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June 20, 2000

MEMORANDUM

To: Jeanne Lambrew
Barbara Chow

Through: Barry Clendenin
Larry Matlack
Jack Smalligan

From: EIML/HD staff

Subject: EIML/HD Potential Deliverables for the Anniversary of
the ADA

Decision needed X
Please comment
For your information
Per your request
See remarks below

For your review, attached are EIML and HD proposals for the Anniversary of the ADA. Please let staff know if you have question.

EIML PROPOSALS

This section outlines a series of regulatory proposals submitted by SSA. These proposals are intended to promote work activity among Social Security Disability Insurance (DI) and Supplemental Security Income (SSI) beneficiaries. Three of the proposals are under consideration for a Presidential announcement at the White House Americans with Disabilities Act (ADA) and Individuals with Disabilities Education Act (IDEA) anniversary event on July 26. For your information, additional EIML-related initiatives scheduled to be announced or highlighted next week, but that do not require decisions, are summarized in **Attachment 2**.

Listed below are the proposals and associated program costs.

SSA Regulatory Proposals (in millions of dollars)

Proposal	5 Year Cost	10 Year Cost
Index the SGA to AWI	*	*
TWP Services Amount	\$27	\$47
Increase Student Earned Income Exclusion	\$16	\$38
Update Determination Guidelines for Childhood Disability	\$291	\$1,157
Update Listings for Musculoskeletal Body Systems	\$-537	\$-2,385
Total – Unified Budget	\$-203	\$-1,143
-- On-Budget (SSI, Medicare, Medicaid)	\$75	\$100
-- Off-Budget (DI)	\$-278	\$-1,243

* Reflected in the current baseline. No further adjustments are necessary.

Substantial Gainful Activity

Proposal: Index the SGA level to the Average Wage Index (AWI). The General Counsels of OMB and SSA agree that SSA has the legal authority to index this measure through regulation. This proposal was discussed at length in a June 20, 2000 memorandum to your office.

Trial Work Period Earnings Level

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

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

This proposal would increase the monthly level to \$530 (25 hours/week at minimum wage), approximately 75 percent of the SGA level (34 hours/week at minimum wage). This increase would bring the TWP services amount better in line with SGA and be more representative of a

normal work effort.

Student Earned Income Exclusion.

Proposal: Update the amount of the Student Earned Income Exclusion (SEIE) to \$1,290 a month, not to exceed \$5,200 a year; and index it annually to the consumer price index thereafter.

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

This increase reflects the fact that school expenses have increased since the SEIE levels were defined in 1974. The annual adjustment included in this regulation are similar (except for rounding) to the method used to make annual cost-of-living adjustments to SSI benefits.

Disability Determination for Children in the SSI Program

Proposal: To issue final rules on the determination of childhood disability cases under SSI. The NPRM for these rules was issued in 1997. Although EIML has not fully reviewed this language, the issue is being raised here at part of a broader cost neutrality concern.

Background: These final rules do not change the standard of disability for childhood cases, but rather provide clearer guidance to adjudicators. This guidance simplifies the evaluation process and is expected to result in more children being appropriately allowed benefits.

Musculoskeletal Body System Listing

Proposal: To update the medical listings for musculoskeletal body systems to reflect advances in technology and provide better guidance on evaluating functional ability. SSA proposes these changes go into effect on December 1, 2000 (publish by October 1, 2000).

Background: Each year approximately 15,000 applicants become eligible for DI and/or SSI benefits based on meeting the musculoskeletal body system listing. Under these revisions, each year 2,000–3,000 of these applicants would be denied benefits. No individuals currently receiving benefits would lose eligibility as a result of this change.

The proposed final regulations make several types of changes. To begin, there is clearer guidance on evaluating functional ability, which is better linked to ability to work. For instance, under the current language an individual who had both legs amputated would be allowed based on diagnosis alone; while the revised language would focus on functional ability with the use of prosthetic devices. The language has also been updated to reflect more modern types of treatments and tests (e.g., magnetic resonance imaging (MRI)). In addition, several listings (for both adult and children) have been eliminated because they are seldom used. **Attachment 1** provides additional examples of individuals who would be denied benefits under the revised rule.

This proposed final rule reflects comments from the community in response to the 1993 NPRM. SSA addressed these comments, which were largely technical in nature, in its notice and incorporated them into the final language where appropriate.

As part of the EIML review process, we shared copies of the proposed language with Jonathan Young (OPL), DPC and the Health Division. Jonathan Young does not object to the types of revisions SSA is proposing, especially the improved guidance on evaluating functional ability. DPC staff deferred to OMB.

Recommendation

- ***Indexing the SGA.*** EIML recommends the SGA level be indexed to average wages, and be done through regulatory action. As annual increases are built into the baseline, no further adjustments or offsets are needed. At the July 26 ADA and IDEA Anniversary event, the President could announce plans to publish this change in the Federal Register.
- ***Updating the Trial Work Period Services Amount, the Student Earned Income Exclusion, the SSI Childhood Disability Determination Guidelines, and Musculoskeletal Body Systems Listings.*** Increases in the TWP services amount and the SEIE are reasonable and reinforce the Administration's efforts to encourage persons with disabilities to return to the workforce. If approved, these two proposed regulatory changes could also be considered for announcement as part of the ADA and IDEA anniversary events.

The savings from updating the musculoskeletal body system medical listing would offset the costs of these proposals on a unified basis, though not on a program basis. Specifically, while the package overachieves on the off-budget side, it falls short with the on-budget programs by approximately \$170 million over 5 years and \$650 million over 10 years. While the balances will change once the HCFA estimates are complete, we still anticipate an on-budget deficit.

The Administration's intent to issue regulations updating the TWP services amount and the SEIE could be announced next week, though we do not recommend publishing the regulations until this entire package of proposals is fully analyzed and complete cost estimates are available.

Attachment 1
Examples of Individuals Affected by the
Revised Musculoskeletal Body System Listing

The statutory definition of disability used by SSA is "...an inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment..." SSA utilizes the following sequential evaluation process for determining if an applicant meets the definition of disability: (1) earning SGA?, (2) impairment(s) severe?, (3) impairment(s) meet or equal listings?, (4) able to perform past work?, and (5) able to perform other work? The listings describe, for each of the major body systems, impairments that are considered severe enough to prevent a person from doing any gainful activity. In step 3, if an applicant's impairment(s) meet or equal the listing they are found eligible for benefits. If the impairment(s) are severe but do not meet or equal the listing the applicant's functional ability must be evaluated to determine whether or not s/he can work.

Examples of individuals who would qualify for benefits under the current listing, but would be denied benefits under the revised listings are presented below. While these individuals would not be allowed benefits based on their diagnosis alone, on a case-by-case basis SSA would objectively assess how they have adapted to their impairments, including ability to complete normal activities of daily living (e.g., walk a reasonable distance, travel without a companion, conduct basic errands, such as banking or shopping).

- A 15 year-old boy is involved in an accident that results in both legs being amputated, but with the assistance of prosthetic devices is able to walk without assistance and carry out activities of daily living.
- A 35 year-old man undergoes reconstructive surgery on his right knee and, with the use of a brace, is able to walk effectively enough to conduct most daily activities, even though he cannot put his full weight on his right leg.
- A 45 year-old woman has her left foot amputated due to complications of diabetes, but with the use of a prosthetic device is able to walk effectively without assistance.

Attachment 2
Additional EIML-Related Initiatives
Highlighted as Part of the ADA/IDEA Anniversary

Youth Theme

Develop Youth to Work Initiative – DOL, Education, HHS, SSA, OPM, TF, and Others. This initiative is targeted at improving the education, transition, employment, health and independent living outcomes of young people with disabilities.

Partnership between Task Force and Able to Work Consortium. This initiative would establish a public/private partnership to ensure that youth with disabilities are afforded the opportunity to have meaningful internships that lead to real careers.

Youth Councils. The Department of Labor will issue guidance to the Workforce Investment partners on the creation of newly authorized Youth Councils under the Workforce Investment Act (WIA) and encourage inclusion of parties representing the interests of youth with disabilities.

Significant Disability. The Department of Labor will issue guidance to the Workforce Investment partners emphasizing the need to have WIA structures address concerns of persons with disabilities and encouraging outreach and inclusion of state Medical Directors on Workforce Investment Boards.

Guidance on Non-Harassment of Students with Disabilities. ED will issue a "Dear Colleague" letter to schools to provide guidance on how to address student harassment based on disability.

Improving Education: The Promise of Inclusive Schooling. ED just published a pamphlet entitled "Improving Education: The Promise of Inclusive Schools," to help schools facilitate the alignment and unification of their general education and special education curriculum

Youth Leadership Project. The Department of Education will publish a grant announcement in late August to establish a Youth with Disabilities Leadership Development project, which will help identify barriers to economic independence for youth with disabilities and identify strategies for reducing or removing these barriers. This is jointly funded by various Federal agencies including the Department of Labor.

High Stakes Testing Guide. ED recently published a guide to high stakes assessment, which includes a section of testing students with disabilities.

Department of Labor

Create Office of Disability Policy Headed by Assistant Secretary. The FY 2001 budget included funding to establish this office. The Senate funded the request; the House did not fund the request. Waiting on conference action.

Strengthen Enforcement of Employment – related Nondiscrimination Provisions of ADA and Rehabilitation Act – DOJ, Labor, EEOC. Supplements the comprehensive compliance reviews with a variety of different means of assessing a contractor's compliance with Section 503 and its implementing regulations. OMB only recently received the rule for review and has not had time to assess the regulation. It will not be cleared by the ADA event.

Equal Employment Opportunity Commission

Issuance of guidance on “employers access to medical information about their employees.” This guidance will help to ensure that qualified workers are not discriminated against because of medical conditions they have or medications they are taking that are unrelated to job performance, or because an employer thinks the worker may acquire some condition in the future.

Issuance of guidance to explain Executive Order prohibition on genetic discrimination in federal employment. The EO protects the federal civilian workforce; it prohibits discrimination based on genetic tests results of the employee, family medical history, and genetic test results of family members.

MEDICAID PROPOSALS

State Medicaid Director's letters clarifying Medicaid's role under the *Olmstead v. L.C.* Supreme Court Decision

Deliverable: HCFA has developed a series of State Medicaid Director's (SMD) letters which include: 1) general questions and answers describing the Federal and State responsibilities under *Olmstead* and ADA; and 2) clarifications on specific Medicaid policies and regulations that promote community integration for individuals living with disabilities.

Background: In the July 1999 *Olmstead v. L.C.* decision, the Supreme Court affirmed that unnecessary segregation and institutionalization of people with disabilities constitutes unlawful discrimination in violation of the ADA. HCFA is providing technical assistance to States in the development of comprehensive, effectively working plans to ensure people with disabilities are served in the most appropriate setting for the individuals' needs.

The policy clarifications and changes in the letter address the definition, timing, and reimbursement of community integration activities such as case management, home health care, and personal care under Medicaid State Plans and Medicaid Home and Community Based Waivers.

Staff Recommendation: OMB staff have cleared most of the SMD package as it generally contains only clarifications to existing Medicaid policy. These clarifications cost approximately \$25 million over five years. We have identified an offset.

Systems Change Grants

Proposal: HCFA proposes a Systems Change Grants program to build and enhance States' capacity to provide personal assistance services and supports (PASS) to people with disabilities of all ages. The proposal costs \$50 million in FY 2001. If enacted, HCFA would seek continued funding for the program.

Background: HCFA's proposal is closely modeled on the Real Choice Systems Change Initiative Grants found in HR 4416, the Medicaid Community Attendant Services and Supports Act of 2000 (MiCASSA). Disability advocates played a large role in shaping the Systems Change Grants. HR 4416 appropriates \$25 million in FY 2001 and an unspecified amount for FY 2002-2010. The goals of the program would be: 1) to support real choice system change initiatives to provide consumer-responsive long term care services and supports to eligible individuals in the most appropriate integrated setting; and 2) to conduct outreach campaigns regarding the existence of such initiatives.

Staff Recommendation: This initiative was not proposed in the Budget or MSR. Consequently, a decision on funding must be made. (We understand from HHS that \$25 million has been

included in the Senate Labor/HHS bill for FY 2001, but we are trying to confirm.) OMB staff do not object to the proposal, but believe it should be funded at \$25 million (the level in the MiCASSA legislation) rather than \$50 million.

Disabled Kids Health Bill

Proposal: The Family Opportunity Act of 2000 has been introduced in both the House (H.R. 4825) and the Senate (S. 2274). The two versions are very similar, although they contain some technical differences. Both bills give States the option to expand Medicaid coverage to disabled children with incomes above SSI eligibility limits (up to 600% of poverty). The FY 2000 Congressional budget resolution sets aside \$150 million over five years for disabled children's health care, but we do not yet have CBO or HCFA scoring for this proposal. We understand that the President, Vice President, and the First Lady may want to announce the Administration's support for this bill as part of the ADA Anniversary.

Summary: The Family Opportunity Act has four major parts:

- a new Medicaid buy-in option for disabled children up to age 21 who are no longer eligible for SSI because of their income and resources, but otherwise meet all the eligibility criteria;
- a time-limited demonstration program allowing states to extend Medicaid coverage to children who have a disability that, without health care, would become severe enough to qualify for SSI;
- permission for States to include disabled children receiving inpatient hospital services in the State's home and community-based services waiver; and
- the establishment of health information centers to assist families of children with disabilities and special health care needs.

Staff Recommendation: HD staff have serious concerns with a provision in the Family Opportunities Act that provides for an enhanced administrative match of 90% for the first three years. We believe this amount is excessive. Given current HCFA, congressional, GAO, and IG concerns about Medicaid reimbursement for administrative activities involving disabled children (particularly services provided in the schools), we believe the enhanced match would seriously exacerbate existing program integrity problems. We also believe that Medicaid expansions are implemented more efficiently when the State has a stake in funding the administrative costs. OMB staff strongly urge the Administration to seek the deletion of this provision. If the Administration wants to voice support for this bill, we recommend stating that the Administration supports the intent of the bill and looks forward to working with the Congress on the details over the next few months.

Regulatory Change to Allow Additional State Flexibility in Setting Medicaid Eligibility Levels

Proposal: HCFA proposes to change a regulatory provision that currently limits the income level

for some eligibility categories including the medically needy (i.e., those individuals who only qualify for Medicaid after their medical costs decrease their income calculation to certain levels). People with disabilities would potentially represent a large portion of those assisted if States make use of this regulatory change.

Background: Under the Medicaid statute, States have flexibility to expand eligibility for certain eligibility groups specified in statute. The medically needy are excluded from the less restrictive eligibility provisions. HCFA believes a regulatory change will provide states with the same flexibility in setting income eligibility limits for the medically needy population as they have with other eligibility categories.

Staff recommendations: OMB staff do not recommend including this regulatory change in the ADA announcements at this time. OMB has not received a formal regulatory clearance package and an announcement would be premature. We recommend deferring for consideration until a formal regulatory proposal is submitted. The proposal costs \$735 million over five years. An offset must be identified.

Deliverables for the ADA Events July 25 & 26

President

Theme: Employment Opportunities and Equality

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

Encourage Federal Agencies with Customer Service Call Centers to Explore Ways to Hire People with Disabilities (TF '99)	Agencies operating customer service centers shall examine the feasibility and appropriateness of using home-based employees as customer service representatives. If it is appropriate to establish home-based positions, agencies shall implement procedures that encourage the recruitment and employment of people with significant disabilities for such positions.	Executive Memo	DPC	July 26, 2000
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Raise SSI Earned Income Exclusion to Encourage Work Efforts – SSA (TF'99)	SSA is proposing significant changes to the amounts that disabled adult beneficiaries can earn while remaining eligible for benefits under various circumstances. Under these proposals, future increases to these amounts would be linked to the national average wage or the consumer price index. The proposed changes may affect as many as 500,000 Social Security beneficiaries with disabilities. Raising the earnings amount under the trial work period. Annually adjust per the average wage index the earnings guidelines that shows whether work done by persons with impairments other than blindness is substantial gainful activity, rather than by current rules that set the SGA level through regulation. Increase (from \$200 to \$530) the amount of monthly earnings that is currently considered work during the trial work period, during which DI beneficiaries can receive full benefits regardless of how high their earnings might be. In addition, the amount of monthly earnings would be annually adjusted based on increases in the national average wage.	Regulatory Change	OMB	July 26, 2000
Create “Access America for People with Disabilities” Web Site – SSA/DOL (TF'99)	Provide information and services offered by virtually every major federal government agency, by linking to an abundance of helpful Federal agency sites, programs and services.	Announcement of Website	Done	July 26, 2000
Strong, Enforceable Patient's Bill of Rights (TF '99)		Legislation	In Congress	Pending

Tax Credit to Assist Adults with Disabilities with Expenses Related to Work (TF '99)	Provide flexible ways to assist people with disabilities in defraying the costs of personal attendant services, technologies and other services required for employment.	Budget Proposal	In Congress	Pending
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Vice President

Theme: Integration and Technology

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

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

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

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

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

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

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

HUD

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

HHS/ SAMHSA/ HCFA

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

TRANSPORTATION

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

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

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

DOL

SUBJECT	DESCRIPTION
Create Office of Disability Policy Headed by Assistant Secretary – DOL (TF'99)	This office headed by an Assistant Secretary would bring a permanent and heightened focus on disability employment issues at the DOL
Strengthen Enforcement of Employment – related Nondiscrimination Provisions of ADA and Rehabilitation Act – DOJ, Labor, EEOC (TF '99)	Supplements the comprehensive compliance reviews with a variety of different means for assessing a contractor's compliance with Section 503 and its implementing regulations. Section 503 of the Rehabilitation Act of 1973 requires government contractors and subcontractors to take affirmative action to employ and advance in employment individuals with disabilities.

FCC

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

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

EEOC

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

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

DOJ

SUBJECT	DESCRIPTION
AG will announce initiative to ensure that local government programs are accessible to people with disabilities.	
Release "Enforcing the ADA: Looking Back On a Decade of Access."	Report highlighting the enforcement and technical assistance activities, will be posted on the DOJ website and will be mailed to the 8,000 disability rights activists on the mailing list.

OPM

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