site also provides e-mail counseling and mentoring as well as online educational courses. Forbes Interactive Money Guide named the SBA site a "Forbes Favorite" (government) web site in September 1999, and the site was also named as one of Windows Magazine's 101 Best Business sites. The highest average hits per week to the SBA web site was over 9.4 million.

Creating Opportunities for Minorities and Women

Tripled the Number of Loans to Minorities and Women. Since 1992, the Clinton-Gore Administration has provided \$17.5 billion in loans to 77,000 minority-owned businesses and \$11.7 billion in loans to 79,000 women -- more than the SBA provided in total during its previous 40 years. [Small Business Administration]

Expanded Small Business Opportunities for Women. The Clinton-Gore Administration won \$9 million in FY 2000 for Women's Business Centers, which provide resources to foster increased entrepreneurship among women. In his FY 2001 budget, President Clinton has proposed to expand the Women's Business Center network budget to \$12 million, an increase of 33 percent. Today this network includes more than 80 women's business centers, including an Online Women's Business Center. Of those, 59 centers are currently funded by SBA grants; 22 have graduated from funding and are operating independently. [Small Business Administration]

Supporting Minority Business Communities and Increasing Access to Capital.

Building on the efforts of the SBA, Vice President Gore unveiled aggressive plans to increase lending and business services to the African American and Hispanic business communities nationwide. The SBA has set a goal of providing an estimated total of \$1.86 billion in loans to African American small businesses over a three-year period. In addition, the Vice President announced an unprecedented agreement between SBA and the "Big Three" U.S. automakers to increase subcontracting awards to minority businesses by nearly \$3 billion over the next three years -- a 50 percent increase over current levels.

Ensuring Minority Business Owners Have a Fair Opportunity to Compete. The President signed the Transportation Equity Act for the 21st Century into law on June 9, 1998. The Act protects the Disadvantaged Business Enterprise (DBE) Program, a program that ensures that minority and women-owned businesses have an opportunity to compete for transportation projects. The Administration helped defeat an amendment to the House version of this bill that would have eliminated the DBE Program. In a different measure, the President also approved the creation of a new program to target assistance to minority-owned businesses in industries that continue to reflect the effects of discrimination. As a result, thousands of minority-owned businesses will be able to compete more effectively for government contracts. [White House, Office of the Press Secretary, 6/9/98]

Helping Veterans Succeed in Business. In August 1999, President Clinton signed into law the Veterans Entrepreneurship and Small Business Development Act, which provides assistance to veterans who are entrepreneurs and especially to service-disabled veteran entrepreneurs. The bill also includes several measures designed to cushion the impact on small businesses when their owners or essential employees who are reservists are ordered to active duty during military conflicts. The SBA's Office of Veterans Affairs offers helps veterans succeed in business, with programs such as the Veterans Business Outreach Program, which provides business training, counseling and mentoring to eligible veterans owning or considering starting a small business. [White House, Office of the Press Secretary, 8/17/99]

Updated July 2000

SMALL BUSINESS ADMINISTRATION

- ✓ Publication and distribution of the *ADA Guide for Small Businesses* (in partnership with the Department of Justice) to help small business owners to comply with ADA regulations.
- ✓ Providing entrepreneurial training to individuals with disabilities.
- ✓ Employment of a Director of Business Development in Cross Disability Markets to aid in the following:
 - to build corporate and venture capital relations for the sponsorship of financial services for persons with disabilities
 - to build a blue ribbon executive council for the initiative toward increased participation and economic development of people with disabilities
 - to support a mentoring program with others who have disabilities and have successfully started a new business
 - to advocate for the integration and re-imaging of people with disabilities in advertising and marketing
 - to increase the education of youth with disabilities about entrepreneurships
 - to increase opportunities for small business owners to employ the workforce of people with disabilities
 - to develop links to independent living center that emphasize small business development
 - and to strengthen the ability of people with disabilities to compete for federal, state, and city contracts.

- National Outreach Campaign -
- measurement

SBA'S OFFICE OF DISABILITIES REPORT

SBA commenced its formal outreach to people with disabilities as a result of the creation of the Presidential Task Force on Employment of Adults with Disabilities (Task Force) by Executive Order in March, 1998. The Administrator, Aida Alvarez, is a member of the Task Force. Since that time, SBA has marshaled its field offices and resource partners to provide information about SBA services and opportunities for people with disabilities who wish to start their own businesses.

Some of the activities that have resulted are the publication and distribution of the **ADA Guide for Small Businesses** which was published in partnership with the Department of Justice. The **ADA Guide** helps small business owners to comply with the ADA. The SBA and Social Security Administration signed a Memorandum of Understanding (MOU) in a White House ceremony presided over by the Vice President. The MOU pledges a cooperative effort between the two agencies to share program information, refer clients, and make presentations at various meetings and conferences. SBA is the lead for a national series of workshops to bring together government agencies and service providers to people with disabilities who wish to start their own business to network and to form partnerships for better service delivery. Further, SBA is providing entrepreneurial training to individuals with disabilities who wish to start or grow their small business. The workshops are a partnership with SSA, Education, HUD, President's Committee for Employment of People with Disabilities, and the Task Force.

A Director of Business Development in Cross Disability Markets was employed in late May, to strategically build the core capacity for the Small Business Administration to enhance services to cross disability markets in diverse cultures. This new position, proposes plans for the following:

To build corporate and venture capital relations for the sponsorship of financial services, collaboration and mentoring for the person with a disability starting a new business,

To build a blue ribbon executive council to guide the successful direction of SBAs initiative toward increased participation and economic development of people with disabilities.

To offer tailored, rigorous, electronic distance learning certificates in Small Business Administration in collaboration with post secondary institutions.

To support mentoring program with others who have successfully started businesses and have disability related issues

To systematically advocate for the integration and re-imagining of people with disabilities in advertising and marketing .

To increase the education of youth with disabilities about entrepreneurship by supporting the increase in internships.

To increase the nations' education about the success and potential of women, Native Americans, African Americans and other minorities who have disabilities and are entrepreneurs.

Increase the opportunities for small business owners to employ the workforce of people with disabilities.

Develop linkages to independent living centers that emphasize micro-enterprises and small business development.

Increase the opportunity and education for people with disabilities by strengthening their ability to compete for federal contracts, state contracts, and county/city contracts.

OFFICE OF PERSONNEL MANAGEMENT

- ✓ Will announce a goal to increase the representation of persons with disabilities employed at all levels and occupations of the Federal government, including a four-year goal for all federal departments and agencies.
- ✓ Will showcase success stories of the Federal Government through *Accessing Opportunity: The Plan for Employment of People with Disabilities in the Federal Government*.
- ✓ Will highlight successful agency practices and/or employees at each torch relay stop.
- ✓ Will announce a regulation to make it easier for agencies to hire people with psychiatric disabilities.

BC
 goal - 5yr. = 100,000 - can take Executive Ord
 rather than Presidential memo -

Exec. Order - genetic discrimination -
 - who vets - OMB Eric

Employment of Persons with Disabilities OPM Proposed Policy Announcements

1. INCREASE THE NUMBER OF PEOPLE WITH DISABILITIES HIRED INTO THE FEDERAL GOVERNMENT

- Announce a goal to increase the number of persons with disabilities newly hired by Federal departments and agencies and increase the representation of persons with disabilities employed at all levels and occupations of the Federal government.
- The President/VPOTUS will announce a four year goal for all federal departments and agencies to hire. _____ number of people with disabilities into the Federal workforce. (We are working with agencies on this number and are using the WTW model).

BACKGROUND

- Over 54 million Americans have disabilities. (President's radio address, October 1999)
- Nearly ½ of working age persons with disabilities are unemployed. (President's Committee on Employment of People with Disabilities)
- As of September 1999, 5.7 % (12,205) of hires were persons with disabilities. (Central Personnel Data File [CPDF])
- As of September 1999, 7.2 % (122,249) of the total Federal executive branch workforce identified themselves as having a disability. (CPDF)
- As of September 1999, 1.2 % (20,136) of the total Federal executive branch workforce identified themselves as having an EEOC specified (targeted) disability. (CPDF)

2. FEDERAL GOVERNMENT AS A MODEL EMPLOYER

- Showcase success stories of the Federal Government as a Model Employer by amplifying *Accessing Opportunity: The Plan for Employment of People With Disabilities in the Federal Government*.
- OPM is compiling success stories from federal agencies and departments. Highlighting a successful agency practice and/or successful employee at each torch relay stop or with a roundtable of employees will show how the Federal Government is leading the way and setting the standard for the employment of people with disabilities.

BACKGROUND

- The President released this landmark Plan and accompanying Guide last October. This first ever Plan serves as a framework for Federal departments and agencies to use to recruit, hire, develop, and retain more people with disabilities.
- Vice president Gore asked OPM to develop this plan.

2. EXPANDING HIRING OPPORTUNITIES FOR PEOPLE WITH PSYCHIATRIC DISABILITIES

- Announce a final OPM regulation that makes 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.
- OPM just sent over the final regulation to OMB.

BACKGROUND

- At last June's White House Conference on Mental Health, President Clinton announced the Executive Order expanding hiring opportunities for people with psychiatric disabilities and the government's mental health parity initiative.
- OPM published the proposed regulation in March and is ready to announce the final reg.

DEPARTMENT OF JUSTICE

- ✓ Attorney General will announce an initiative to ensure that local government programs are accessible to people with disabilities.
- ✓ "Enforcing the ADA: Looking Back on a Decade of Access," 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. The website will also be updated to display the regional summaries of all cases and settlements dealing with ADA.

Wain
Spring

BC

committed to enforcement to ADA - refer to ~~DOJ~~ from



evaluation of all gov't websites. (on raised accessibility)

sent to ^{web} dot gov + last gov

- First gov't portal w/ accessibility built in

ADA 10TH ANNIVERSARY Department of Justice

Warm Springs, GA announcement

The Attorney General will announce an initiative to ensure that local government programs (city halls, court houses, police stations, libraries, community and recreation centers, parks, etc) are accessible to people with disabilities. The Department is conducting a series of complaint investigations and compliance reviews of medium sized towns in all 50 states. Several agreements with towns across the country will be announced.

Special Edition of "Enforcing the ADA" Status Report:

The Department will publish, at the end of June, "*Enforcing the ADA: Looking Back on a Decade of Access*", which will highlight the Department's enforcement and technical assistance activities. This report will be available on our web site and will be mailed to the 8,000 disability rights advocates currently on our mailing list. Regional summaries of all cases and settlements will also be available on our web site. We are preparing a "media outreach" memo which will be sent to 5,000 news outlets about these documents to assist reporters writing ADA stories.

Section 508

We will have one or two of the documents cited in the Recommendations section of our 508 Report ready (e.g. a policy guidance piece on reasonable accommodation and 508 which we will be doing with the EEOC and OPM). These documents will not be glitzy PR pieces.

FACILITY ACCESSIBILITY

A.

LIST ANY UNMET OBJECTIVES FOR BARRIER REMOVAL THAT WERE ESTABLISHED IN PREVIOUS SUBMISSIONS BUT HAVE NOT BEEN ACCOMPLISHED. REMOVAL STRATEGIES ARE TO BE REVISED SO THAT THESE OBJECTIVES CAN BE ACCOMPLISHED PRIOR TO THE END OF THE FISCAL YEAR COVERED BY THIS PLAN.

The information provided below represents overall removal strategies previously submitted; however, were not accomplished.

(FY 99 ACCESSIBILITY ACCOMPLISHMENTS AND ITEMS PLANNED OR IN PROGRESS FOR FY 2000)

Office of the Secretary

- 1. Funded the design of an accessible lift at the C Street Entrance of the Main Interior Building (MIB) with construction documents. (\$75K)**
- 2. Conducted a survey of the MIB Fitness Center and made recommendations to enhance accessibility to all employees.**
- 3. Automated three sets of basement doors allowing disability access to the MIB garages.**
- 4. Installed new corner signs around the South Interior Building directing the public to the accessible entrance.**
- 5. Assigned five permanent parking spaces to disabled employees.**
- 6. In conjunction with planned renovations, installed automated doors on the Snack Bar, Credit Union, and Museum in the MIB. In addition, a section of the Credit Union counter was lowered to meet the needs of wheelchair users. Upcoming renovations to the Post Office and Buffet Rooms will include accessible entrance doors and counter.**
- 7. Modified the existing controls of the accessible lift at the SIB auditorium to operate independently.**
- 8. Purchased and installed evacuation chairs to transport disabled employees down the stairs during an emergency evacuation. Conducted training on their use and we now have trained staff available to use them during evacuations..**
- 9. Updated the list of occupants requiring assistance during an emergency evacuation and ensured buddies were assigned to assist them. Conducted training for both.**
- 10. Provided vibrating pagers to several hearing impaired employees, to notify them when fire alarms are activated.**

Facility Accessibility - Continuation

Office of the Secretary

11. **Made four employee-specific public restroom accommodations for 4 bureaus and offices by installing automatic door openers and special flush activators.**
12. **Continued with the installation of the bronze buffalo room identification signs with Braille encoded room numbers in the MIB.**
13. **The Main Interior Building Modernization is scheduled to begin during the fall of FY 2000 in the 6th wing. A major objective of the phased renovations will bring the facility into Universal Federal Accessibility Standards (UFAS) and ADA compliance and will include the installation of a lift at the C Street entrance. Interior also requested renovations from GSA to include "safe rooms" on each floor to protect those unable to evacuate during an emergency. The rooms will include a fire-rated door, supplemental oxygen, and a direct communications link to the command center.**
14. **Preliminary steps have been taken to establish a self-service office supply store in the MIB operated by the Blind Industries and Services of Maryland. The store is scheduled to open in the Spring of FY 2000.**
15. **Interior is in the process of coordinating the GSA project to upgrade the South Interior Building fire alarm system which adds strobe lights for the hearing impaired and brings the system up to current code. Work is scheduled to be completed by June 2000.**
16. **The maintenance shop employed one disabled summer student from Coolidge High School.**

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.

SUCCESS STORIES

Divider Title: _____

SBA ADA SUCCESS STORIES

CALIFORNIA

**Urban Miyares
Disabled Businesspersons Association
San Diego, CA**

Urban Miyares, founder of the Disabled Businesspersons Association, is an outstanding example of both personal success in overcoming the limitations of his disabilities and professional success in running both a for-profit business and, now, in founding and running a non-profit organization totally devoted to helping others with disabilities succeed.

Urban is known worldwide for his work advocating for the disabled. He is a much sought-after speaker on issues relating to the disabled community, has presented testimony to elective bodies, including Congress, on those issues, and sits on numerous commissions and boards active in the rights of both the disabled and veterans. He was involved in the passage of the Americans with Disabilities Act and was recognized nationally by the SBA in 1991 as the National Veterans Small Business Advocate.

Urban is one of the San Diego District's "Community Resource Partners", and holds sessions with his clients in the SBA office the first Wednesday each month.

THE STORY

Once known as "Spiderman" for the way he clung to walls and blindly felt his way along the VA's Western Blind Rehabilitation Center (WBRC) in Palo Alto, California, today the two time U.S. National Disabled Alpine Sk Champion and entrepreneur Urban Miyares is a legend in the disabled community.

In his life, Miyares has overcome many obstacles because of diabetes. In 1984 Urban Miyares became blind due to the disease; he also suffers from hearing loss, kidney disease, and neuropathy (loss of feeling) in his legs. The neuropathy and blindness were what caused him to cling to walls for balance and orientation.

Unable to find meaningful and productive employment due to his disability, in 1971 Miyares decided to go into business for himself. Although his first business, a small New Jersey construction firm, did not last very long Urban Miyares discovered that he loved business. He went on to open his own retail stores, restaurants, sales organizations, a manufacturing company, and a public relations firm. Business ventures led him from coast to coast, and he gained much experience along the way.

It was not until he became blind in 1984, however, that Urban discovered the lack of resources available for the disabled entrepreneur. "They tried tremendously to help me at the Blind Rehabilitation Center, but the only resources for a businessperson were for the non-disabled and non-blind," Miyares said. "The more I searched for resources and assistance to benefit a blind business person, the more I couldn't find any."

Channeling his frustration into action, in 1985 Miyares started offering free consulting advice to disabled veterans. Although Miyares began by helping around 15 people the first year, the business has grown to help thousands nationwide, and now serves all disabled persons. In 1991, Miyares formed the Disabled Businesspersons Association (DBA), a non-profit public charity and educational organization. Today, the DBA continues to assist disabled entrepreneurs and professionals maximize their potential in the business world. I encourages participation and enhances performance of disabled persons in the workforce, all free of charge. The only payment is that the disabled clients, in turn, volunteer their time and expertise to assist other disabled persons.

IOWA

Neal Smith
Glenwood Printing
Des Moines, Iowa

Starting your own small business is considered one of the riskiest things you can do. For many entrepreneurs, the challenge of beating the odds and becoming a successful business owner is what drives them. Entrepreneur Neal Smith is no stranger to beating the odds and winning.

Neal was born with multiple congenital birth defects and at the age of two began to undergo a lifetime of treatment and reconstructive surgeries to correct and repair the damage done by Holt Oran Syndrome. The early prognosis for a child born with as many and as severe birth defects as Neal's is never very optimistic, but with the love and support of family and friends and the skills teams of doctors and surgeons from across the country, Neal beat the odds each time. Though he still suffers the effects of congenital heart disease, mild pulmonary stenosis, and a profound hearing impairment due mostly to the lack of a left ear canal, Neal has overcome every obstacle in his life.

In 1988, at the age of 23, Neal opened Glenwood Printing in Glenwood, Iowa. Neal had attended Drake University in Des Moines, Iowa as a music major for three years. After deciding that music would make a great hobby but would probably not pay the bills, Neal enrolled in the printing program at Iowa Western Community College in Council Bluffs where he earned a two-year degree in a year-and-a-half. After two years of working for a local printer in Council Bluffs, the opportunity arose for Neal to purchase a printing business in nearby Glenwood.

Neal purchased the equipment and began the process of rebuilding what had once been a thriving business. The first year (1988) showed only meager returns as Neal found it necessary to replace most of the original equipment. The process was sometimes difficult, but slowly and surely Neal grew the business to the point where in 1992 he was faced with a decision. The business had outgrown its location and its equipment. It was time to expand, but where would he find the financing he needed?

The answer to Neal's question lay with the U.S. Small Business Administration (SBA). Using a \$99,210 loan from SBA, Neal built a new facility and purchased state-of-the-art equipment. His success story garnered him SBA's Iowa Young Entrepreneur of the Year Award during Small Business Week 1993.

Neal sold his business in 1996 (ironically to an individual who used a SBA to purchase it) to move on to other ventures. But his story is an example of how perseverance and dedication, and a little help from SBA can assist an entrepreneur to achieve their dreams, no matter what the obstacles.

KENTUCKY

James Kessinger
Anderson Package
Lawrenceburg, KY
(502) 839-9700

From the basement of his home to the first building located in the Anderson County Industrial Park in Lawrenceburg, Kentucky, James Kessinger has been the guiding light for Anderson Packaging, Inc. Although James is legally blind and relies on special equipment, he has been a driving force in the company's success.

Anderson Packaging, Inc. manufactures corrugated boxes and displays from unprinted sheet corrugated material supplied by paper mills. The company produces cubical boxes as well as elaborate shipping boxes that become point-of-purchase display cases for products such as snack foods and potato chips. The production process includes cutting the sheet to the needed size and shape, scoring fold lines and printing the exterior surfaces to the customer's specifications.

In 1983 James was diagnosed with a visual impairment termed "walking vision" and was advised to go on permanent disability. He often jokes that going on the dole just wasn't his style. In 1985 his position with a local company was eliminated, but James refused to slow down. Against the well-meaning advice of others he started Anderson Packaging, Inc., which has become a very successful business.

In 1993 James decided to restructure the business' financing and obtain additional funds to ensure the company's continued growth. With the guidance from the Kentucky Small Business Development Center in Lexington, KY and key support from the Lawrenceburg National Bank, a guaranteed loan backed by the U.S. Small Business Administration (SBA) was approved. Charles Cammack, Lawrenceburg National Bank President and CEO, says "James has grown a small distributorship to a business with a strong reputation in its market. This growth has been accomplished through cooperation between government organizations and his strategic direction. James' implementation of Just in Time (JIT) Inventory Systems distinguishes this company from other similar operations and has gained Anderson Packaging access to larger accounts."

In the past nine years sales have steadily grown and Anderson Packaging has contributed to the economic growth of its rural surroundings. The number of employees has increased from two in 1986 to over 40 full-time employees.

MARYLAND

James R. Macfadden, President
Macfadden & Associates, Inc.
Silver Spring MD 20910

In the words of James Macfadden, "The SBA has been invaluable throughout the entire history of my enterprise. They have been supportive, given me excellent advice, and I would not be where we are today without their support. I thank the SBA for everything they have done."

James Macfadden was born with a severe hearing loss. He was the fifth of six children, two of whom also had severe hearing loss. As a child James attended normal schools, always sitting in the first row of each class. He was reasonably bright and had slightly above average grades. In the late 1950s, James attended Gallaudet College, where he learned sign language. For the first time in his life, his hearing disability was not a liability.

After graduation James worked as a computer programmer for North American Aviation. He was satisfied with his job as a programmer; as time passed, he was given increasing responsibilities and project leadership roles. However, there were several occasions where he was passed by for promotions because of the uncertainty of higher level managers on the impact of promoting someone with a hearing disability. They were unsure whether the customer or those working under him could accept his limitations.

James had essentially hit a glass ceiling, and unable to move up the corporate ladder, he decided to go out on his own as a consultant and attempt to get a business going. He started his business in March of 1986 concurrently with his application for 8(a) certification. His business grew slowly the first three years.

In August of 1989 James received his 8(a) certification and business continued to grow. By June 1991, he had

received his first 8 (a) contract. From that point business growth was steady and has continued to be so in the last nine years. In 1998 Macfadden & Associates graduated from the 8(a) program as a firm with \$8 million in annual revenues. Since then Macfadden & Associates has continued to grow, retaining old clients and adding new ones. Currently the company has revenues of \$12 million per year and a staff of about 100 people.

MICHIGAN

Fredrick (Ric) Gonzalez
Gonzalez Design Engineering
29401 Stephanson
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P (248) 548-6010

Founded in 1975, the company realized sales of \$8,000 its first year. In 1977 the company received an SBA guaranty loan of \$240,000 to help stabilize the company and finance its sales, which had climbed to \$1.3 million. As the company continued to grow, it increased its range of services it provided to its customers and was able to repay the loan by 1982.

The largest part of the company's business is designing tool systems for the Big Three automotive companies, so to stabilize operations during the automotive downturns, the company became a participant in SBA's 8(a) Minority Enterprise Development Program to obtain Federal government contracts. Through this program, Gonzalez Design Engineering has received five contracts for \$5 million.

In 1992, the auto industry was emerging from a recession and the resurgence of work brought about by the upturn in the economy and the industries supplier reduction programs presented the company with many opportunities. However, the company needed working capital to take full advantage of the growth opportunities before them and once again, turned to SBA for assistance. The SBA responded with a \$700,000 guaranteed loan.

According to CEO, R.J. Gonzalez, SBA has played a critical role in assisting the company's growth and development. Today, Gonzalez employees over 1,000 people and has sales over \$80 million. It is currently a full service engineering design and graphic arts company providing services to the automotive, defense, and aerospace industries.

GM recognized Gonzalez Design Engineering as Worldwide Supplier of the Year in 1993, 1994 and 1995.

MONTANA

Wade K. Johnston
President
MCS Environmental, Inc.
Montana

Wade K. Johnston, President of MCS Environmental, Inc. – Mountain Laboratories has over 10 years experience in the environmental industry, serving as Project Administrator/Manager on over 4,000 environmental projects. His educational background is in Small Business Management and Chemical Engineering from the University of Montana. Wade is a U.S. Environmental Protection Agency (EPA) accredited asbestos abatement designer, inspector, management planner, contractor/supervisor, and is a certified lead paint inspector. He is the past President of the Montana Environmental Technologies Services Network and the past President of the Northwest Environmental Business Council. By the way, Wade is also handicapped, which shouldn't make a difference with credentials like these. But it does.

Wade suffered a diving accident in 1986 that left him paralyzed from the neck down - an injury quite similar to Christopher Reeves' riding accident. Extensive physical therapy for two years enabled Wade to gradually build up his strength to the point where he could transfer himself to and from a wheelchair, dress himself and function with a moderate degree of independence. The spinal cord injury has affected all motor and sensory functions below Wade's shoulders, including his arms and especially his hands. As a result, Wade has great difficulty walking and spends much of his time in a wheel chair. In addition, he experiences strong muscle spasticity that causes his hands to be "balled up" and constant muscle spasms or tremors throughout his body which sometimes are strong enough to knock him to the ground. Physical activities which are difficult or impossible for him to accomplish are walking, lifting objects from the floor, carrying objects while walking, climbing stairs, stooping or crawling, walking on uneven or slick surfaces and any activities involving fine motor skills.

As a result of Wade's injury he was unable to return to a job with Flex-o-Lite Co. because of extensive travel and physical requirements of the job. Subsequently, he went back to school at the University of Montana and completed a degree in Small Business Management in 1989. It was at that time that he started MCS Environmental, Inc., Mountain Laboratories. MCS Environmental, Inc., Mountain Laboratories is an environmental consulting and contracting firm that provides a wide variety of services to business, industry, government agencies, and others searching for answers to today's complex environmental concerns. MCS provides service in the areas of Engineering and Consulting Services, Construction, Remediation and Demolition Services, Non-Destructive Testing (NDT) Services, Accredited Asbestos Analytical Laboratory Services and Environmental Education and Certification Programs.

Wade's physical disability has resulted in stereotypes, biases and misconceptions of his professional ability, which has led some to conclude that he is unable to perform the same quality professional work as a person who is not disabled. Equating "disability" with "inability" is a common attitudinal barrier that he encounters. Despite the difficulties that his disability has posed in starting and managing his own company, he has developed a strong professional team to offset his handicap. The use of the team approach has allowed him to partially compensate for some of the physical requirements of his profession.

During the past 10 years MCS has been in business, the company experienced difficulty in its marketing efforts to potential new clients. Wade then turned to the U.S. Small Business Administration (SBA). He had heard about SBA's 8(a) program and thought this could be a valuable tool for his company. If he could get his company's foot in the door and obtain some contracts, it might help to establish their credibility within the industry and dispel some of the stereotypes of his disability or inability. In June 1999, Wade Johnston of MCS Environmental, Inc., Mountain Laboratories was accepted into the 8(a) program.

MCS, which began with only five employees, currently has 20 employees and annual revenues in excess of \$1,000,000. They have already obtained one 8(a) contract with the Lolo National Forest. MCS recently received approval for an SBA Capline Line of Credit in the amount of \$100,000 and a term loan in the amount of \$362,000 to perform a large contract in California.

Wade Johnston is committed to overcoming stereotypes and is establishing MCS as a credible force in the engineering industry.

SOUTH CAROLINA

Rose Studebaker
Owner: Anchor Cab
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Rose Studebaker, owner and founder of Anchor Cab, has experienced a lifetime of change and adaptation. It began when she was diagnosed with juvenile diabetes at the age of three. While attending Junior College, Rose started losing her eyesight at the age of 21. One year later, she was totally blind. In 1989, she moved to South Carolina with her manager and confidant, Darryl, who is also legally blind.

In Myrtle Beach, Rose worked for Coastal Cab. After learning all she felt she needed to know about the cab business, Rose formed her own company. She used her disability insurance payments as start-up capital for the business, which operated through a local cab company. The business started with one vehicle that Rose named "Christine." She took this name from a Steven King movie because she felt the car would make all her dreams come true.

Shortly afterwards, however, business became a nightmare for her when she learned that her disability funds, which she used to finance the day-to-day business operations, had been stolen. In addition, her drivers were unreliable, constantly missing fares, and slack in coming to work. Very quickly she realized that there was still much to learn about business ownership.

Rose felt herself drowning and wasn't sure where to turn for help. She was at a point when most people would throw in the towel and was also faced with a feeling that her limitations due to blindness aggravated her business problems. However, Rose did not give up. Instead, she contacted the Conway Small Business Development Center (SBDC) and spoke with Nancy Niles. Nancy assisted her by reviewing her business plan, provided business management training, and located financing. Rose left the SBDC with a new vision on her business. She broke off from the old cab company and formed her own – Anchor Cab. Rose hired her friend, Darryl, to manage the new company.

A year later, Anchor Cab is still alive and growing. Rose now has two vehicles in operation 24 hours a day. She has dependable drivers who receive half of their meter as an added incentive to do a good job. She equipped her home/business with the latest technology for the blind and uses it to manage and monitor her business. She has talking appliances, voice-activated computers, and money scanners. Rose monitors calls at all times and even has a radio in her living room.

When asked what she feels her strengths and weaknesses are, Rose replied, "My blindness is my weakness – people try to take advantage of me because I'm blind. In addition, if the drivers do any damage to the vehicles, I can't see it. I'm limited in other areas, such as servicing the cars. I have to rely on others for that part of my business. Darryl is heaven sent. He does a lot of things I can't do, but he has limitations too. My strength is my education and prior cab experience. I've learned how to manage money to carry me through the slow season. I've also learned a lot over the years and have grown physically, mentally, emotionally and financially from it."



Barbara Beitscher <Barbara_Beitscher@WDC.USDA.GOV>
07/11/2000 09:45:57 AM

Record Type: Record

To: Ogle-Becky@dol.gov, Jonathan M. Young/WHO/EOP, Megan J. Crowhurst/WHO/EOP
cc: Nat-DA Deutsch <Nat-DA_Deutsch-OSEC@WDC.USDA.GOV>, Therese Windt
<Therese_Windt-NASS@WDC.USDA.GOV>
Subject: ADA Success Story from USDA

Here is a story about Therese Windt that appeared in USDA's Association for Persons with Disabilities in Agriculture (APDA) Informer newsletter in May 2000. Therese is a living, breathing example of what the ADA is all about.

After being in a coma for 2 months in 1985 from a massive cerebral hemorrhage, Therese had to learn how to walk, talk, swallow, do multiplication tables, and become a computer programmer again, just to name a few things.

In January 2000, she graduated with a Master of Science degree in Information Systems Technology from George Washington University. She won the opportunity to participate in this full-time graduate program through a competition in her agency, National Agricultural Statistics Service.

She is now back at USDA working with the Information Technology Division to perform systems analyses and design a new Administrative Database Query System.

Her accommodations at work include a 22-inch monitor for her visual disability, as well as a closed-circuit television that enlarges printed material.

We feel that the "we try harder" perseverance that produced this success story permeates the culture of the disability community.

She can be reached at (202) 720-7892 and her office is in Room 1418 of the USDA South Building. Her e-mail address is: twindt@nass.usda.gov

For your information, APDA is the USDA employee association working for equality, diversity, and accessibility. Check us out on the web at www.nhq.nrcs.usda.gov/APDA/Home.html



- success.wpd

Department of Agriculture Success Stories

In 1992, USDA established the Technology Accessible Resources Gives Employment Today (TARGET) Center to comply with Section 508 of the Rehabilitation Act. USDA's TARGET Center provides demonstrations of assistive technologies and ergonomic solutions, evaluation of accommodations, and individual and work site needs assessments. USDA has established three TARGET Centers and is preparing for three more nationwide to support the Federal sector as a model employer of people with disabilities.

- ✓ Cited as a best practice in the federal government by the Presidential Task Force on Employment of Adults with Disabilities.
- ✓ Provided services to employees with disabilities nationwide from the seven federal agencies who have provided support to the TARGET Center since 1996.
- ✓ Coordinated the annual Interagency Disability Educational Awareness Showcase (IDEAS) event for the federal government to highlight accessible and cutting-edge technology.
- ✓ Worked to re-accommodate employees whose disabilities change over time to ensure that they can maintain productivity and job performance to meet career goals.
- ✓ Loaned equipment to employees with disabilities nationwide for evaluation at their work site or to attend training.
- ✓ Provided assessments and ergonomic solutions to prevent secondary disabilities from developing due to poor work environment or incorrect positioning.
- ✓ Accommodated Workforce Recruitment Program (WRP) students on first day of employment with high tech, low tech, and low cost solutions to ensure a timely, comfortable, and productive work environment.
- ✓ Conducted sign language classes for managers and co-workers of new WRP students who are deaf to enhance communication and provide a welcoming work environment.
- ✓ Produced or facilitated the production of information in alternative formats such as braille, large print, audio, and video.
- ✓ Educated federal employees through participation in events and presentations on accessibility and ergonomics.
- ✓ Supported technology refreshment of employee accommodations when agencies upgrade their information technology.

A Success Story for the National Agricultural Statistics Service and USDA

On May 21, 2000, Therese Windt, an employee of the National Agricultural Statistics Service (NASS), graduated with a Master of Science degree in Information Systems Technology from George Washington University (GWU). She won the opportunity to participate in this full-time graduate program through a competition in her agency. Therese completed her full-time studies in January 2000.

This feat is especially noteworthy because of her recovery in 1985 from a massive cerebral hemorrhage. After being in a coma for 2 months, Therese had to learn how to walk, talk, swallow, do multiplication tables, and become a computer programmer again, just to name a few things.

In her work with NASS as a computer programmer, Therese uses a 22-inch monitor for her visual disability, as well as a closed-circuit television that enlarges printed material.

Her new graduate degree taught her the importance of systems analysis and structured programming techniques. Since her return to work, she has gained an appreciation of planning and analyzing a project, prior to jumping into the coding level.

Therese says "I liked the program because, in addition to the obvious academic advantages, the experience restored my faith in the world and emphasized that diversity truly means accepting varied peoples – including the disabled and the many cultures that GWU offers."

Her faith was also restored by several additional factors, including (1) a fantastic Disabled Student Services office, (2) accommodating professors who provided adaptive services such as large print handouts and electronic documents, and (3) Metro Access, a door-to-door transportation service offered by Metro for people with disabilities.

The willingness to take on challenges and resolve them is a trait that can be applied to both the academic and professional world. The "we try harder" perseverance that produced this success story permeates the culture of the disability community. She says "you must be seriously self-disciplined to keep focused on your academic schedule and responsibilities in order to be a success."

Therese also credits her agency, NASS, for having the vision to provide her with such a great opportunity to maximize her technical skills. She is now working with the Information Technology Division to perform systems analyses and design a new Administrative Database Query System.

We congratulate Therese Windt and NASS for this notable accomplishment. We know that the positive attitude that has served her so well in the past will continue to support

her USDA career in the future.