

FOIA MARKER

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

Collection/Record Group: Clinton Presidential Records

Subgroup/Office of Origin: Counsel Office

Series/Staff Member: Michelle Aronowitz

Subseries:

OA/ID Number: 24519

FolderID:

Folder Title:

10th Anniversary ADA [Americans with Disabilities Act] Deliverables [1]

Stack:

S

Row:

113

Section:

7

Shelf:

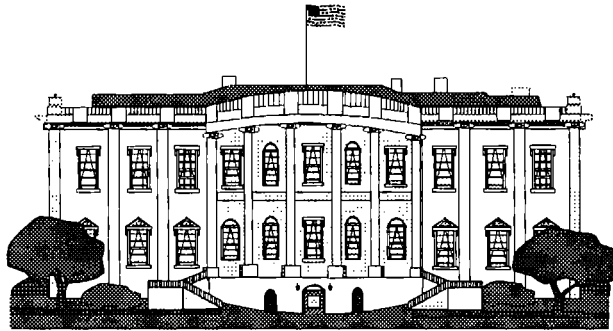
4

Position:

2

EXECUTIVE OFFICE OF THE PRESIDENT

Office of the Counsel to the President
Washington, DC 20502



FACSIMILE MESSAGE

TO: Rosemary HART

FAX: 514-0563

DATE: 7-21 **PAGES:** + Cover 8

FROM: Michelle Aronowitz
Associate Counsel to the President

FAX NUMBER: (202) 456-2256

OFFICE NO: (202) 456-2024

COMMENTS:

The documents accompanying this facsimile transmittal sheet are intended only for the use of the individual or entity to whom it is addressed. This message contains information, which may be privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any disclosure, dissemination, copying or distribution, or the taking of any action in reliance on the contents of this communication is strictly prohibited. If you have received the information in error, please immediately notify the sender at the telephone number above.

Mark - no focus

Rosemary - ~~have~~ statutory auth

National Program Office on Self-Determination, a project of the Robert Wood Johnson Foundation at the Institute on Disability, a University Affiliated Program, University of New Hampshire (NPOSD). This unique public/private partnership, entitled Access Housing 2000, will focus on expanding the availability of accessible, affordable housing, including home-ownership opportunities, supporting the use of individual development accounts (IDAs) for low- to moderate-income individuals with disabilities and their families, and assuring that individuals with disabilities receive the personal assistance and support necessary to make a smooth and successful transition to living in the community.

Each party to this agreement commits to bring available resources to this effort, detailed below, and to work in cooperation to identify further resources, both public and private, that may be brought to bear for this effort. The parties to this agreement hope that Access Housing 2000 will inspire States and communities to increase their own efforts in this regard.

I. National Demonstration Project

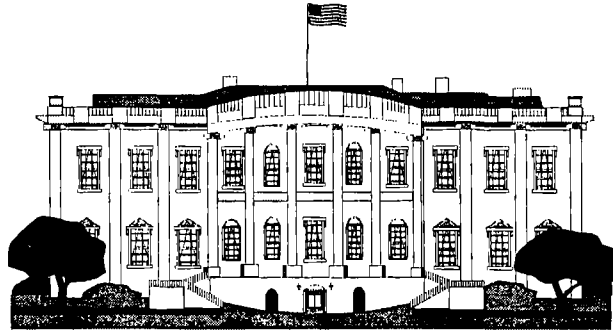
The parties will launch a five-year national demonstration project to create a model for facilitating the transition from institutional settings to community living for individuals with disabilities. This demonstration project will begin with approximately 400 beneficiaries residing in targeted regions, with a goal, depending upon available resources, of reaching 2000 beneficiaries at full implementation of the demonstration. Participants will include individuals with disabilities who have very low incomes and who currently reside in nursing homes, state institutions, Intermediate Care Facilities for the Mentally Retarded, group homes, their parents' homes, and other community-based residential programs. It is a goal of the parties that the

*no focus
the team?*

*who are
we really
saying?
I can't
imagine
who is
sitting
who*

EXECUTIVE OFFICE OF THE PRESIDENT

Office of the Counsel to the President
Washington, DC 20502



FACSIMILE MESSAGE

TO: Eric Gould

FAX: 6-7431

DATE: 7/24/00

PAGES + Cover: 5

FROM: Alexian "Ali" Wines for Michelle Aronowitz

FAX NUMBER: 202-456-5055

OFFICE NO: 202-456-5069

COMMENTS:

The documents accompanying this facsimile transmittal sheet are intended only for the use of the individual or entity to whom it is addressed. This message contains information, which may be privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any disclosure, dissemination, copying or distribution, or the taking of any action in reliance on the contents of this communication is strictly prohibited. If you have received the information in error, please immediately notify the sender at the telephone number above.

highly likely that these counts are low because employees either fail to, or choose not to, self-identify as having a disabling condition.

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

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

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

A: No. An applicant is not expected to notify a prospective employer about a disability. In some cases, an applicant may choose to notify an agency of a disability in order to request reasonable accommodation. Additionally, if an applicant wants to be considered for appointment under special authorities for individuals with disabilities, he or she should make that clear in an application for employment.

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

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

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

Executive Order on Reasonable Accommodations

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

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

Q: What is meant by reasonable accommodation?

What are "special authorities" the 50 critical recruitment accommodations and all available hiring authorities

awkward to highlight just Hispanics would say

"racial or ethnic minorities" on blacks, Hispanics, Asian Americans, Native Americans

would be more powerful if you added stats - 11.8% of blacks 5.6% whites 6.7% Hispanics 22-44 P 69 Flash from Report

A: A reasonable accommodation is any change in the work environment or in the way a job is performed that enables a person with a disability to enjoy equal employment opportunities.

Q: Why are reasonable accommodations important?

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

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

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

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

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

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

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

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

A: Agencies may require the employee or applicant to provide appropriate medical documentation if the disability and/or need for accommodation is not obvious. Agencies may request supplemental medical information if the information initially submitted is

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

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

Q: Why is the Directive necessary at this time?

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

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

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

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

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

brought by two Georgia women whose disabilities include mental retardation and mental illness. At the time the suit was filed, both plaintiffs were receiving mental health services in state institutions, despite the fact that State treatment professionals believed they could be appropriately served in the community. In its ruling, the Court said that institutionalization severely limits the person's ability to interact with family and friends, to work and to make a life for him or herself.

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

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

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

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

Q: Why is this grant program important?

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

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

add an element
choice - ✓
Don't displace
all nursing
homes

Here are proposed comments on the Executive Order:

I Have 3 comments regarding the Executive Order on Reasonable Accommodation:

1. The latest draft eliminates any requirement for supervisory training. This is unacceptable. Procedures for processing accommodation requests are useless if the managers are not aware of them. Accordingly, the old paragraph 3 of the Executive Order should be reinstated:

all agree

"All employees in an agency will receive a copy of the reasonable accommodation procedures. At a minimum all supervisors and managers will receive training on these procedures within one year [I can live with 2 years] of the establishment of the reasonable accommodation procedures."

*Put in
Bundson*

It will not ramp down Vespers of EEO

2. The timing of the Executive Order is off. Section 2 of the EO requires that within one year each agency submit to the EEOC for comment its draft accommodation procedures. Section 5 of the EO provides that the Task Force (or the EEOC?) shall be responsible for developing and implementing guidance to effectuate this EO. What if it takes the Task Force or the EEOC 6 months to draft appropriate guidance? Further, while the Order requires that an agency submit its draft plan to the EEOC within one year what then happens? What prevents the agency from dragging its feet indefinitely to implement the final plan? Thus, I have proposed that final procedures must be initiated within one and a half years after issuance of the EEOC guidance. In addition the Executive Order has no apparent teeth if an agency does not comply with it. Accordingly I propose a provision which would require the EEOC to report to the President those agencies that have and have not complied with the Order.

Thus Section 2 of the EO should be changed as follows:

2. The Equal Employment Opportunity Commission (EEOC) shall be responsible for developing and implementing guidance to effectuate the provisions of this Order. Within one year after the issuance of EEOC's guidance, each agency shall submit its reasonable accommodation procedures to the EEOC for comment. Each agency shall further submit to the EEOC any modifications to its reasonable accommodation procedures at the time those accommodations are adopted. The agency shall implement its final procedures within one and a half years of the issuance of the EEOC's guidance. The EEOC shall report to the President those agencies who have and have not complied with this Order and who have not issued final agency reasonable accommodation procedures within one and a half years of the date of the EEOC's guidance.

Section 5 would be eliminated as it is incorporated in section 2

*EEOC will
get back
to us in
70 days
Report*



United States Department of Energy
Office of General Counsel
for General Law

FACSIMILE TRANSMISSION FORM

Facsimile from:

Jim Benjilian
Forrestal Building
GC-80, Room 6A-211
1000 Independence Avenue, SW
Washington, DC 20585

Phone: 202-586-8618/1522
Facsimile: 202-586-8685

To: Mac Reed

Facsimile number(s): 202-395-7294

Date: 7/20/2000

Pages: 2 (including cover page)

Message:

This facsimile is intended only for the use of the recipient(s) to whom it is addressed and may contain information that is privileged and confidential. If you are not the intended recipient (or a person responsible for delivering this to the intended recipient), you are hereby notified that any disclosure, distribution or copying of this information is strictly prohibited. If you have received this facsimile in error, please notify the Office of General Counsel for General Law immediately at 202-586-8618/1522 and return the facsimile to the address shown above via the United States Postal Service. Thank you.

Comments on Executive Orders

1. Increasing the Number of Individuals with Disabilities Employed in the Federal Government

Response -

On page 2, line 3, from the bottom insert a comma (,) after "it."

2. Requiring Federal Agencies to Establish Effective Written Procedures for Processing Requests for Reasonable Accommodations

Response -

On page 3, Section 2, line 2, substitute "its" for "their" and in Section 4, insert a comma (,) after "it" in line 2 from the bottom.

Comments on Memoranda

1. Renewing the Commitment to Ensure that Federal Programs are Free from Disability-based Discrimination

Response -

One commenter points out that agencies are directed to "make all programs offered on their Internet and Intranet sites accessible to people with disabilities by July 27, 2001." He/she goes on to state that it is not clear what this means. Accessible in what respect? How would agencies make such programs accessible to persons with severe vision impairment, for example?

2. Employment of People with Significant Disabilities by Federal Agencies to Serve as Home-based Customer Service Representatives and in Other Remote Off-site Work Stations

Response -

One commenter suggests that a definition of "significant disability" be included in the memorandum for purpose of clarity. It should be made clear that the memorandum does not refer to an impairment which would disqualify a person from doing the type of work contemplated.



Lisa B. Fairhall

07/20/2000 12:31:24 PM

Record Type: Record

To: McGavock D. Reed/OMB/EOP@EOP

cc: Larry R. Matlack/OMB/EOP@EOP, Meredith G. Benson/OMB/EOP@EOP, Katherine Massey/OMB/EOP@EOP, Bruce D. Long/OMB/EOP@EOP

Subject: PPE branch comments on draft disability EOs and EMs.

Here are our preliminary comments on the draft EOs and EM's. We are happy to discuss, and are available to attend your meeting this afternoon. (Where will it be?) Thanks.

Executive Order: Increasing the Number of Individuals with Disabilities Employed in the Federal Government

- "Individuals with disabilities" is not defined. Is this a problem? Should the EO either include the language or reference statute.
- In Section 1 (a) (2), what are "traditional and non-traditional methods" of outreach? Will these be defined in the guidance? As drafted, the EO requires agencies to use them both.
- Section 1 (b): "...the federal government will take the lead in educating the public about employment opportunities available for individuals." Does the EO intend for this to cover employment opportunities outside the Federal government? To help clarify, we recommend that the sentence be revised to read: "...the federal government will take the lead in educating the public about employment opportunities available within the Federal Government for individuals with disabilities."
- Section 2: It is unclear what OPM's role is in regards to the plan. Are they reviewing and approving the plans or serving as a collection site?
- Section 3: OPM has emphasized their role to assist agencies in recruitment, retention and advancement of individuals with disabilities. This section only specifies that OPM is "...develop[ing] guidance on the provisions of this Order to increase the number of individuals with disabilities in the Federal Government". An alternative would be to substitute language from the preamble paragraph, to state that OPM is to develop guidance to "promote an increase in the representation. . ."
- Section 3: There is no deadline specified for OPM to provide the agencies with the guidance. It might be useful to set a deadline for promulgating the guidance, maybe at two weeks after the EO is issued.
-
-

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

- In the first paragraph, the executive order mentions reasonable accommodations when

describing the ways to promote a model Federal workplace. Should a definition of reasonable accommodation be included?

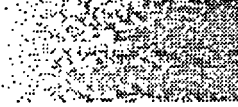
- We suggest that the word "grants" at the end of the second line be replaced with "offers."
- In the first paragraph, both applicants and Federal employees have access to reasonable accommodations. However, in Section 1(a), an agency's procedures for processing requests are available to employees. Should the definition be expanded to include both populations?
- Section 1(b) includes ten components that should be included in the written procedures for processing reasonable accommodation requests. As the EO explains, these instructions are listed in *Re-charting the Course: The First Report of the Presidential Task Force on Employment of Adults with Disabilities*. Does all this specific material need to be included in the EO or could agencies be directed to *Re-charting the Course*?
- Section 1(b)7 does not clearly state why an individual would be reassigned. Are we talking about employees who incur a disability during their tenure as an employee which affects their ability to perform their job? Or an employee with a disability who is hired into a particular position but is unable to perform all of the functions? What does the last sentence of this section mean?
- There are some typos in (b)9.
- Section 1(b)10 does not indicate the entity with which employees should file complaints. We recommend that this section also require the agency to identify the appropriate recipient of the complaints.
- Section 2 states "...each agency shall submit its procedures to the EEOC for comment." However, the specific role of the EEOC is not defined. Does EEOC function in an advisory capacity? Will its comments be binding?
- Section 3 specifies that agencies must bargain with collective bargaining representatives "...to the extent required by law." In light of recent efforts to expand scope of bargaining under 5 U.S.C. 7106(b)(1) through executive order, should the sentence read "...to the extent *permitted* by law?"
- In Section 5, the Presidential Task Force on the Employment of Adults with Disabilities is named as the lead organization for developing and implementing guidance. However, the executive order will outlive the tenure of the task force. Should another agency be named in place of the task force?

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

- In first bullet, we recommend that the EO also reference compliance with Sec. 508 of the Rehabilitation Act.
- Page 2, first complete paragraph. Strike the word "for" to clarify. "...Presidential Task Force on Employment of Adults with Disabilities, to develop priorities and establish ~~for~~ the Five-Year Plan..."

Memorandum: Employing People with Significant Disabilities to Fill Agency Jobs that Can Be Performed at Alternate Work Sites, Including Home.

- It appears that this Memorandum is substantially redundant of the first Executive Order (Increasing the Number of Individuals with Disabilities Employed in the Federal Government)
- Possibly insert a definition of "call/contact centers" in the first paragraph after the second sentence.
- The second paragraph makes very broad statements. Do we have data to support?
- The memorandum does not specify what types of "federal agency jobs" are targeted. Do they include vacant, new, existing, etc.
- In the fourth paragraph on the first page, insert a comma instead of a period after "and improve federal customer service representation, I direct executive departments and agencies as follows:"
- Items (a) and (b) will be administratively difficult to do, since the directives make presumptions about the kinds of work individuals with disabilities can do. We recommend instead striking those subsections, and replacing them with a general directive that the head of each executive department or agency consider the extent to which work performed by that agency could be carried out from alternative work stations.
-
- It would also be nice if the efforts under this memorandum could be linked in some way to the plans agencies have to develop under the hiring target EO.



Randolph M. Lyon

07/18/2000 05:43:44 PM

Record Type: Record

To: McGavock D. Reed/OMB/EOP@EOP

cc: See the distribution list at the bottom of this message

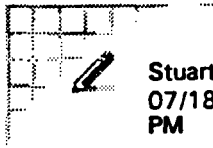
Subject: Proposed E.O. on Hiring Disabled Americans

Mac, I asked Kim Luczynski in our office to review the draft E.O. She has some concerns about the proposal and whether it is consistent with the Adarand decision (as well as whether that decision applies). Are other folks raising similar concerns?

If you could get back to her, that would be great. Thanks.

Message Copied To:

Michael Deich/OMB/EOP@EOP
Kenneth L. Schwartz/OMB/EOP@EOP
Janis A. Coughlin/OMB/EOP@EOP
Sherron Duncan/OMB/EOP@EOP
Kimberley S. Luczynski/OMB/EOP@EOP



Stuart Shapiro
07/18/2000 05:58:47
PM

Record Type: Record

To: McGavock D. Reed/OMB/EOP@EOP

cc: John F. Morrall III/OMB/EOP@EOP, Wendy A. Taylor/OMB/EOP@EOP, Lisa B. Fairhall/OMB/EOP@EOP

Subject: Disability EO's

Two comments from OIRA:

On Section 2 of the Reasonable Accommodation EO: Why do agencies have to submit their plans to EEOC for comment? Are the EEOC comments binding? If not then we have less of a concern with this.

In the Executive Memorandum on Alternate Worksites: The schedules seem unreasonably ambitious. How will a large agency evaluate all of its myriad jobs in a feasibility study within 90 days and then develop a Plan of Action and Implementation Guidelines within an additional 30 days?



FAX TRANSMITTAL FROM

**THE OFFICE OF THE GENERAL COUNSEL
U.S. OFFICE OF PERSONNEL MANAGEMENT**

TO: Michelle A Ronowitz

of _____

phone 456 2024 fax 456-2256

FROM: Suzanne Spiden

OPM/OGC

phone 606-1700 fax **(202) 606-2609**

DATE: 7/24/00

TOTAL NUMBER OF PAGES (including cover sheet): 9

COMMENTS:



"Seiden, Suzanne B." <SBSEIDEN@opm.gov>

07/21/2000 06:09:57 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: ADA- OPM deliverables

FOLKS:

Attached are:

1. Q & As on the Increasing Employment Opportunities EO
2. Draft Fact Sheet on the Employment Opportunities EO
3. 2 page summary of the 2 EOs and 3 POTUS memoranda
4. Compelling personal story of OPM legal intern who helped draft EO
5. Success stories of federal government employees with disabilities AND
Contact information list

If anyone has any questions over the weekend, my home number is 301-718-0165
and my pager is 1-888-912-6528

<<DIB100B4.DOC>>	<<disabilFS1.doc>>
<<PERSONAL.WPD>>	
Q & As	Fact Sheet
Personal Story	
<<disability success stories 3 - white house.doc>>	
<<Summary on EOs and POTUS Memos.doc>>	
Success Stories	Summary of EOs and POTUS Memos

-- Even though this E-Mail has been scanned and found clean of
-- known viruses, OPM can not guarantee this message is virus free.

-- This message was automatically generated.



- DIB100B4.DOC



- disabilFS1.doc



- PERSONAL.WPD



- disability success stories 3 - white house.doc



- Summary on EOs and POTUS Memos.doc

Message Sent To:

"Becky Ogle (E-mail)" <ogle-becky@dol.gov>
"Bill McKinnon (E-mail)" <mckinnon-william@dol.gov>
J. Eric Gould/OPD/EOP
Jonathan M. Young/WHO/EOP
Lisa M. Brown/OVP/EOP
"Liz Savage (E-mail)" <Liz.Savage@usdoj.gov>
"Mark Gross (E-mail)" <mark.l.gross@usdoj.gov>
Michelle M. Aronowitz/WHO/EOP
Stephanie A. Cutter/WHO/EOP
Samir Afridi/WHO/EOP

DRAFT

Questions and Answers Relating to E.O. on Increasing the Opportunity for Individuals with Disabilities to be Employed in the Federal Government

1. *What does the Executive Order do?*

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

2. *Is this a realistic number?*

Yes. If current hiring trends continue without change, Federal agencies would hire approximately 62,500 people with disabilities over the next five years. Approximately 8,000 of those people would have severe disabilities.

The new number is more than 60% higher than current trends, and reflects this Administration's strong commitment to making the Federal Government a model employer by recruiting a diverse and well qualified workforce. The President recognizes the significance of the increased number and believes that the Federal government is ready to meet this challenge.

3. *Why is the President doing this?*

Despite their qualifications for employment, persons with disabilities, and most notably persons with severe disabilities, are not sought after by potential employers. This is often because employers fail to understand the many ways that disabilities can be accommodated on the job. Therefore, President Clinton and Vice President Gore have made a commitment that the Federal government will take the lead in demonstrating that individuals with disabilities can successfully compete and perform in a wide range of jobs. With this Executive Order, the Administration is directing agencies to adjust their recruitment efforts to tap into the talented pool of individuals with disabilities.

4. *How are agencies going to do this?*

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

5. *How was this number determined?*

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

6. *Why is this a five year number?*

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

7. *How will progress be tracked?*

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

8. *How is disability defined for the purpose of these Federal employment statistics?*

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

disease.

9. How many current Federal employees have a disability?

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

10. What types of positions will be filled by people with disabilities?

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

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

No. An applicant is not expected to notify a prospective employer about a disability. In some cases, an applicant may choose to notify an agency of a disability in order to request reasonable accommodation. Additionally, if an applicant wants to be considered for appointment under special authorities for individuals with disabilities, he or she should make that clear in an application for employment.

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

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

The initiative to increase the employment of people with disabilities complements, and does not compete with, the Administration's other efforts to increase the employment of underrepresented groups, such as Hispanic individuals. Disabilities do not respect racial, gender, ethnic or religious boundaries. By committing to increase its efforts

at recruiting individuals with disabilities, the Federal government will continue to adhere to the overarching goal of creating a diverse workforce that more accurately reflects the American population.

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

Fact sheet:

June 21, 2000

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

- In five years, federal agencies will be able to hire 100,000 people with disabilities.
- This is a 60% increase over the current hiring rate.

- President Clinton and Vice President Gore are determined that the federal government will take the lead in demonstrating that individuals with disabilities can successfully compete and perform in a wide range of jobs. Through the executive order, President Clinton is directing agencies to adjust their recruitment efforts to tap into the talented pool of individuals with disabilities.
- Currently, there are 122,000 federal employees with disabilities, which make up 7.2% of the workforce. Of the entire federal workforce, 1.2% are severely disabled.
- The Executive Order specifically calls on agencies to recruit for the full range of levels and occupations in the federal government.
- Each agency will be asked to submit a plan by September 25, 2000. OPM will work with agencies to assure the overall success of the initiative.
- An employee is considered disabled if he or she has a physical or mental impairment, which substantially limits one or more major life activities. For example, speech, vision, hearing and orthopedic impairments, missing extremities, paralysis, mental illness, diabetes and heart disease.

MARQUE MOORE, personal statement/Legal Intern, OPM, Summer 2000

From the beginning, I have learned by example to work hard. Eighteen years of working with my uncle on his farms taught me the importance of staying focused on both the task at hand and future goals. This is a lesson that has served me well, as I will explain. In addition to long hours of hard work, I always had enough energy to play. In high school, I ran cross country, played football and softball, and took an active part in several school clubs, including the Future Farmers of America, the Future Business Leaders of America, and the Kentucky High School Rodeo Association. Rodeo was my passion, and I still consider bull riding the most exciting adrenalin rush possible. Lane Frost, the youngest bull rider to make it into the Pro Rodeo Hall of Fame, described bull riding as "... like every wild and free thing, right there in the palm of your hand." I still agree, even though my taste for that wildness changed my life forever.

In the fall of 1990, a Murray State University freshman with the world by the tail, I was riding a bull in a rodeo when my body--and my reality--came crashing down. Life as I had known it came to a dynamic halt. The prognosis was bleak: my spinal cord was severely crushed and my left lung had collapsed. I had a 2% chance of survival, and, at best, a body damaged beyond repair. My strong body did not fail me, and progress, though difficult, has been steady. Lessons learned early supported the effort I had to make during the five months at Craig Rehabilitation Hospital in Colorado. Staying focused on the task at hand--and never losing sight of my long term goals--I have survived the paralysis of all my limbs and a dysfunctional diaphragm. My tasks included learning how to manage in a body that no longer responds to command. The process of that learning included becoming an advocate, for myself and others, to gain access to needed services and resources. My first long term goal, the one I held to when I was in the hospital, was to successfully complete ONE semester of college.

One year after my injury, in the fall of 1991, acting against the recommendation of the Kentucky Department of Vocational Rehabilitation, I enrolled as a freshman at Western Kentucky University. My only source of mobility was a manual wheelchair which I could not move without help. *One successful semester*--I was scared, not sure of what I was capable. I stayed focused and worked hard, but it wasn't until finals were over that I really knew I could do it. Three successful semesters later, health care became available at Murray State, my first

college, and I transferred back.

That first semester back at Murray I focused totally on being a successful student and achieved a 4.0 GPA. After that, I allowed myself to explore other interests and activities in addition to school, and maintained a 3.4 cumulative GPA. My involvement now includes several university and statewide organizations. I have served as warden, master of rituals, and president of Alpha Kappa Psi, a professional business fraternity. Since 1993, I have been a charter member of the Kentucky Statewide Independent Living Council, a governor-appointed position, with responsibilities which include establishing statewide independent living centers and providing resources and information to the public. I am an advocate of/for disability awareness, the augmentation of accessible accommodations, the improvement of resources, and the removal of discrimination. I counsel rehab patients at Craig Rehab, Vanderbilt University Medical Center, and throughout the United States. I voice the needs and ambitions of wheelchair-enabled citizens and spinal cord injury patients to their families and the agencies and schools that serve them.

Six years post-injury, I am living independently with the assistance of two employees whom I manage. I am determined to progress and excel, despite obstacles. I will earn a law degree and a practice in public interest civil rights work.

DISABILITY SUCCESS STORIES

Name: **JOHN V. WRIGHT, JR.**

Position: Meteorologist-in-Charge
Department of Commerce
National Oceanic and Atmospheric Administration
Blacksburg, VA

Accomplishments: As the Meteorologist-in-Charge of the Weather Forecast Office in Blacksburg, John currently manages a staff of 24 meteorologists, hydrologists, and hydrometeorological technicians. He has given more than 450 presentation on issues related to weather forecasting, and has trained more than 2,000 individuals to be volunteer severe weather spotters.

Disability: John was born with cerebral palsy. He also has a speech impediment that he has worked very hard to overcome.

Personal: John has received several awards for his outstanding performance. He is dedicated to volunteering in the community. For example, he initiated a program in Virginia called "High School/High Tech" which encourages students with disabilities to explore the fields of science and technology. As a result of this program, 26 junior and high school students with disabilities have served in paid summer internships with high-tech companies in Virginia.

Name: **MARQUE MOORE**

Position: Law Clerk
U.S. Office of Personnel Management (OPM)
Washington, D.C.

Accomplishments: Marque assisted with the drafting of the Executive Order that increases the opportunities for those with disabilities to be employed by the federal government. In addition, he has helped resolve a number of legal issues arising under the Federal Employees Health Benefits program. He also has reviewed policies for implementing reasonable accommodation in federal agencies.

Disability: Marque is a quadriplegic as a result of being thrown from a bull while participating in a rodeo during his freshman year in college.

Personal: Marque has been heavily involved in counseling activities at Craig Rehab and Vanderbilt University Medical Center. In the summer of 2000, he successfully completed his clerkship at OPM and will return to the University of Texas School of Law to continue his studies.

Name: **MARIANNE DALEY**

Position: Division Director
 Office of Employment Support Programs
 Social Security Administration
 Washington, D.C.

Accomplishments: After holding a number of positions at SSA, Marianne was selected for SSA's Midlevel Management Development Program. In 1999, she was promoted to her current position as a Division Director in SSA's Office of Employment Support Programs.

Disability: Marianne is vision impaired.

Personal: For many years, Ms. Daley has prepared a general interest column for a spoken-word magazine, "The Newsreel," which has a nationwide subscribership of over 1,000 blind or visually-impaired readers. In addition, Ms. Daley is an active member of a local animal rescue organization and provides "foster care" for stray cats and kittens until they can be placed in a permanent home. In June of this year, she became Vice President of this organization.

Name: **KITTY KOBERT**

Position: Disability Program Analyst
 U.S. Office of Personnel Management (OPM)
 Washington, D.C.

Accomplishments: Kitty coordinated the development of OPM's disability website. She works on government-wide policy issues affecting recruiting, hiring, and retaining people with disabilities. She also sits on the Presidential Task Force developing policy recommendations for the federal government as a Model Employer.

Disability: Due to a car accident, Kitty injured her back and developed fibromyalgia, a chronic illness. As a result, she is a wheelchair user.

Personal: Kitty is married and is a member of various building and civic committees. She has also served the community as a disability resource through her involvement with Independent Living programs.

Name: **RICHARD SIEGEL**

Position: Senior Attorney
Social Security Administration
Office of Program Law
Office of the General Counsel
Washington, DC

Accomplishments: Rich is a noted expert in a number of SSA's legal program areas, and he is constantly called upon by his peers to provide legal advice and guidance. He is currently guiding the Agency in its implementation of the Ticket to Work and Work Incentives Improvement Act of 1999 – a major work incentive program for Social Security and Supplemental Security Income recipients.

Disability: Rich has been totally blind since early childhood.

Personal: Rich has been married for 29 years, and has two children. In his spare time, Rich loves to travel. He has recently visited the Smoky Mountains in Tennessee, and has gone whale watching off the coast of Cape Cod.

Name: **SARA L. SMITH**

Position: Transportation Assistant
 U.S. General Services Administration (GSA)
 Dallas, Texas

Accomplishments: Sara is responsible for maintaining computers, doing word processing, greeting customers and performing other general office support duties.

Disability: Sara was born without a right leg and without several fingers on both hands.

Personal: In order to develop the skills needed to perform her duties, Sara attended Louisiana State Vocational Rehabilitation Services. She was selected as a participant for the Rehabilitation Services Administration's 1998 National Employment Conference.

Name: **DUANE B. HALLIBURTON**

Position: Department of Defense
Defense Information Systems Agency
Arlington, VA

Accomplishments: Duane provides remote access expertise in the systems integration division of the agency's information systems center.

Disability: Duane has a severe hearing loss. To assist him in the performance of his duties, he wears a hearing aid and uses a telephone amplifier and teletypewriter.

Personal: Duane provides sign language interpretation for deaf co-workers and volunteers at the Washington Hospital Center, where he is a volunteer. As a result of his exceptional work, he earned achievement awards in 1998 and 1999.

Name: **THERESE WINDT**

Position: Computer Programmer
U.S. Department of Agriculture
National Agricultural Statistics Service
Washington, D.C.

Accomplishments: Therese is designing a new administrative database query system. She is also working with the Information Technology Division to perform system analysis.

Disability: Therese suffered a cerebral hemorrhage in 1985. After being in a coma for two months, Therese had to relearn how to walk, talk and swallow.

Personal: Therese graduated with a Master of Science degree in Information Systems Technology from George Washington University. She won the opportunity to participate in this program through a competition in her agency.

Name: **SCHERRONE DUNHAMN**

Position: Workforce Development Specialist
U.S. Department of Labor
Employment and Training Administration (ETA)
Washington, D.C.

Accomplishments: Scherrone assisted with the development of an "Access Guide" for people with disabilities. She also worked with the Occupational Network to ensure their web-based software was accessible to people with disabilities

Disability: Scherrone has cerebral palsy.

Personal: Scherrone received an award for establishing a strategic plan for serving customers with disabilities.

Name: **BOBBY C. STEWART**

Position: Traffic Management Specialist
U.S. General Services Administration (GSA)
Dallas, Texas

Accomplishments: Bobby served as a key member of a team that established a uniform method through which motor carriers provided services to their customers. He also assisted in the development of a transportation management computer program module.

Disability: Bobby is a paraplegic as a result of a motorcycle accident in 1974.

Personal: Bobby is the recipient of two awards from the Dallas-Ft. Worth Federal Executive Board.

Name: **ALICE GOTTSCHLING**

Position: Computer Assistant
U.S. Department of Commerce
National Oceanic and Atmospheric Administration
Boulder, Colorado

Accomplishments: Alice uses computers to download and disperse budget data to various laboratories in the Boulder area.

Disability: Alice has a genetic disorder that destroyed her central vision. Legally blind, she depends entirely on peripheral vision.

Personal: Alice has a degree in elementary education from the University of Northern Carolina. She is a recipient of the Department of Commerce's annual federal employees award for the Accessible Computer Technology VII Exhibit.

CONTACT INFORMATION

OPM Employees:

Marque Moore

Kitty Kobert

Contact:

Suzanne Seiden/Cathy McDermott

202-606-1700/202-606-0132

Labor Employees:

Scherrone Dunham

Noelia Fernandez

202-219-9191 x103

GSA Employee:

Bobby Stewart

Edwin McGillick

817-885-6949

Commerce Employee:

Alice Gottschling

John V. Wright, Jr.

Debby Blackwood

202-482-6187

GSA Employee:

Sara Smith

Judy McCollum

817-978-4347

Agriculture Employee:

Therese Windt

Charles Warrick

202-720-6104

SSA Employees:

Richard Siegel

Marianne Daley

Eileen Houghton

410-965-4816

Defense Employee:

Duane Halliburton

Judy Gilliom

703-697-8661

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

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

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

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

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

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

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

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

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

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

5. Presidential Memorandum: Assistive Technology and Universal Design

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

Business Innovation Research program will develop a strategy for enhancing the development of this technology.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

3:30 pm

GENERAL COUNSEL'S OFFICE
FAX TRANSMITTAL SHEET

TO:

Dezmona Borden

Michelle
Arora 2

AGENCY:

OPM

fax 456-2256

TELEPHONE:

606-1700

FAX NUMBER:

606-2609

FROM:

TELEPHONE NUMBER:

/ / ROZ RETTMAN

202-395-4778

/ / STEVE AITKEN

202-395-4728

/ ✓ MAC REED

202-395-3563

/ / BESS WEAVER

202-395-3556

/ / CARLA STONE

202-395-9177

FAX NUMBER: (202) 395-7294

DATE: 7-24-2000

NO. OF PAGES (INCLUDING COVER): _____

COMMENTS:

Dezmona,

Attached are Justice Dept. Press releases and
advises as soon as possible

Thank you for



**PRESIDENTIAL
TASK FORCE ON
EMPLOYMENT
OF ADULTS
WITH
DISABILITIES**

200 Constitution Avenue, NW
Room S-2220
Washington, DC 20210
Main: 202-693-4939
Fax: 202-693-4929
TTY: 202-693-4920
www.dol.gov

FACSIMILE TRANSMITTAL FORM

Date: 7/24/00

Total Pages: 10, incl. cover

To: Mac REED

From: Becky OGLE @
Linda Kontniesz

Fax#: 202-395-7294

Tel#: 693-4932

Org/Ofc: OMB

Subj: 4 ADA orders

Distribution:

- ☐ Normal
- ☐ Urgent/Hand Carry or Telephone
- ☐ Confidential

Comments: 2 of 4 "OK" as is.
1 "OK" w/ changes.

Put Ability to Work!

*use**and other off-site locations*

(c) If the head of a department or agency determines it is feasible and appropriate to ~~establish home-based positions~~ pursuant to its actions under paragraphs (a) and (b) of this memorandum, such head shall develop a Plan of Action that encourages ~~of~~ the recruitment and employment of individuals with significant disabilities for such positions

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

approve guidance and for
(e) The Task Force, in consultation with the Office of Personnel Management, shall be authorized to review and approve agency Plans of Action and shall be responsible for *providing* implementing the plans and the provisions of this memorandum.

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

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

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

THE WHITE HOUSE,

DRAFT

7-24-2000

1:15 p.m.

Executive Order

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

"OK" as is,
PTFEAD
3:00p.m.
7/24

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to promote an increase in the opportunities for individuals with disabilities to be employed at all levels and occupations of the Federal Government, and to support the goals articulated in § 501 of the Rehabilitation Act of 1973 (29 U.S.C. 701 *et seq.*), it is hereby ordered as follows:

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

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

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

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

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

3

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

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

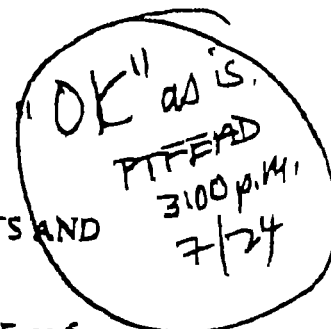
Sec. 4. Judicial Review. This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, its employees, or any person.

THE WHITE HOUSE,

DRAFT

7-24-2000

1:15 p.m.



MEMORANDUM FOR THE HEADS OF ALL EXECUTIVE DEPARTMENTS AND AGENCIES

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

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

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

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

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

To meet this goal, I hereby direct the Department of Justice and the EEOC, in close consultation with the IDCC and the President's National Task Force on Employment of Adults with Disabilities, to develop priorities under which agencies will focus on specific programs or types of programs to ensure that they are readily accessible to persons with disabilities in accordance with the requirements of sections 501, 504, and 508 of the Act. As the initial steps, agencies are directed to do the following:

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

5

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

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

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

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

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

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

THE WHITE HOUSE,

le

DRAFT

7-24-2000

1:15 p.m.

Executive Order

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

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

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

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

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

"OK" as
noted
PTFEAD
3:00 PM
7/24

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

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

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

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

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

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

(10) Encourage the use of informal dispute resolution processes to allow individuals with disabilities to obtain prompt reconsideration of denials of reasonable accommodation.

Agencies must also inform individuals with disabilities that they have the right to file complaints with the Equal Employment Opportunity Commission or pursue other appropriate statutory processes if their requests for reasonable accommodation, are denied.

Sec. 2. Submission of Agency Reasonable Accommodation Procedures to the Equal

Employment Opportunity Commission (EEOC). Within one year from the date of this order, each agency shall submit its procedures to the EEOC. Each agency shall also submit to the

Agencies must also inform individuals with disabilities that they have the option of filing a complaint with the Equal Employment Opportunity Commission, or pursuing other statutory appeal processes as appropriate, if their requests for reasonable accommodation are denied.

MARK
GROSS
5/4-8490

MEMORANDUM OF UNDERSTANDING
AMONG THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES,
AND THE NATIONAL PROGRAM OFFICE ON SELF-DETERMINATION,
A PROJECT OF THE ROBERT WOOD JOHNSON FOUNDATION AT THE
INSTITUTE ON DISABILITY, UNIVERSITY OF NEW HAMPSHIRE

Preamble

On June 22, 1999, the United States Supreme Court decided *Olmstead v. L.C.*, holding that under Title II of the Americans with Disabilities Act, 42 U.S.C. §12132, "States are required to provide community-based treatment for persons with mental disabilities when the State's treatment professionals determine that such placement is appropriate, the affected persons do not oppose such treatment, and the placement can be reasonably accommodated, taking into account the resources available to the State and the needs of others with mental disabilities." 119 S. Ct. 2176, 2190 (1999).

Olmstead has prompted a nationwide reexamination of the institutionalization of individuals with disabilities. Federal, state, and local governments, as well as private sector entities, are examining how the movement of individuals with disabilities from nursing homes and other institutional settings to community living can be facilitated.

On the federal level, the Departments of Housing and Urban Development (HUD) and Health and Human Services (HHS) hereby enter into this memorandum of understanding (MOU) to create a coordinated response to *Olmstead*, to be implemented in conjunction with the

National Program Office on Self-Determination, a project of the Robert Wood Johnson Foundation at the Institute on Disability, a University Affiliated Program, University of New Hampshire (NPOSD). This unique public/private partnership, entitled Access Housing 2000, will focus on expanding the availability of accessible, affordable housing, including home-ownership opportunities, supporting the use of individual development accounts (IDAs) for low-to moderate-income individuals with disabilities and their families, and assuring that individuals with disabilities receive the personal assistance and support necessary to make a smooth and successful transition to living in the community.

Each party to this agreement commits to bring available resources to this effort, detailed below, and to work in cooperation to identify further resources, both public and private, that may be brought to bear for this effort. The parties to this agreement hope that Access Housing 2000 will inspire States and communities to increase their own efforts in this regard.

I. National Demonstration Project

The parties will launch a five-year national demonstration project to create a model for facilitating the transition from institutional settings to community living for individuals with disabilities. This demonstration project will begin with approximately 400 beneficiaries residing in targeted regions, with a goal, depending upon available resources, of reaching 2000 beneficiaries at full implementation of the demonstration. Participants will include individuals with disabilities who have very low incomes and who currently reside in nursing homes, state institutions, Intermediate Care Facilities for the Mentally Retarded, ~~group homes~~, their parents' ~~homes~~, and other community-based residential programs. It is a goal of the parties that the

Demonstration Project reach a broad geographic sweep, with a target of up to forty states and territories at full implementation, with a goal of approximately fifty beneficiaries per state or territory.

A. Demonstration Section 8 Voucher Targeting: HUD will make available through its funding award process 400 Section 8 vouchers targeted for use by individuals with disabilities and families of children with disabilities who currently reside in nursing homes or institutions in select States. These vouchers will be administered by public housing authorities (PHAs) and be used to rent or eventually own accessible and affordable homes. HUD will seek to identify resources in future project years to reach full implementation. As an additional tool, HUD expects soon to finalize a proposed rule that would allow Section 8 voucher holders to become homeowners.

B. Individual Development Accounts: HHS will work with other public and private agencies and foundations to identify and actively pursue strategies for enabling individuals with disabilities and their families to establish Individual Development Accounts. HHS, working in conjunction with others, will seek to develop and fund a specific strategy for integrating the use of IDAs by participants in Access Housing 2000 by the beginning of its second year. These savings accounts may be used for homeownership, post-secondary education, purchasing assisted technology, modifying homes or residences as necessary, and capitalization of small businesses.

C. Nursing Home Transition Grants: HHS will issue a Request for Proposals at the beginning of Fiscal Year 2001 to award \$2 million in Nursing Home Transition Demonstration Grants to incorporate and advance the major features of Access Housing 2000. These grants will focus on assuring that persons leaving nursing homes will have adequate personal assistance to

meet their needs. Also, HHS will encourage States receiving Nursing Home Transition Grants as well as Medicaid programs in other States to work with HUD and local PHAs to facilitate the use of the ^{Projects} demonstration's Section 8 vouchers by individuals leaving institutions.

D. The Ticket to Work and Work Incentives Improvement Act (TWWIA): HHS will permit and encourage States receiving TWWIA 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 options, including home ownership, and savings opportunities for employed individuals with disabilities. HHS will encourage first round TWWIA Infrastructure Development Grantees, which will be announced in the Fall of 2000, to focus a portion of their time and efforts on housing issues related to the employment of individuals with disabilities. HHS will build more explicit linkages to Access Housing 2000 into future grant solicitations.

E. Outreach and Local Coalition-Building: HHS will work closely with HUD and NPOSD in targeted regions to inform state Medicaid directors, directors of state mental health, developmental disabilities and rehabilitation agencies, PHAs, and disability groups about the availability of the demonstration vouchers. This will be done through meetings, conferences, existing technical assistance vehicles, and joint announcements. NPOSD will focus on creating local coalitions to build ground-level support for the initiative and to assist in its implementation.

F. Technical Assistance Exchange: HUD and HHS will fund a technical assistance exchange to assist States, PHAs, and others to help people with disabilities rent or own homes, establish IDAs, and control the services they receive. HHS will ensure coordination with other existing *Olmstead*-related technical assistance efforts. HUD will also conduct more general

outreach to PHAs regarding participation in voucher programs for individuals with disabilities.

The initial funding for this TA exchange will be \$1,000,000, with \$500,000 from FY2001 HUD funds and \$500,000 from HHS FY2001 funds. HUD and HHS will seek resources to continue to fund this component at \$500,000 annually for five years.

G. Evaluation: NPOSD will evaluate the efficacy of the strategies developed during the demonstration project and disseminate best practices. Additionally, the parties will seek to fund an independent evaluation of the demonstration project.

II. National and State Coalition Building

In addition to the local coalition-building undertaken in conjunction with the demonstration project, HUD, HHS, and NPOSD will reach out to national, State, and local partners to engage a wide range of resources in the effort to facilitate the transition from nursing homes and other institutional settings to community living. The parties recognize that there are many creative and effective ways for other public and private partners to reach the goals of Access Housing 2000, and the parties commit to helping to access resources to bear to advance the goals of the initiative.

A. Federal Collaboration: HUD and HHS will convene a staff-level working group to reach out to other Federal agencies to seek their participation in the work of Access Housing 2000. This outreach will focus on, but not be limited to, the Social Security Administration, the Rehabilitative Services Administration, the National Institute on Disability and Rehabilitation Research, the Small Business Administration, the Community Development Refinancing Corporation, and others.

B. Other National and State Partners: HUD, HHS, and NPOSD will reach out to States, State Medicaid Directors, PHAs, the disability community, foundations and other key stakeholders to seek participation in the work of Access Housing 2000 in facilitating the movement of individuals residing in nursing homes and institutions into their own homes and apartments in the community.

III. Research and Policy Analysis

A. Research: NPOSD will conduct qualitative and quantitative research that examines the process for, benefits of, and barriers to the implementation and accomplishment of the objectives of Access Housing 2000.

B. Policy Analysis: NPOSD will prepare an analysis of Federal and State policy affecting the implementation of this initiative. The analysis will address disincentives, especially as they relate to the movement of individuals residing in nursing homes and institutions into their own homes and apartments in the community, personal assistance services, and the establishment of IDAs.

IV. Agreement

This MOU will become effective upon the date of the last signature on this document.

The parties agree to confer on the interpretation and implementation of the MOU as necessary and to conduct periodic reviews of its operation.

This MOU constitutes the complete agreement between the parties.

ANDREW CUOMO

Secretary of Housing
and Urban Development

DONNA SHALALA

Secretary of Health and
Human Services

JAN NISBET

Director of the Institute
on Disability

DATE

DATE

DATE

Lisa M. Brown

 07/22/2000 07:05:01 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Summary of announcements 


ADAAnniv.VPannounc.summ This is a combination press paper and backgrounder -- the press paper will only include the bullet paragraphs. Pls let me know if I have misstated something or if I should describe something differently or anything else you think of! I would like to put this in final by Monday morning. Thanks!

Message Sent To:

bobrw@bellatlantic.net
"Nestor M. Davidson" <Nestor_M._Davidson@HUD.GOV>
J. Eric Gould/OPD/EOP@EOP
ogle-becky@dol.gov
Michelle M. Aronowitz/WHO/EOP@EOP
Andrea Kane/OPD/EOP@EOP

Today, the Vice President announced steps to help qualified individuals with disabilities live and work in the community. No one should have to live in an institution or nursing home if they can live in the community with the right support. Everyone should have the opportunity to make the most of their abilities and contribute to our society. **Need good intro language**

- **Grants to States to Engage in System Change Activities Designed to Build and Enhance their Capacity to Provide Personal Assistance Services and Supports to People with Disabilities in the Most Integrated Setting Appropriate.** No one should have to live in an institution or nursing home if they can live in the community with the right support. The Vice President announced new funding for States to work with their disability and aging communities to develop comprehensive, effective plans for placing qualified persons with disabilities in the most integrated setting appropriate to their needs. Each State could use the funds for a variety of system change, capacity building and outreach activities designed to enable people with disabilities to have a real choice in where they want to live and receive services, whether in their own homes and communities or in an institutional setting.

This \$50 million grant initiative is drawn from section 4 of the Medicaid Community Attendant Services and Supports Act of 1999 (MiCASSA) proposed by Senators Harkin and Specter. It will help states develop the comprehensive, effectively working plans endorsed by the U.S. Supreme Court in Olmstead v. LC. The grants will support States in partnering with their disability and aging communities to identify ways to avoid unnecessary institutionalization and advance community-based care in ways that are realistic, equitable and affordable. Every State that is awarded a system change grant will work with a newly established consumer task force comprised of representatives from the disability and aging communities and service providers to develop, implement, and evaluate real choice systems change initiatives. (Each task force will include representatives from Developmental Disabilities Councils, State Independent Living Councils, Commissions on Aging, organizations that provide services to individuals with disabilities and consumers of long-term services and supports; a majority of its members will consist of individuals with disabilities or their representatives.)

Grants under this systems change initiative can be used to:

- support a Consumer Task Force to assist the State in the development, implementation, and evaluation of its comprehensive, effectively working plan;
- conduct needs assessment and data gathering, training and technical assistance, and demonstrations of new approaches;
- modify policies, practices, and procedures that result in unnecessary institutional bias and/or the overmedicalization of long term services and supports;
- enhance interagency coordination and single point of entry activities;
- support public awareness programs that provide information on the choices available to individuals with disabilities for receiving long-term services and support in the most integrated setting appropriate;
- offset per capita increased fixed costs in institutions directly related to the movement of individuals with disabilities out of specific facilities and into the community;

- cover transitional costs of assisting people with disabilities to move out of institutions and into the community; and
 - other systems change activities necessary to develop, implement, and evaluate statewide systems of personal assistance services and supports.
- **Policy Guidance on Medicaid that will Help States Offer Individuals with Disabilities the Services and Supports they Need to Lead Meaningful Lives in Their Communities.** The Vice President announced new policy guidance to States to clarify Medicaid benefits available to persons in the community and additional flexibility to provide home and community based care services. The guidance will help States:
 - assist people with disabilities to make a successful transition from nursing homes and other institutions into the community;
 - expand access to home and community based services; and
 - assure that people receive comparable Medicaid services whether they are living in an institution or in the community.

The new Guidance will:

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

Waiver Services: The guidance explains the quickest way a State can begin using Medicaid waiver funds to help a person move out of a nursing home or institution back into their community.

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

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

2. Expand access to home and community based services:

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

Out of State Services: The guidance explains how a Medicaid program can pay for services provided to one of its beneficiaries in another state when it is in the beneficiary's best interest to do so, such as when a person needs to access services

in rural or other underserved areas, a mother needs to be near her family, or a student attends college out of State.

3. Assure comparability in Medicaid services:

Home Health: The new guidance informs States that they may no longer require that people be "homebound" in order to receive Medicaid home health services. Specifically, HCFA indicates that such a State-imposed limit violates Medicaid's requirement that home health services be made available on a comparable basis to anyone on Medicaid who would qualify for nursing home care. (States can set reasonable limits that do not arbitrarily deny or reduce the amount, duration, or scope of a required service solely because of a person's diagnosis, type of illness, or condition, but the guidance will ensure that no one loses access to home health services simply by leaving their homes and spending time in their communities.)

Nurse Delegation: The new guidance makes clear that States may use Medicaid to pay for services provided by qualified individuals under the supervision of a nurse or its nurse delegation law [**what does this mean?**]. States are not required to use nurses to perform health related tasks (e.g., catheter care) which others can be trained to do. This should help States eliminate a layer of unnecessary medicalization of people's lives which many find extremely intrusive.

- **Access Housing 2000 – A Public-Private Partnership to Assist People with Disabilities to Transition from Institutions to the Community by Providing Affordable Housing and Necessary Supports.** The Vice President announced that the Departments of Housing and Urban Development and Health and Human Services, in conjunction with the National Program Office on Self-Determination, a Project of the Robert Wood Johnson Foundation at the Institute on Disability, a University Affiliated Program, University of New Hampshire (NPOSD) are launching a unique public/private partnership, entitled Access Housing 2000, to assist individuals with disabilities in making the transition from nursing homes and other institutional settings into community living. They jointly committed resources to assist States in their efforts to expand the availability of accessible, affordable housing, assure that individuals with disabilities receive the personal assistance and supports necessary to successfully transition from institutions to the community, and increase the use of individual development accounts (IDAs) for low- to moderate-income individuals with disabilities and their families.

This national demonstration project will provide a model for a coordinated response to the Supreme Court's decision in Olmstead v. L.C.. The partners will launch a five-year national demonstration project to create a model for facilitating individuals with disabilities' transition from institutional settings to community living. The project will begin with approximately 400 beneficiaries residing in targeted regions, with a goal, depending upon available resources, of reaching 2000 persons at full implementation. Participants will include individuals with disabilities who have very low incomes and who currently reside in nursing homes, state institutions, Intermediate Care Facilities for the Mentally Retarded,

group homes, their parents' homes, and other community-based residential programs. The goal is to reach a broad geographic sweep, with a target of up to forty states and territories at full implementation. The demonstration project will use Section 8 housing vouchers, Nursing Home Transition Grants, Ticket to Work and Work Incentive Improvement Act grants, and other resources in a targeted manner to help individuals with disabilities make this transition. Access Housing 2000 will also reach out to other potential public and private partners to encourage them to bring additional resources to this effort.

- **Increasing Home Ownership for Persons with Disabilities.** The Vice President announced that a letter entitled “Single Family Loan Production - Increasing Home Ownership Rates for Persons with Disabilities” will be sent to all approved FHA mortgagees, re-emphasizing HUD’s commitment to promoting home ownership for persons with disabilities. The letter encourages HUD’s lender partners to make the dream of home ownership possible for individuals with disabilities through increased, but prudent flexibility when underwriting their loan applications.
- **Extension of income disregards – a critical incentive for employment -- to the entire range of HUD housing assistance programs.** The Vice President announced that the Administration will take action to extend employment incentives for persons with disabilities to all of HUD’s housing assistance programs. He announced a new rule extending earned income disregards currently applicable only to public housing to Sections 8, 811, 202 of [what Act?], the Rental Supplement program, and the Rental Assistance program, and pledged to work with Congress to extend the disregard to the few remaining HUD programs.

In implementing the Quality Housing and Work Responsibility Act of 1998, HUD instituted a grace period during which the new income of individuals with disabilities who begin working after having been unemployed or receiving certain public benefits is not counted in the calculation of their benefits. Eligible families include those with a person with a disability who has been unemployed for 1 or more years or been participating in a job training/self sufficiency program, or those that have received TANF within the past 6 months. For the first year, this important incentive for employment is a full disregard of income, phasing down to a fifty-percent disregard in the second year. Currently, this incentive applies only to HUD’s public housing program, but the new regulation will extend the incentive, as it applies to individuals with disabilities, to most of HUD’s housing assistance. The regulation also clarifies that certain targeted adjustments to annual income for individuals with disabilities apply to the entire range of HUD housing assistance. The Administration will also work with Congress to ensure that this disregard applies to the few remaining HUD programs not covered by the regulation.

- **National Mental Health Coalition to Promote Community-Based Care for Individuals with Mental Illnesses and Substance Abuse Disorders.** Millions of people with disabilities can lead full, productive lives in their communities. But to live in the community, people need

to be able to access not only the medical and mental health services they need, but also the housing, vocational rehabilitation, and employment services that enable them to support themselves in the community. The Vice President announced that the Center for Mental Health Services at the Substance Abuse and Mental Health Services Administration (SAMHSA) will work with a broad-based group of public and private organizations, constituencies and consumers to create state and local coalitions to assist persons with disabilities in accessing the services they need to live in the community.

The goal of the broad-based coalition is to bring together all of the service delivery providers needed to empower individuals with disabilities to return to their communities. SAMHSA intends to demonstrate that this national level effort can serve as a model for State, County, and local governments in improving the quality of life for persons with mental health and substance abuse disorders. The partners comprising the national coalition will include both traditional partners in the mental health and substance abuse treatment fields, such as professional organizations representing State mental health and substance abuse directors and protection and advocacy organizations, as well as non-traditional partners such as private industry councils, civil rights groups, housing and employment organizations and agencies, hospital administrators, and others.

- **Development and Deployment of Assistive Technology and Technology that Enables Universal Design.** The Vice President announced an Executive Memorandum requiring that the Interagency Committee on Disability Research (ICDR) publish a report identifying priority areas for the development and advancement of assistive technologies and universal design capabilities, and that Federal agencies then develop a strategy for transferring such technology for the benefit of people with disabilities. The development and transfer of assistive technologies will facilitate the development of products that will enable people with disabilities to work and participate in society.

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

Facts and Figures

Federal Government Employees

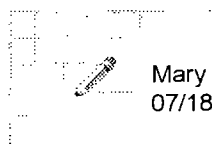
- There are 1.9 million Federal employees nationwide
- Federal employees represent 1.5% of this country's workforce
- Last year, the federal government hired over 190,000 permanent and temporary workers.
- There are 1,513 employees in the Executive Office of the President -- a number including all employees of the Office of Management and Budget, the US Trade Representative, the National Security Council, the Domestic Policy Council, the National Economic Council, and others

Additional Hiring Power In the U.S.

- There are 826,000 U.S. businesses with more than 20 employees
- There are 1.1 million nonprofit organizations (not including congregations).
- There are 135,119 congregations with more than 200 members and 205,583 congregations with more than 100 members.

The Welfare Rolls

- There are 20 percent *fewer* people on welfare than the day the President took his first oath of office -- the largest decline in the history of the welfare system.
- The welfare caseload fell by 2,755,000 from 14,115,000 in January 1993 to 11,360,000 in January 1997, decreasing as much in the last four years as it increased in the first 25 years of the program.
- Before the President signed the welfare reform bill, he worked with states to test reform strategies, giving 43 states waivers from federal rules to experiment with reforms that required work, imposed time limits, and demanded personal responsibility. In 1993, the President made work pay better than welfare for 15 million low income families through an expansion of the Earned Income Tax Credit which he proposed and the Congress adopted.



Mary L. Smith
07/18/2000 07:52:07 PM

Record Type: Record

To: Michelle M. Aronowitz/WHO/EOP@EOP

cc:

Subject: welfare directive

here it is

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

March 8, 1997

March 8, 1997

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Government Employment for Welfare Recipients

Since I signed the historic welfare reform law, I have urged businesses, nonprofit organizations, and religious groups across the Nation to help make its promise of opportunity real by offering jobs to welfare recipients. We are making great progress, but there is more to do. And today, I take action to ensure that the Federal Government, as the Nation's largest employer, contributes to the greatest extent possible to this national effort.

I therefore direct each of you, as head of an agency or department, to use all available hiring authorities, consistent with statute and prior executive memoranda, to hire people off the welfare rolls into available job positions in the Government.

In particular, I direct you to expand the use of the WorkerTrainee Program and other excepted service hiring authorities. The Worker-Trainee Program allows agencies to quickly and easily hire entry-level persons for up to 3 years, with the ability to convert the appointment to career status

if the employee has performed satisfactorily. Though recently underutilized, the program allows agencies to bypass complex Federal personnel hiring rules and procedures to bring people into the junior grades of the work force.

I further direct you, in recognition of the different characteristics of the various agencies' work forces, to prepare an individualized plan for hiring welfare recipients and to submit that plan to me within 30 days. This plan should have three principal components:

- o The plan should contain a survey indicating in which divisions and for which categories of positions your agency can most easily hire welfare recipients, both in the Washington, D.C. area, and in the field.
- o The plan should describe in detail how the agency intends to recruit and hire qualified welfare recipients. This description should include a proposed local outreach program, and utilize Federal Executive Boards and Federal Executive Agencies to bring Federal job opportunities to the attention of welfare offices, State and private employment offices, nonprofit organizations, and others that work with welfare recipients on a regular basis. This program should build upon the Government's existing nationwide employment information systems.
- o The plan should describe in detail how the agency will assist welfare recipients, once hired, to perform well and to keep their jobs. The agency should include in this aspect of the plan proposals for on-the-job training and/or mentoring programs.

I expect each agency head to report to me about his or her plan at a special cabinet meeting called for that purpose. Following this meeting, I also expect monthly reports on implementation.

To ensure deep and continuing involvement in this issue by the White House, I ask the Vice President to oversee this effort. Based on his expertise in Federal workplace issues, he will assist all agencies in carrying out their commitments.

Finally, I direct appropriate agencies to take three steps that will help bring welfare recipients into the Federal work force while assisting all other low-income Federal employees.

- o I direct each agency head to notify all employees eligible for the Earned Income Tax Credit (EITC) of both their eligibility and their ability to receive EITC monies each month in their paychecks. Currently, not all agencies inform qualifying employees of their eligibility and options for payment. To insure uniform implementation, I direct the Secretary of the Treasury to issue to each agency within 15 days a statement of EITC eligibility

rules which agencies can use to inform their employees.

- o I direct the General Services Administration (GSA) to issue within 30 days guidelines regarding use of the Federal Fare Subsidy Program. These guidelines should address whether agencies may offer fare subsidies based on employee income, which would enable more agencies to participate in the Fare Subsidy Program.
- o I direct the GSA, after consultation with all Federal agencies, to report back to me within 30 days on plans to assist low-income Federal workers in finding affordable child care. This report shall include information on agency-sponsored child care centers and agency contracts with local child care resource and referral services, as well as recommendations on any appropriate expansion of these arrangements to provide assistance to low-income Federal workers.

WILLIAM J. CLINTON

###



PHOTOCOPY
PRESERVATION

2000 Conference Schedule

Tuesday, July 25

11 am-7 pm Registration
1-3 pm Board Meeting
3:30-5:30 pm Legislative Update Workshop
7-9:30 pm Opening Session: Not Just Responding to Change...But Leading It

Wednesday, July 26

8-9 am Registration
8-9 am Breakfast Carts in Hotel
9-9:30 am Organizing for March
9:30 am Depart for Rally
11 am-12:30 pm Rally on the Hill
1-5 pm Hill Visits
7-12 midnite ADA Gala

Thursday, July 27

9:30 am-12:30 pm/
2-4:30 pm Registration
10:30-11:45 am Concurrent Workshops
12-1:30 pm Lunch on your Own
1:30-2:30 pm General Session: Making Olmstead Work in Your State
2:45-4 pm Concurrent Workshops
4:30-5:45 pm Concurrent Workshops
7:30-10 pm Multi-Cultural Reception

Friday, July 28

9-10:15 am General Session: Unequal Protection Under the Law
10-11:45 am Concurrent Workshops
12-2:30 pm Awards Luncheon
3-5 pm Federal Agency Updates
7-10 pm Evening on Your Own

Saturday, July 29

~~8-9 am~~ NCIL Cup of Coffee
9-10:15 am Concurrent Workshops
10:30-11:45 am Concurrent Workshops
12-1:30 pm Lunch on Your Own
2-6 pm NCIL Annual Meeting
8-1 am DJ Social Event

Sunday, July 30

11-12 noon Closing Session
12:30-2 pm Incoming Board Meeting

OREPF/NCIL

THIS SUGGESTS NO ADDITIONAL COST...

*SHOW REGISTRATION TIMES ON Fri & Sat

ADA 10th - White House Conference

Distribution List

Ashby, Roseann
Basha, Rhonda
Brenman, Marc
Brown, Lisa
Claypool, Henry
Correia, Eddie
Daniels, Susan
Davis, Deirdre
Eates, Antoinette
Heumann, Judy
Kielty, Alexandra
Klein, Cherie
Lancaster, John
McKinnon, William
Miller, Paul
Pannebaker, George
Richards, Curtis
Rizzo, Juliette
Roffee, Larry
Savage, Liz
Simpson, Jennifer
Strahan, Marie
Swenson, Sue
Williams, Bob
Young, Jonathan

ADA Relay Sponsorship Calls

March 15, 2000

Revised 3/17/2000

It would be appropriate for the Secretary of Labor (because she is the Task Force Chair), Attorney General, or Chair of the EEOC to be at any of the cities or events because they will all in some way involve civil rights.

The following document points out tie-in possibilities with other Task Force members as well.

[* = one of the 11 Cities VW wants to pay particular attention to]

KICKOFF

Sunday, June 11--Houston, TX*

Doug Drey--Mayor's Committee on People With Disabilities

Event Information:

Will include a gathering at the Multi Service Center (where the February mini-relay ended).

Wants his events to coordinate with AAASP (American Association of Adaptive Sports Programs), now wants to shift date to June 9 to coincide with the AAASP competition. Wants to announce torch takeoff on Friday 6/9, then have a more intense kickoff on Saturday 6/10. Also wants to incorporate George Strait concert on Sunday.

Aiming for 1pm on Friday.

Saturday--noon or 1 start--then a barbecue. . .

AAASP is getting youth from Atlanta, along with local VIPs (mayor, etc.), together to compete in various sports events (basketball, indoor soccer & track and field) -- trying to get schools to incorporate these programs.

Wants to get Commissioner of the EEOC in to town (esp. For the Saturday event--which is to be more disability related--whereas the Friday event is to be more able-body Awareness focused.

Also trying to get Trans. Sec'y Slater there because the bus system will be 100% disability Compliant by December (the rest of the system at 90%).

Wants at least 1000 Know Your Rights packets.

Tuesday, June 13,--Austin, TX*

Ron Lucey--contact from Austin Mayor's Committee

Austin was recognized last year by Rodney Slater for innovative transportation programs.

As for Technology, Austin is "Silicon Hill Country")

Trying to keep things bipartisan (but not so easy)

Partnerships with Vocational Rehabilitation Agencies

Event Information:

State Capitol is booked for the 13th. Speaker's Rally. Objective is to connect with the civil rights struggle of the 1960's, so they're including the African-American leaders in the community. Dolores Gonzales (512-499-3256)–ADA coordinator, is heading up speaker list. She was the rep that came to Washington to receive visionary award last year from the Department of Transportation from Secretary Rodney Slater.

Unfortunately, Mayor Kirk Watson will be out at a national conference of mayors . . .
So the Mayor Pro-Tem [] will read the city's ADA proclamation

Route is 6.2 miles, begins downtown, passes through UT, ends at complex where [] are located.
Wants to start torch moving by lunchtime.
No firm time yet for speakers, but kickoff may be 9:30 or even by 9:00am
Pace expected to avg. 3mph.
Capital Metro will run a shuttle to help folks get to the Capital.

Need @ 1000 "Know Your Rights" flyers for beginning and end of rally

No firm commitments yet–big committee meeting on Monday.
Speaking Opportunities for Task Force Members:
Secretary of Transportation Slater's connection with Dolores Gonzales.

June 17–San Francisco, CA*

Theme: Birth of Independent Living Movement

Event Information: Day begins with ceremony with Mayor Brown of S.F. and a media tour of new baseball stadium (with disability advisory committee that helped in design) showing they exceed ADA compliance; torch appears at pregame; Mayor hands off torch and is boated across the bay by disabled sailors; Mayor Brown of Oakland receives torch and conveys to Jack London Square, where 100 organizations are coordinating a family festival lasting into the afternoon.

Speaking Opportunities for Task Force Members:
(HHS Sec'y Shalala?; HUD Sec'y Cuomo?)
Minimum 5,000 "Know Your Rights" Brochures

June 19–Los Angeles, CA*

Theme: Disability in the Media/Historical Portrayal

Event Information:

L.A. planning fund-raising concert at House of Blues in advance of torch visit;
requesting celebrity involvement in Relay (possibly Relay through Hollywood's Walk of Fame)

Speaking Opportunities for Task Force Members:
Task Force Representative: FCC Chairman Kennard

Wednesday, June 21–Phoenix, AZ

Donna Redford

Denise Thompson

Event Information: Plans:

Speaking Opportunities for Secretary:

1. Breakfast Meeting

(NB: Phoenix in June is HOT)

2. Evening*: *Pregame Ceremony at BankOne Ballpark–AZ Diamondbacks Baseball Game*

(no more than 15 minutes) (40,000 to 50,000 Attendance + TV Coverage?)

“Community Corner” at the game where a non-profit can come in and do their thing.

FOCUS/THEME: Governor’s Committee on Developmental Disabilities has been working on Entrepreneurship Opportunities

Know Your Rights Brochures—maybe 40,000?

Speaking Opportunities for Task Force Members:

Because of Entrepreneurship emphasis—Possible Tie-In w/ SBA Administrator Alvarez; EEOC; HUD (re. pushing for acceptance of Architectural Compliance on Local Levels);

N.B.: Transportation Tax initiative just passed 3/14 via grassroots effort (defeated 3 times prior)—possible connection to Transportation Secretary Slater.

Saturday, June 24—Salt Lake City, UT

No coordinated Events Plan Yet

Event Information:

Speaking Opportunities for Task Force Members:

Tuesday, June 27—Denver, CO*

Torch Relay and Associated Events

Theme: Transportation? Celebration of Civil Rights

Event Information:

Night of June 26 is a Colo. Rockies Game—they will run the torch around the bases and make an announcement.

10:00 a.m at the court building

Mayor Wellington Webb (Chairman of the National Conference of Mayors) will speak—

Torch leaves at 10:30 Two “satellites”—one going east, one going west

meets back at Civic Center Park at 4:00

hour and a half rally with several speakers

Congresswoman Diana DeGette (confirmed)

Senator Wayne Allard and Senator Ben Nighthorse-Campbell are invited

Rally Ends at 6:30

Speaking Opportunities for Task Force Members:

(Task Force Representative: Transportation Sec’y Rodney Slater)

Relay Caravan plans off-day visit to Pike’s Peak for crew sightseeing and photo opportunity with torch at the summit

Friday, June 30—Topeka, KS

contacts: Vicki Nelson, Susan Briggs

Theme: Agriculture?

Also Home of Brown v. Board of Education Decision

Transportation (Bob Dole is to be invited because of his connection with Accessible Bussing in Topeka)

Becka Vaughn, local DRACH (Disability Rights Action Coalition for Housing) coordinator has already made a request to HUD offices (Sec'y Cuomo) re. Accessibility in Housing

Event Information:

Working on the Local Hockey Team—Scarecrows.

Setting up a Dinner after the torch run

Speakers in the morning at the Statehouse

10 am - ish. . .

Governors Office and Mayors Office already involved

Know Your Rights packets: maybe 10,000

Speaking Opportunities for Task Force Members:

Possible tie-in with Secretary of Agriculture because of importance of industry in Kansas.

Already made a request to HUD offices (Secretary Cuomo) re. Accessibility in Housing

Connection to Secretary of Education because of Brown decision (but don't forget about recent State Board decision not to teach Evolution. . .)

Tuesday, July 4—St. Louis, MO

Event Information:

St. Louis Fair (4th of July – huge event)

Possible Cardinals Baseball Game

Speaking Opportunities for Task Force Members:

Friday, July 7—Madison, WI

Theme: Recreation (potentially) both participation and spectatorship—

Event Information:

Disabled Sports USA & Kawasaki, Inc. work together of a school administrated program—their Accessible Waterskiing Workshop runs June 6-8, the torch route will pass by.

Madison has the World's Most Accessible Sports Facility (toured by advisors for the Sydney Olympic Games).

The U of W has the World's Largest Outing Program (HOOFERS) (self-funded within the student union) with a significant accessibility component.(eg. :free-ski day for pwd's, etc.) And they will participate.

ArtFair on the Square (Capital Square) is that weekend (possible connection with Renovation of the civic center; fully accessible children's museum, other projects recently funded by a local philanthropist).

The Torch Route (proposed) begins at the Capital, moves to new Frank Lloyd Wright Civic Center and then through town using Bike Paths (Madison has an extremely comprehensive Bike

Path system, best in US along with Davis, CA)

Speaking Opportunities for Task Force Members:

Interior Secretary Bruce Babbitt

(A US Geological Survey Office is in Madison. There is also a Bald Eagle Sanctuary USGS and Interior, have always been very strong and leading edge on hiring pwd's)

Probably NOT Donna Shallala [even though she used to be chancellor of UW] because of the recent politicization of the Organ Donation Program—she's currently pretty unpopular there.

ALSO-potentially Dept. of Agriculture (Wisconsin is highly Agricultural, but timing might not be great)

Their Torch Relay Committee will meet on the 27th and have more info after that.

Know Your Rights Brochures?—10,000 easily—up to 100,000 possible . . .

Sunday, July 9—Chicago, IL

per Karen Tamley 312/226-5900

Theme: ADA and the Everyday

Wanting to bring to attention to the diversity of the city and its many different communities.

Event Information:

(2 committees:

Steering Committee-next. Mtg. Is Monday—if we can call Karen on Tues. or Wed. to find out more.

Celebration Committee)

Opening Ceremony—maybe in Londale (African American Neighborhood in the “near west side” with an accessible playground)

Ballgame—Cubs vs. White Sox: In discussion with Wrigley field for Cubs/Sox game (12:30 starting time)

May use new wheelchair accessible taxis to shuttle torch.

Closing Event in Lincoln Park

Taste of Chicago is that weekend in Grant Park (they plan to steer well clear. . .)

Speaking Opportunities for Task Force Members:

HUD Secretary Cuomo (Karen is a housing person who has been to DC & met the Sec'y)

Transportation? -- (N.B. Recently filed suit against Transit Authority for lax accessibility compliance. . . possibility for protest)

Tuesday, July 11—Memphis, TN

“Not a very positive civil rights area.”

Gary Vanasek—local DOJ contact

Theme: “Pro-Se—doing it for ourselves”

Speaking Opportunities for Task Force Members: They would like to have Janet Reno come out to emphasize that Disability Rights are of significant importance.

No events yet scheduled—not getting a receptive response from anyone in State or Local Govt.

Thursday, July 13—Jackson, MS

Event Information:

Speaking Opportunities for Task Force Members:

Saturday, July 15—Montgomery, AL

Event Information:

Two blocks of Dexter Avenue will be shut down for a street celebration featuring food, music and crafts

Speaking Opportunities for Task Force Members:

Civil Rights

Monday, July 17—Tallahassee, FL

Event Information:

April 14th—Youth Leadership Forum—on-line internet hookup, large web event

On July 16th, the night before, Independent Living Showcase in the Doubletree to highlight the 14 independent living centers and 4 “stand-alone” centers.

300-500 attending

ADA Celebration in the Evening—Unveiling a “Wall of Fame” honoring Floridians

Civic Center gathering with Bands including Van Gogh (musical duo) at close of Relay

Speaking Opportunities for Task Force Members:

Florida has a more strident accessibility code than the rest of the nations—more so than the ADA itself.

Also proud of the work in recreation (Possibly Interior Sec’y Bruce Babbitt)

—HUD Secretary Cuomo because of their emphasis on the Visitability Initiative and the Fannie Mae Initiative for Mortgages for First-Time Buyers with Disabilities

Kenneth Apfel—Commissioner of the Social Security Administration because of the importance of the Ticket to Work and Medicaid Buy-In

KYR Brochures: ideally 1000 per center (13,000), plus 5,000k for torch relay = 18,000k

Wednesday, July 19—Warm Springs, GA

Event Information:

Speaking Opportunities for Task Force Members:

Thursday & Friday, July 20 & 21—Atlanta, GA*

Event Information:

Midday Celebration in Centennial Olympic Park with speakers and performances

Speaking Opportunities for Task Force Members:

Saturday, July 22—Columbia, SC

Event Information:

Picnic/rally in public park as part of the relay day.

Speaking Opportunities for Task Force Members:

Tuesday, July 25—Arlington, VA & Washington, DC*

Theme: Political Empowerment/Civic Involvement

Arlington—

9:30a.m. Welcoming Ceremony--Relay from local resource center--End Dependence Center near the Clarendon Metro--

10:30 Torch should leave, go past Arlington National Cemetery and ending at FDR Memorial by noon.

No speaker ready yet. May ask Justin (but 9:30 is early for him).

“Know Your Rights” Brochures – 650 on mailing list

Michael’s input re. Brochures: Important to release in Alternative Formats: Large Print; Braille, Audio Tape & Computer Disk

Wednesday, July 26--Washington, DC*

Friday, July 28—Philadelphia, PE*

Theme: Accessible Transportation for All

2 Committees are meeting

Internal--planning food, etc.

Broader Committee focusing on Torch Reception

THEME: 10 points of what is positive about the ADA (one for each year)

Mapped out route will pass torch from point to point--around Liberty Bell, to end at the Penn Treaty Park for a picnic--this is the location for speakers.

Republican Convention Goers are invited (the convention center; Senator Arlen Specter (sponsor for Mi Casa) is invited; the

Event Information:

Emphasis on Cross-Disability event, incl. Mayor’s office,

5-7 organizations are joining up with Liberty Resources (core group) to plan and produce the event

“Rolling Justice” marchers coming to the Republican Convention from across PA;

Torch Relay will be joined by, and leads.

Relay to Liberty Bell;

picnic/rally in public park (Possible)

Speaking Opportunities for Task Force Members:

Arlen Specter--sponsor of Mi Casa--has been invited, which could tie in with HHS Sec’y Donna Shalala.

[NB--lawsuits have been filed in Philly this year vs. Transportation and Housing. . .it could be

awkward for Transpo. Sec'y and Sec'y of HUD (ADAPT would probably stage a protest)]
Ginny Thornburg has offered her husband, Ex-Attorney General Dick Thornburgh (AG during
ADA signing)
Need Minimum 600 "Know Your Rights" (KYR) packets.

Monday, July 31–Auburn Hills/Detroit, MI*

Theme: Highlight Advances made in Private Transportation?/Strength of Disability Marketplace
to Affect Change

Committee meeting on Tuesday

Event Information:

situation is unique because it is in 2 places
Auburn Hills is the site of VW HQ–
Then will end up in Detroit.

Speaking Opportunities for Task Force Members:

Commerce Secretary William F. Daley?
"Mi Casa" Attendant Care Service Bill–HHS Sec'y Donna Shalala
Labor Sec'y Herman

Thursday, August 3–Boston, MA*

No Organized Events yet planned.

Event Information:

Speaking Opportunities for Task Force Members:

Monday, August 7–NYC, NY*

Event Information:

Ceremony at the UN for policy makers; rally/concert at nearby public park for local residents

Speaking Opportunities for Task Force Members:

Del Moon

adarelay@atl.mediaone.net

Relay Operations–also marketing

Coordinating the 24 cities

Each city to have a local Scene

(Montgomery, obviously

Denver has various transportation issues

Bay Area is the birthplace of the independent living movement)

Deeply involved with providing technical asst., making sure that each city's events are truly
being developed as a community event–making sure that logistics are being handled

I2K born of the idea that there should be serious activity re: 10th Anniversary of the ADA
(est, over 500 events nationwide)

Torch Relay was one idea to integrate all these celebrations with a major awareness-building

project.

AAPD designated as best agent for putting together/coordinating the Torch Relay

Still in Development in Salt Lake (June 24)[almost in stand-by] and in Boston (Aug. 3)

[Paul Timmons, Jr.

404-248-9857

email: presslord@aol.com

Lead Contact to finding out what each city is doing (esp. W/ regard to website. . .)

*SPEAKER's BUREAU--to raise awareness of the torch coming into town

6 wks. Prior to torch arrival (in 11 cities [decided by VW--VW sponsors and funds the whole event]), get speakers to come in and speak to civic organizations (eg. Chambers of Commerce, Atlanta's 100 Black Men, etc.)

1. Identify who is available to speak.
2. Identify what groups want speakers.
3. Bring them together.

Object: to Identify a theme or tie-in, for example:

Houston/

Austin/

LA--Disability in the Media/Historical Portrayal (FCC Chairman Kennard)

San Francisco--Birth of the Independent Living Movement (HHS Sec'y Shalala?; HUD Sec'y Cuomo?)

Denver--Public Transportation (Transpo. Sec'y Slater)

Atlanta--Civil Rights

DC--Political Empowerment/Civic Involvement]

Philly--Rural Transportation?;

Detroit--Highlight Advances made in Private Transportation?/Strength of Disability Marketplace to Affect Change (Commerce?)

Boston--undecided;

NYC--International flavor (UN?, State);

To: Lisa Brown, Counsel to the Vice President
From: Rhonda L. Basha
Re: SUMMARY OF CONFERENCE CALL SUGGESTIONS RE: ADA CONFERENCE

The purpose of this memo is to summarize the suggestions and issues raised during the focus group conference calls which took place on March 14, 2000, regarding the ADA conference being planned for July. Consistent with the recommendations made at the meeting held in your office on March 1, 2000, the focus group agreed that there should be a conference, and that the target group should be businesses. It was suggested that the conference highlight best practices of employers, particularly those in the I.T. industry that have utilized innovative strategies for employing persons with disabilities. Employers identified as potential best practice presenters included Marriott, Hilton, and Microsoft, as well as those currently working with the President's Committee on Employment of Persons with Disabilities. The conferees also indicated that entrepreneurs with disabilities should also be featured.

The focus group participants also generally agreed that the conference should last about five hours and that the format should include breakout sessions headed by Task Force members, and a plenary session followed by a reception at the White House. Suggested sites for the conference included Galludet University and the Chamber of Commerce, with the later being contingent on their buying in generally.¹ The conferees further agreed that the conference should include a display of assistive technology.

In addition to targeting employers, it was also felt that the conference should be utilized as an opportunity for a public relations "myth busting" campaign to reach the general public and the media. Ted Koppel, Oprah Winfrey², and Larry King, were suggested as possible venues for obtaining media buy-in.

It was further proposed that consideration be given to focusing on the ADA as a civil rights, versus an entitlement statute, with employment viewed as the means for bridging the gap between the two. Other suggestions along the same lines included repackaging the civil rights message with a more "main stream" diversity spin.

Several of the participants emphasized the need to take a pragmatic approach given the current climate of growing anti-ADA sentiment. To this end, it was suggested that the conference highlight progress/accomplishments in substantive areas covered under the ADA, while at the same time emphasizing that much remains to be done, and that the inclusion of individuals with disabilities as meaningful members of the workforce is not only not difficult; it is good business. One possible product suggested was an "ADA 10th Anniversary-10 Lessons Learned" publication.

The need to have something measurable come out of the conference was a repeated theme. It was suggested that rather than simply preaching to the choir that businesses, including small

¹Tom Donaghue was suggested as a contact at the Chamber.

²Secretary of Labor Alexis M. Herman has an ongoing relationship with Oprah Winfrey.

businesses, currently "sitting on the fence" be asked for a hiring commitment prior to the conference, consistent with the model used in the Welfare to Work initiative. Other recommendations in this vein included outreach to business foundations, to small business lobbyists and association, to the Chamber, and to the Business Roundtable.

While no one clear idea on a banner message was evidenced, integration, inclusion, and independence emerged as recurring themes. I would suggest that we add "innovation" to this list which encompasses not only advancements in technology, but creative employment strategies. Perhaps, the conference could be entitled something along the lines of *The 10th Anniversary of the ADA-A Celebration of Integration, Inclusion, Independence, and Innovation*.

We are looking forward to hearing from you on next steps. I can be reached by phone at 202-693-6112.

Drafted -
Mark

EXECUTIVE ORDER

- - - - -

REQUIRING FEDERAL AGENCIES TO ESTABLISH EFFECTIVE WRITTEN PROCEDURES FOR PROCESSING REQUESTS FOR REASONABLE ACCOMMODATION

By the authority invested in me as President by the Constitution and the laws of the United States of America, and in order to promote a model Federal workplace that grants: (1) reasonable accommodations for qualified individuals with disabilities in the Federal application process; (2) reasonable accommodations that enable qualified disabled Federal employees to perform the essential functions of the position in question; and (3) reasonable accommodations that enable the qualified disabled Federal employee to enjoy equal benefits and privileges of employment as are enjoyed by employees without disabilities, as required by the Rehabilitation Act of 1973 as amended and the Americans with Disabilities Act of 1990, it is hereby ordered as follows:

Section 1. Establishment of Effective Written Procedures For Processing Requests for Reasonable Accommodation.

Standalone (a) Each Federal agency shall establish effective written procedures for processing requests for reasonable accommodation. The procedures are applicable to all qualified disabled employees within the agency who request a reasonable accommodation. The agency is not required to institute a single agency-wide procedure but may, in their discretion, establish different procedures for different components of their agency.

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

1. Explain how an employee or job applicant initiates a request for reasonable accommodation. If the agency requires an applicant or employee to complete a reasonable accommodation request form, the form must be provided as an attachment to the written procedures.

2. Specify to whom the request must be submitted and from whom the employee will receive a final decision.

3. Designate a time period during which reasonable accommodation requests will be granted or denied, absent extenuating circumstances. If designated time deadlines are not met, responsible agency officials should explain the delay to the employee.

4. Explain the responsibility of the employee or applicant to provide appropriate medical information related to the functional impairment at issue and the requested accommodation.

5. Explain the agency's right to request relevant supplemental medical information if the

information submitted does not clearly explain the nature of the disability, the need for the reasonable accommodation, or does not otherwise clarify how the requested accommodation will assist the employee to perform the essential functions of the job or to enjoy the benefits and privileges of the workplace.

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

7. Provide that reasonable accommodation decisions should be in writing and specify the reasons for denial, when applicable.

8. Provide a "plain English" explanation of certain key legal terms used in the policy (e.g., reasonable accommodations, disability, qualified person with a disability, and undue hardship), and reference applicable statutes and regulations as a source of the actual wording of the terms.

9. Provide that reassignment will be considered as a reasonable accommodation if the agency determines that no other reasonable accommodation will permit the employee to perform the essential functions of his or her current position. In the case of reassignment to a lower graded position, the agency has the option of providing pay retention because the action is not for personal cause.

10. Designate a system of record keeping that tracks the processing of requests for reasonable accommodation and maintains the confidentiality of medical information received in accordance with applicable law and regulations.

11. State in the policy that employees have the right to file a complaint in the event that their requests for reasonable accommodation are denied.

12. Clearly and expressly explain the role and responsibility of each agency official or office in the grant or denial of reasonable accommodation requests.

Section 2. Submission of agency reasonable accommodation procedures for approval to the EEOC

Each agency shall submit their procedures to the EEOC for review and approval. Upon completion of the review the EEOC shall certify the procedures. All agencies must have EEOC certified reasonable accommodation procedures within two years of the effective date of this Executive Order. Agencies must honor their obligations to notify their collective bargaining representative(s) and bargain over such procedures to the extent required by law.

Section 3. Information and training regarding the procedures.

All employees in an agency will receive a copy of the reasonable accommodation procedures. At a minimum all supervisors will receive training on these procedures within one

year of the establishment of the EEOC certified procedures. Each agency shall notify the EEOC when they have completed the training.



Ogle Becky <ogle-becky@dol.gov>

01/14/2000 08:46:24 AM

Record Type: Record

To: Edward W. Correia/WHO/EOP

cc:

Subject: FW: executive order

In lieu of a management directive from EEOC, what do you think? Let me know and any word from OFCCP? Thanks.

From: Maxin Mark

Sent: Monday, January 10, 2000 3:56 PM

To: Ogle Becky

Subject: executive order

<<DISEXECU.WPD>>

Pursuant to your request, here is a copy of the draft executive order we discussed earlier.



- DISEXECU.WPD

EXECUTIVE ORDER

- - - - -

REQUIRING FEDERAL AGENCIES TO ESTABLISH EFFECTIVE WRITTEN PROCEDURES FOR PROCESSING REQUESTS FOR REASONABLE ACCOMMODATION

By the authority invested in me as President by the Constitution and the laws of the United States of America, and in order to promote a model Federal workplace that grants: (1) reasonable accommodations for qualified individuals with disabilities in the Federal application process; (2) reasonable accommodations that enable qualified disabled Federal employees to perform the essential functions of the position in question; and (3) reasonable accommodations that enable the qualified disabled Federal employee to enjoy equal benefits and privileges of employment as are enjoyed by employees without disabilities, as required by the Rehabilitation Act of 1973 as amended and the Americans with Disabilities Act of 1990, it is hereby ordered as follows:

Section 1. Establishment of Effective Written Procedures For Processing Requests for Reasonable Accommodation.

(a) Each Federal agency shall establish effective written procedures for processing requests for reasonable accommodation. The procedures are applicable to all qualified disabled employees within the agency who request a reasonable accommodation. The agency is not required to institute a single agency-wide procedure but may, in their discretion, establish different procedures for different components of their agency.

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

1. Explain how an employee or job applicant initiates a request for reasonable accommodation. If the agency requires an applicant or employee to complete a reasonable accommodation request form, the form must be provided as an attachment to the written procedures.

2. Specify to whom the request must be submitted and from whom the employee will receive a final decision.

3. Designate a time period during which reasonable accommodation requests will be granted or denied, absent extenuating circumstances. If designated time deadlines are not met, responsible agency officials should explain the delay to the employee.

4. Explain the responsibility of the employee or applicant to provide appropriate medical information related to the functional impairment at issue and the requested accommodation.

5. Explain the agency's right to request relevant supplemental medical information if the

information submitted does not clearly explain the nature of the disability, the need for the reasonable accommodation, or does not otherwise clarify how the requested accommodation will assist the employee to perform the essential functions of the job or to enjoy the benefits and privileges of the workplace.

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

7. Provide that reasonable accommodation decisions should be in writing and specify the reasons for denial, when applicable.

8. Provide a "plain English" explanation of certain key legal terms used in the policy (e.g., reasonable accommodations, disability, qualified person with a disability, and undue hardship), and reference applicable statutes and regulations as a source of the actual wording of the terms.

9. Provide that reassignment will be considered as a reasonable accommodation if the agency determines that no other reasonable accommodation will permit the employee to perform the essential functions of his or her current position. In the case of reassignment to a lower graded position, the agency has the option of providing pay retention because the action is not for personal cause.

10. Designate a system of record keeping that tracks the processing of requests for reasonable accommodation and maintains the confidentiality of medical information received in accordance with applicable law and regulations.

11. State in the policy that employees have the right to file a complaint in the event that their requests for reasonable accommodation are denied.

12. Clearly and expressly explain the role and responsibility of each agency official or office in the grant or denial of reasonable accommodation requests.

Section 2. Submission of agency reasonable accommodation procedures for approval to the EEOC

Each agency shall submit their procedures to the EEOC for review and approval. Upon completion of the review the EEOC shall certify the procedures. All agencies must have EEOC certified reasonable accommodation procedures within two years of the effective date of this Executive Order. Agencies must honor their obligations to notify their collective bargaining representative(s) and bargain over such procedures to the extent required by law.

Section 3. Information and training regarding the procedures.

All employees in an agency will receive a copy of the reasonable accommodation procedures. At a minimum all supervisors will receive training on these procedures within one

year of the establishment of the EEOC certified procedures. Each agency shall notify the EEOC when they have completed the training.

The Office of Disability Policy, Evaluation and Technical Assistance could provide a long-term, permanent force to continue the work needed to ensure that persons with disabilities are integrated into mainstream employment and training programs within the Labor Department. The Presidential Task Force would continue to be responsible in the short-term for developing, refining and monitoring the implementation of an aggressive, national employment strategy for persons with disabilities.

The Task Force recommends that:

- 2 ***The President direct the Departments of Justice and Labor, and the Equal Employment Opportunity Commission to collaborate in exploring methods for strengthening enforcement of employment-related nondiscrimination provisions of the Americans with Disabilities Act and the Rehabilitation Act. All efforts shall provide a clear and unequivocal message that expanded employment opportunities for individuals with disabilities are a high priority of the Administration. The efforts of the Department of Labor and the Equal Employment Opportunity Commission should include providing increased technical assistance to employers, strengthening compliance evaluations, and enhancing data collection as appropriate.***

Effective enforcement of employment-related nondiscrimination requirements is crucial to increasing employment opportunities for individuals with disabilities. The agencies responsible for enforcement must continue to explore new and more effective approaches for increasing compliance with laws requiring equal opportunities for job applicants and employees with disabilities. The enforcement agencies should develop and disseminate technical assistance guides to assist employers in understanding and implementing nondiscrimination requirements. These agencies should also develop educational tools to inform individuals with disabilities of the full range of protections under the ADA and the Rehabilitation Act. The enforcement agencies also should explore

methods to strengthen their investigation processes. For example, the Department of Labor, through the Office of Federal Contract Compliance Programs, should utilize compliance evaluation procedures that allow the agency to focus on systemic barriers to the employment of individuals with disabilities. The Equal Employment Opportunity Commission, in coordination with the Departments of Justice and Labor, should explore enhancing data collection efforts with respect to the employment and the availability of persons with disabilities in the workforce, possibly through new regulations. Consistent with their complementary responsibilities for enforcement, Equal Employment Opportunity Commission and the Office of Federal Contract Compliance Program should explore joint enforcement strategies.

The Task Force recommends that:

- 3 ***The President direct the Departments of Labor, Education, and Health and Human Services, the Social Security Administration, the Office of Personnel Management, and other appropriate Federal agencies to construct and coordinate, under the leadership of the Presidential Task Force on Employment of Adults with Disabilities, a Youth-to-Work Initiative.***

Barriers to employment for youth with disabilities include: low educational attainment; low educational and employment expectations; and confusing governmental programs with conflicting eligibility criteria and goals. As a result, many youth with disabilities transition from youth welfare to adult welfare without access to the education and training opportunities needed to make a transition to work and achieve independence. This Youth-to-Work Initiative would test alternative approaches to helping youth with disabilities gain access needed to education and training opportunities and overcome barriers to employment.

Each year, about 40,000 eighteen-year-olds are subject to a continuing disability review for Supplemental Security Income (SSI) benefits, but only 25,000 are determined eligible for such assistance. On average, the young adults deter-

February 15, 2000

TO: Edward W. Correia
Special Counsel to the President for Civil Rights

FROM: Ellen J. Vargyas
Legal Counsel, Equal Employment Opportunity Commission

SUBJECT: EEOC Comments on Draft Reasonable Accommodation Executive Order

We have reviewed the draft Executive Order on Reasonable Accommodation Procedures for Federal Agencies (originally circulated to us in January), and have the following general comments:

We have concerns about moving forward with this Executive Order while Management Directive 715, addressing federal agencies' affirmative action obligations under the Rehabilitation Act, is pending. Specifically, the subject of the draft Executive Order – reasonable accommodation procedures – is also covered in the draft Management Directive. Should both documents be issued, federal agencies will be subject to two different sets of obligations and reporting requirements in this area. At a minimum, we believe that the two documents should be coordinated as to content.

If a decision is made to move ahead with the Order, a number of areas need to be thought through.

First, the Order should contain cautionary language emphasizing that the reasonable accommodation procedures developed by the agencies should **benefit** individuals with disabilities – not tie them up in bureaucratic requirements.

Second, Section 1(a) of the draft states that agencies may, in their discretion, establish different procedures for different agency components. Should this result in a proliferation of reasonable accommodation procedures, we may lose our opportunity to provide some consistency in agencies' responses to requests for reasonable accommodation.

Third, we have grave concerns about the certification procedures referenced in Section 2. Absent significant additional resources, EEOC does not have the capacity to review and certify the hundreds of procedures that will be developed by federal agencies for their various components. We also have questions about what certification would mean. If an

agency's procedures are challenged, would the agency be entitled to any kind of legal presumption based on the EEOC certification? If we certify an agency's procedures, are we expected to monitor compliance? What happens if we do not certify an agency's procedures?

As I have indicated, these are our general comments. If a decision is made to proceed with the Order, we would be happy to provide a more detailed analysis.

National Transition Summit on Young People with Disabilities

Theme: *Bridging Systems to Improve Transition Results*

Date: June 20-21, 2000

Location: Academy for Educational Development 1825 Connecticut Avenue, N.W.
Washington, DC 20009-5721 Tel: 202-884-8000 Fax: 202-884-8400

Purpose: The purpose of the *National Transition Summit* is to explore policy options for improving the transition results for young people with disabilities. The National Transition Summit will identify concise and detailed recommendations for strengthening, linking, and coordinating Federal, state, and local programs that serve young people with disabilities.

Participants: The National Summit will include 125-150 stakeholders from across the country. Federal agency participants include: DOL, ED, OPM, SSA, HHS, PCEPD, NCD, Transportation, HUD, Interior, among others.

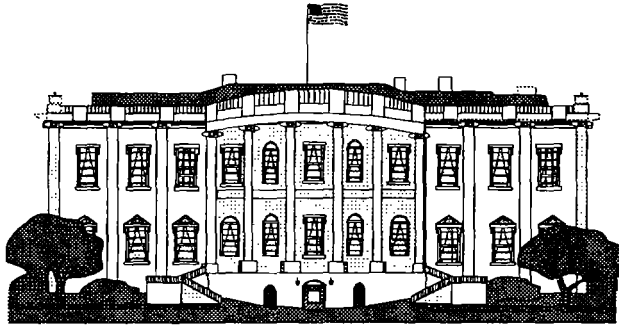
Topic Areas: The summit will address the following fundamental questions:

1. How can we improve transition results for all young people with disabilities?
 - What needs to be done to increase the high school graduation rates of young people with disabilities?
 - What can we do to improve postsecondary education participation of young people with disabilities?
 - What can we do to improve access to and utilization of health insurance and health care by young people with disabilities?
 - What can we do to improve the employment rate of young people with disabilities?
2. How can we increase knowledge and understanding of young people with disabilities and families so that they can direct community partnerships, identify and remove barriers, and maximize results?
3. How can we achieve systems integration at the state level and foster community partnerships at the local level to improve outcomes for all young people with disabilities?

Outcomes: Through facilitated dialogue, participants will develop short and long term recommendations for strengthening and coordinating Federal programs, and impacting the planning of systems serving youth at the state and local levels. Based on all of the input from the National Summit, recommendations will be made and forwarded to the Task Force for consideration in shaping the course of transition policy at the National level.

EXECUTIVE OFFICE OF THE PRESIDENT

Office of the Counsel to the President
Washington, DC 20502



FACSIMILE MESSAGE

TO: DAVID REISER

FAX: 401-7911

DATE: 7-26-00 PAGES: + Cover 8

FROM: Michelle Aronowitz
Associate Counsel to the President

FAX NUMBER: (202) 456-2256

OFFICE NO: (202) 456-2024

COMMENTS:

The documents accompanying this facsimile transmittal sheet are intended only for the use of the individual or entity to whom it is addressed. This message contains information, which may be privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any disclosure, dissemination, copying or distribution, or the taking of any action in reliance on the contents of this communication is strictly prohibited. If you have received the information in error, please immediately notify the sender at the telephone number above.

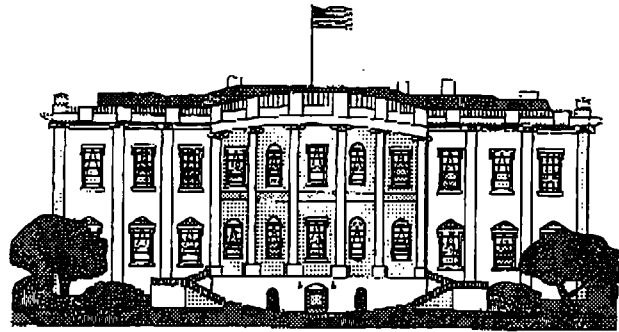
*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 0342
CONNECTION TEL 94017911
CONNECTION ID
ST. TIME 07/26 16:52
USAGE T 02'23
PGS. SENT 8
RESULT OK

EXECUTIVE OFFICE OF THE PRESIDENT

Office of the Counsel to the President
Washington, DC 20502



FACSIMILE MESSAGE

TO: David Reiser

FAX: 401-7911

DATE: 7-26-00 PAGES: + Cover

8

FROM: Michelle Aronowitz
Associate Counsel to the President

FAX NUMBER: (202) 456-2256

OFFICE NO: (202) 456-2024

● Eugenia Chough

05/22/2000 03:40:37 PM

Record Type: Record

To: Michelle M. Aronowitz/WHO/EOP@EOP

cc: Lisa M. Brown/OVP/EOP@EOP, J. Eric Gould/OPD/EOP@EOP, Andrea Kane/OPD/EOP@EOP

Subject: Disability paper I promised



HUD_051100.wp



Transp_051000.wp



MCH Leg_051900.w



MCH options_051900.

1. HUD

~~2. DOT~~

3. Healthy & Ready to work

4. Healthy & Ready to work

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 six recommendations apply to all individuals with disabilities in need of community-based, affordable housing.

The seventh 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. The following recommendations seek to provide a basis from which to accomplish this goal.

I. 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.

II. 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.

III. 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.

IV. 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.

V. 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 homeownerhsip opportunities, as well as provide local governments with increased flexibility under existing Federal programs to facilitate home ownership.

VI. 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.

VII. 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.

RECOMMENDATIONS

Reauthorization of TEA-21

TEA-21 authorizes \$42 billion for transit and \$175 billion for highways. Compared to ISTEA, it includes a good mix of increased funding, encouraging state and local partnerships and innovative practices. It does target TANF recipients, but not people with disabilities specifically (other than through formula grants for purchasing lift-equipped vehicles to comply with the ADA). Its authority extends through 2003. The reauthorization affords a great opportunity to "pick" our way through the bill, changing and adding programs.

1. Require the Department of Transportation to collect data on the use of public and private transportation options by individuals with disabilities (including the numbers of individuals using fixed route transportation vs. paratransit, numbers who cannot drive, who own/lease their own vehicles, who use public transportation for work, who use human service-funded transportation for work, etc.).
2. Require the Department of Transportation, through its Access Flagship Initiative, One DOT, or other mechanism, to review the programs and funding amounts currently authorized under TEA-21 to determine how each program can be modified to better respond to the needs and capacities of people with disabilities.
3. Require the Department of Transportation to assess the benefits and barriers to establishing a Local Coordination grants program under the Federal Transit Administration.
4. Require the establishment of a time-limited task force consisting of representatives from DOT, DOL, HHS, transit authorities, transit providers and disability advocacy groups to review existing law and practice and develop recommendations to the Secretary of DOT regarding the provision of transportation services to Americans with disabilities. Their Report should be completed and submitted to the Secretary of Transportation by April 1, 2001, prior to planning for the reauthorization.
5. Require the Department of transportation to assess the need for additional funding and outreach for sidewalk improvements under the Federal Highway Administration's Surface Transportation Program.

Expansion of the Coordinating Council on Access and Mobility

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

1. Expand the Coordinating Council to include representation from several agencies within, at a minimum, the Department of Labor, Housing and Urban Development, and the Department of Education.
2. Require the Council to develop an assessment of the benefits and barriers of transportation coordination for people with disabilities.
3. Require the Council to develop a strategy for including people with disabilities in all of its proposed initiatives and activities.
4. Require the Coordinating Council to sponsor a series of regional workshops on facilitating local coordination of transportation for people with disabilities for representatives of workforce investment boards, people with disabilities, transit authorities, private providers, metropolitan planning organizations, and advocacy organizations.
5. Require the Coordinating Council to assess accessibility to public transportation (sidewalks, curb cuts, stations, etc.) And the role other federal agencies should play in this effort.

Changes to Existing Programs

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

1. Require the Department of Transportation to assess the benefits of setting aside a minimum of 10% of funding under the Access to Jobs grant program for the 2002 fiscal year.
2. Require the Department of Transportation to include as a criterion for awarding grants the existence of a plan and financing strategies for including TANF recipients who have disabilities.
3. The Department of Transportation should require each grant recipient to develop a plan for providing transportation services for TANF recipients who have disabilities.

Formula Grants for Special Needs of Elderly Individuals and Individuals with Disabilities (Section 3013). Provides capital assistance, through the states, to organizations that provide specialized transportation (at 90% federal share for costs of vehicles that are needed to comply with the ADA).

4. The Department of Transportation should provide funding for the establishment of a national database on public and private transit providers which can be accessed through an "800" number by individuals with disabilities, Older Americans, TANF recipients, and others.
5. The Department of Transportation should provide funding for informational materials for individuals with disabilities that can be disseminated at one-stop centers. In addition, funding

should be made available for training of one-stop counselors and administrators on transportation options and best practices related to providing transportation.

6. Require the Department of Transportation to assess the effects of implementing the proposed Intelligent Transportation Systems (ITS) on the employment of people with disabilities.

7. Require the Department of Transportation to send letters to States encouraging them to recruit individuals with disabilities through the On-the-Job Supportive Services program (Section 1208), including recruiting youth with disabilities for the Summer Transportation Institutes.

8. Require the Department of Transportation to include individuals with disabilities as one of the core groups targeted (along with minorities and women) in the On-the-Job Supportive Services program.

9. Require the Department of Transportation to develop a plan for assisting states to "market" mainline public transportation options and other, nontraditional transportation options for people with disabilities. Even with a greater percentage of mainline buses being lift-equipped, there remains an overreliance on paratransit in most urban centers (as opposed to specialized transportation, where fixed route options are not available).

10. The Department of Justice should assess the Federal Transit Administration's ADA compliance process, and develop recommendations related to its own enforcement role in this effort.

11. The Department of Labor should require that both State and Local Workforce Investment Boards, created under the Workforce Investment Act of 1998, report on a yearly basis on progress for individuals with disabilities in getting to and from jobs.

Healthy and Ready to Work (HRTW): Transition for Adolescents with Special Health Care Needs

Authorizing Legislation - Title V of the Social Security Act, as amended

	FY 2000 <u>Actual</u>	FY 2001 President's <u>Budget</u>	FY 2002 <u>Request</u>	<u>Change</u>
BA	\$0	\$0	\$150,000,000	+\$150,000,000
FTEs	0	0	5	+5

2002 Authorization.....Such sums as may be necessary

Purpose and Method of Operations

Improves the provision of rehabilitation services to Supplemental Security Income (SSI)-eligible children under the age of 16 when these services are not available through Medicaid.

Increases services for families of and youth/young adults (up to age 25) with special health needs as they transition from pediatric to adult health care, from school to work and from family dependence to independent living.

RATIONALE FOR BUDGET REQUEST

The goal of the HRTW: Transition for Adolescents with SHCN Initiative is to fund states to develop and implement successful strategies to meet the rehabilitation requirement currently in the statute, by either coordinating transition services or providing those services when not otherwise available in the community. This fits into the HRSA goal to eliminate barriers to care. (Transition includes moving from pediatric to adult health care, from high school to post-secondary education and/or employment.)

More than 90 percent of all children who develop a disabling condition in childhood now survive into adulthood (Rosen, 1994). As one would expect, children with special health care needs (CSHCN) often become adults with chronic and disabling health conditions. Almost 70 percent of Americans with disabilities ages 16 - 64 are unemployed (National Organization on Disability, Harris Survey, 1998). Fear of losing medical coverage is one of the most significant barriers to the participation of SSI disability beneficiaries in a Vocational Rehabilitation program, their return to work, or both (GAO Report, *Social Security Disability Redesign*, GAO/HEHS-96-62).

Approximately 800,000 children with disabilities under age 16 receive SSI benefits across the nation. About 250,000 are adolescents, the typical age category for transition planning and receipt of services (SSI Annual Statistical Report, SSA, July 1998). Families indicate that there

are inadequate programs and resources to help their adolescents make the transitions necessary to become independent, self-supporting adults (MCHB-funded Needs Assessments, HRTW Grant Projects, 1998). State Title V/CSHCN programs do not have a uniform, or even comparable, response to their responsibility to provide rehabilitative services (Survey results, Institute for Child Health Policy, University of Florida at Gainesville, 1998).

The FY 2002 request of \$150,000,000 will provide an overall emphasis within States on rehabilitation and transition issues for adolescents with special health needs. This should lead to increased numbers of young adults with disabilities being served in the adult healthcare community, becoming employed and independent.

Outputs:

FY2002

Increased percentage of CSHCN, under age 16 and receiving SSI benefits, being served for rehabilitative services, as reported in the Title V Annual Block Grant application.	75%
--	-----

Increased percentage of CSHCN making the transition to adult health care, post-secondary education and employment.	60%
--	-----

Healthy and Ready to Work Options:

We previously recommended a legislative change to provide for Healthy and Ready to Work (HRTW) services for youth with special health needs through the State Title V Maternal and Child Health Children with Special Health Care Needs (CSHCN) programs. The intent was to provide a clear authority and accompanying funding appropriation to ensure the provision of appropriate services to youth with special health needs in transition to adulthood. However, if a legislative option is not available, the following resource alternatives should be considered:

- 1) A line item appropriation could be added for the Health Resources and Services Administration (HRSA) to provide national HRTW services through the State Title V programs.
- 2) A budget request for FY 2002 was prepared within the Maternal and Child Health Bureau requesting \$150 million to establish a national HRTW services program within the existing Title V legislation. That proposal did not make it through the HRSA level since at the time of consideration it was believed that the above-mentioned legislative proposal would address the issue. At this time, the budget request could be reinstated at the Department or OMB level. (A copy of the request is attached.)
- 3) A Presidential Directive or Executive Order could create a Federal HRTW Interagency Council, composed of HRSA, Health Care Financing Administration (HCFA), Social Security Administration, Department of Education, Department of Labor, and other appropriate departments and agencies, family and youth representatives, etc., with the charge of working together to ensure access to and utilization of HRTW services by youth with special health needs. As part of the directive or order, HCFA and/or other participating Federal entities could be required to contribute funds through an inter-agency agreement to either conduct a demonstration program or roll out a full-scale national HRTW program.
- 4) The demonstration authority and funding of the Work Incentives Improvement Act could be utilized for HRTW services to youth with special health needs.
- 5) The pending Family Health Opportunities Act could possibly absorb the HRTW proposal or under that Act's demonstration authority, a HRTW demonstration could be conducted.

Andrea Kane

06/06/2006 06:21 PM

Record Type: Record

To: Eugenia Chough/OPD/EOP@EOP

cc: j. eric gould/opd/eop@eop, michelle m. aronowitz/who/eop@eop, marsha scott/who/eop@eop

Subject: Re: Disability Task Force -- HUD and DOT actions 

Eric - in case you can't reach Jacquie, try one of her deputies: Deborah Vincent (708-0270, or 708-0950 x6996) or Doug Kantor (708-0280 x 6346)



● **Eugenia Chough**

06/06/2000 06:41:25 PM

Record Type: Record

To: J. Eric Gould/OPD/EOP@EOP, Michelle M. Aronowitz/WHO/EOP@EOP

cc: Marsha Scott/WHO/EOP@EOP, Andrea Kane/OPD/EOP@EOP

Subject: Disability Task Force -- HUD and DOT actions

Bill McKinnon of the Task Force on the Employment of Adults w/ Disabilities forwarded me these 2 documents (attached) detailing actions that HUD and Transportation could take to implement their directives. Next steps are to get the agencies to commit to some of these actions and come up with other ideas if they have them. Eric's touching base w/ Nancy McFadden at Transportation and Jacquie Lawing at HUD.



HUD rec_051000.w Transportation rec_051000.

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 six recommendations apply to all individuals with disabilities in need of community-based, affordable housing. The seventh 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. The following recommendations seek to provide a basis from which to accomplish this goal.

I. CONSOLIDATED PLANS

*Random
Compliance
Reviews*

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 meets such priority needs; and © 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.

II. 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.

III. 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.

IV. INTERNATIONAL BUILDING CODE 2000

Spcl. Memorandum

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.

V. 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.

VI. 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.

VII. 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.

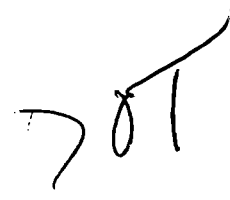
Background: As a federal response to the Olmstead decision, AccessHousing 2000 would be a partnership between HUD, HHS, and other agencies as appropriate, aimed at assisting individuals with disabilities to move from nursing homes and other institutions into the community. This would be done by improving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

RECOMMENDATIONS



Reauthorization of TEA-21

TEA-21 authorizes \$42 billion for transit and \$175 billion for highways. Compared to ISTEA, it includes a good mix of increased funding, encouraging state and local partnerships and innovative practices. It does target TANF recipients, but not people with disabilities specifically (other than through formula grants for purchasing lift-equipped vehicles to comply with the ADA). Its authority extends through 2003. The reauthorization affords a great opportunity to "pick" our way through the bill, changing and adding programs.

1. Require the Department of Transportation to collect data on the use of public and private transportation options by individuals with disabilities (including the numbers of individuals using fixed route transportation vs. paratransit, numbers who cannot drive, who own/lease their own vehicles, who use public transportation for work, who use human service-funded transportation for work, etc.).
2. Require the Department of Transportation, through its Access Flagship Initiative, One DOT, or other mechanism, to review the programs and funding amounts currently authorized under TEA-21 to determine how each program can be modified to better respond to the needs and capacities of people with disabilities.
3. Require the Department of Transportation to assess the benefits and barriers to establishing a Local Coordination grants program under the Federal Transit Administration.
4. Require the establishment of a time-limited task force consisting of representatives from DOT, DOL, HHS, transit authorities, transit providers and disability advocacy groups to review existing law and practice and develop recommendations to the Secretary of DOT regarding the provision of transportation services to Americans with disabilities. Their Report should be completed and submitted to the Secretary of Transportation by April 1, 2001, prior to planning for the reauthorization.
5. Require the Department of transportation to assess the need for additional funding and outreach for sidewalk improvements under the Federal Highway Administration's Surface Transportation Program.

Expansion of the Coordinating Council on Access and Mobility

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

1. Expand the Coordinating Council to include representation from several agencies within, at a minimum, the Department of Labor, Housing and Urban Development, and the Department of Education.
2. Require the Council to develop an assessment of the benefits and barriers of transportation coordination for people with disabilities.
3. Require the Council to develop a strategy for including people with disabilities in all of its proposed initiatives and activities.
4. Require the Coordinating Council to sponsor a series of regional workshops on facilitating local coordination of transportation for people with disabilities for representatives of workforce investment boards, people with disabilities, transit authorities, private providers, metropolitan planning organizations, and advocacy organizations.
5. Require the Coordinating Council to assess accessibility to public transportation (sidewalks, curb cuts, stations, etc.) And the role other federal agencies should play in this effort.

Changes to Existing Programs

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

1. Require the Department of Transportation to assess the benefits of setting aside a minimum of 10% of funding under the Access to Jobs grant program for the 2002 fiscal year.
2. Require the Department of Transportation to include as a criterion for awarding grants the existence of a plan and financing strategies for including TANF recipients who have disabilities.
3. The Department of Transportation should require each grant recipient to develop a plan for providing transportation services for TANF recipients who have disabilities.

Formula Grants for Special Needs of Elderly Individuals and Individuals with Disabilities (Section 3013). Provides capital assistance, through the states, to organizations that provide specialized transportation (at 90% federal share for costs of vehicles that are needed to comply with the ADA).

4. The Department of Transportation should provide funding for the establishment of a national database on public and private transit providers which can be accessed through an "800" number by individuals with disabilities, Older Americans, TANF recipients, and others.
5. The Department of Transportation should provide funding for informational materials for individuals with disabilities that can be disseminated at one-stop centers. In addition, funding

should be made available for training of one-stop counselors and administrators on transportation options and best practices related to providing transportation.

6. Require the Department of Transportation to assess the effects of implementing the proposed Intelligent Transportation Systems (ITS) on the employment of people with disabilities.

7. Require the Department of Transportation to send letters to States encouraging them to recruit individuals with disabilities through the On-the-Job Supportive Services program (Section 1208), including recruiting youth with disabilities for the Summer Transportation Institutes.

8. Require the Department of Transportation to include individuals with disabilities as one of the core groups targeted (along with minorities and women) in the On-the-Job Supportive Services program.

9. Require the Department of Transportation to develop a plan for assisting states to "market" mainline public transportation options and other, nontraditional transportation options for people with disabilities. Even with a greater percentage of mainline buses being lift-equipped, there remains an overreliance on paratransit in most urban centers (as opposed to specialized transportation, where fixed route options are not available).

10. The Department of Justice should assess the Federal Transit Administration's ADA compliance process, and develop recommendations related to its own enforcement role in this effort.

11. The Department of Labor should require that both State and Local Workforce Investment Boards, created under the Workforce Investment Act of 1998, report on a yearly basis on progress for individuals with disabilities in getting to and from jobs.

6/28 - from APR. Summit on Sy. Disability

NEW RECOMMENDATIONS/HHS

1. HCFA will modify its policies and practices to support the integration of Title XIX beneficiaries with significant disabilities into the American workforce by **issuing new policy guidance** and offering **technical assistance** emphasizing flexible, non-categorical implementation of the Medicaid program **to state Medicaid directors** that:

(1). Clarifies and encourages the use of existing medicaid coverage options (such as personal care; clinic services; rehabilitative services; and HCB waiver programs) to be used to finance supported employment and other work related services for working-aged recipients with disabilities; [note: this is a particularly urgent issue for persons with psychiatric disabilities who are receiving title XIX financed intensive community supports; it will also positively affect people with mr/dd.]

(2). Explains options available to states to create a special income eligibility category for Title XIX beneficiaries that provides clear and reasonable incentives to engage in work and increase earnings without jeopardizing Medicaid eligibility.

2. HCFA will revise Medicaid **program manual** and issue **policy guidance** to encourage use of individual budgets that enables customer choice and control.
3. HCFA will develop **strategies** to assist states to provide **incentives** for employment by authorizing higher reimbursement rates for integrated employment outcomes.
4. HCFA will add **premium on federal financial participation** in Medicaid reimbursement to states that adopt a **Medicaid buy-in**. [note: premium could be provided in a variety of ways; the group discussed small financial but there are probably others that HCFA could identify].
5. HHS will create an **Olmstead Watch website** (integrated with Access America Web recommended by the Presidential Task Force 2nd report) that informs the public and multiple stakeholders on post-Olmstead activities, including:
- (1). State compliance plans
 - (2). Status of state efforts to move individuals off waiting lists;
 - (3). HHS and DOJ monitoring activities and findings;
 - (4). Civil rights information on court cases and decisions regarding Section 188 of WIA, Sections 503, 504, 508 of Title IV WIA and Title II of the ADA
 - (5). Civil rights program contacts with state and federal government;
 - (6). Examples of state efforts to redirect resources to support integrated employment;
 - (7). Federal policy across agencies to support choice and individual budgets; and
 - (8). Other research and related data, as appropriate, in order to effectively disseminate information to enable movement to the community and integrated employment for people with the most significant disabilities.

on living home
transition grants

for
last
chunks

Possible Transportation Deliverables

ADA Enforcement

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

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

Reauthorization of TEA-21

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

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

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

Expansion of the Coordinating Council on Access and Mobility

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

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

Changes to Existing Programs

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

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

Other program deliverables:

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

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

*HUD sent
Comments on
6/24*

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.

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 unemployment rate of young people with disabilities 16 to 24 years of age is 22.5% is among the highest of disadvantaged groups in the nation. These individuals are an important, untapped resource of talent and skills, and a key element in 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.

(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 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.

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

Presidential Task Force on Employment of Adults with Disabilities

The following 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 President direct the Department of Health and Human Services to develop a proposal to allow the Maternal and Child Health Programs for Children with Special Needs to provide Healthy and Ready to Work services to youth with disabilities who are over the age of 16.

Background:

The Maternal and Child Health Programs for Children with Special Needs (Title V of the Social Security Act) provides Healthy and Ready to Work services to youth with disabilities that are essential to preparing them for continued education and training, but are restricted to serving only youth under 16. As a result, many youth with disabilities are ready to drop out of the education stream just at a time when they become eligible to receive services that would enable them to benefit from continued education. There is a clear need to provide these services to youth with disabilities over the age of 16.

Healthy and Ready to Work Options:

- 1) A Presidential Directive or Executive Order could create a Federal HRTW Interagency Council, composed of HRSA, Health Care Financing Administration (HCFA), Social Security Administration, Department of Education, Department of Labor, and other appropriate departments and agencies, family and youth representatives, etc., with the charge of working together to ensure access to and utilization of HRTW services by youth with special health needs. As part of the directive or order, HCFA and/or other participating Federal entities could be required to contribute funds through an inter-agency agreement to either conduct a demonstration program or roll out a full-scale national HRTW program.
- 2) The pending Family Health Opportunities Act could possibly absorb the HRTW proposal or under that Act's demonstration authority, a HRTW demonstration could be conducted.

Memorandum

To:

From:

Date:

Re: Presidential Directive on Renewing the Federal
Government's Commitment to Ensuring that Federal Programs
are Free from Disability-Based Discrimination

The Department of Justice and the Presidential Task Force on Employment of Adults with Disabilities (Task Force) have drafted the attached Presidential Directive. It contains specific steps designed to reach the goal of making federal programs free of disability-based discrimination.

Overview

The Directive's core requirement is that all agencies engage in a Five-Year Plan to ensure that today's federal programs are free from disability-based discrimination.

The Department of Justice and the Equal Employment Opportunity Commission, working in close consultation with the Task Force and the Interagency Disability Coordinating Council (IDCC), are charged with assigning additional priorities and setting schedules for further agency actions to be completed as part of the Five-Year Plan.

Background

Section 504's prohibition of discrimination on the basis of disability, 29 § USC 794, was extended in 1978 to federal agencies. Section 504 was a forerunner of the Americans with Disabilities Act (ADA), which does not apply directly to federal agencies. Section 504 applies to all agency programs, including the program of employment. Section 501 and its implementing regulations contain specific provisions related to employment.

The regulations implementing section 504, in addition to prohibiting discrimination, contain affirmative requirements designed to lower barriers to participation in federal programs and activities by people with disabilities. One of these provisions was a one-time requirement that federal agencies engage in a comprehensive self-evaluation of their programs, activities, and facilities to determine if they are accessible to people with disabilities.

Since the mid-1980's, the federal government has seen dramatic changes. Agencies have been created. Others no longer exist.

Programs and functions have changed. Many of the actions designed to comply with Section 504 may no longer be effective.

This Administration is committed to the full participation in all aspects of American society by people with disabilities and recognizes that the federal government must set a good example. Today's government programs must be readily accessible to and usable by persons with disabilities. The time has come to evaluate whether yesterday's tools meet today's needs.

Employment discrimination. The nature of the workplace has changed. Most agencies thrive on a teamwork approach, using collaborative efforts to achieve agency missions. Diversity among team members is essential to achieving customer-friendly solutions. Government cannot provide the services Americans need unless it reflects the diversity of our society. By ensuring the promise of equal opportunity for government employees with disabilities, the Administration will set an example for the rest of the country to follow.

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

Five-Year Plan

While there is a clear need to reevaluate the tools we use to implement sections 501 and 504 in light of today's federal programs, agencies should not be overburdened with unnecessary paperwork exercises. Instead of requiring agencies to engage in a wholesale self-evaluation of all programs for compliance with section 504, we recommend that agencies engage in a "Five Year Plan" to take specific actions and focus on particular priorities. These priorities include ensuring that agency programs offered on the Internet are accessible to people with disabilities and that modern employment practices remain free from discrimination.

The first two steps under the Five Year Plan will be for agencies to:

- ensure that agency programs on federal Internet and

¹The broad language of "make all programs offered on [agency] Internet and Intranet sites accessible to and usable by

Intranet sites are accessible to people with disabilities;¹ and

- publish by various means, including by incorporation on all agency Internet home pages, the name and contact information for the office(s) responsible for coordinating the agency's compliance with sections 501 and 504 of the Rehabilitation Act.

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

- eliminate disability-based discrimination in employment,
- remove barriers in buildings and outdoor environments,
- ensure accessible transportation arrangements and vehicles,
- provide effective communication,
- ensure nondiscrimination in credentialing and licensing programs,
- make policy modifications, and

people with disabilities" provides a necessary degree of flexibility to agencies to determine how they will provide accessibility. If, for example, an agency offers on its Internet site numerous historic documents in Adobe Acrobat's "portable document format" or ".pdf," which can be difficult or impossible to read for people who use assistive technology such as screen readers, agencies may be able to meet the goal of full accessibility by providing an e-mail address to which persons for whom a posted document is inaccessible could request one in an alterante format. This level of flexibility is necessary, due to the broad range of documents and formats already posted on the Internet. Guidance from the Department of Justice could address the extent to which agencies would have to retrofit existing, widely-used pages in other respects (i.e., use appropriate color combinations, changing format, etc.).

The interagency Chief Information Officers' Council has directed agencies to make their twenty most popular Internet sites fully accessible by July 27, 2000, the 10th anniversary of the ADA.

- achieve other goals.

The EEOC will continue to be the lead agency to determine policies, practices, and schedules for addressing disability-based employment discrimination. The Department of Justice will continue to be the lead agency on all other issues. Both of these agencies will consult regularly with the Presidential Task Force and the IDCC.

Expanded Membership in and Role for the IDCC

The Interagency Disability Coordinating Council (IDCC) was established under the Rehabilitation Act, 29 U.S.C. § 794c, as a mechanism for, among other things, "developing and implementing agreements, policies, and practices designed to maximize effort, promote efficiency, and eliminate conflict, competition, duplication, and inconsistencies among the operations, functions, and jurisdictions of the various departments, agencies, and branches of the Federal Government . . ." The Attorney General is Chair of the IDCC, pursuant to Executive Order 12250.

The IDCC met on a regular basis throughout the 1980's, when agencies were drafting implementing regulations for "federally conducted activities" under section 504 of the Rehabilitation Act and as they modified their programs to comply with section 504. Since then, as agencies have become more focused on other issues, IDCC meetings became less frequent. Eventually, they tapered off altogether. The Administration's commitment to taking a fresh look at disability accessibility issues — especially in light of the changing nature of government — makes it desirable to revitalize the IDCC as a coordinating body.

In comparison to the Presidential Task Force on Employment of Adults with Disabilities, which contains many of the same member agencies but focuses only on employment-related issues, the IDCC's statutory charge is much broader: to coordinate the federal government's actions and policies to implement all parts of the Rehabilitation Act and its implementing regulations. 29 U.S.C. § 794c.

By statute, the IDCC includes:

- The Secretary of Education
- The Secretary of Health and Human Services
- The Secretary of Labor
- The Attorney General
- The Director of the Office of Personnel Management
- The Chair of the Equal Employment Opportunity Commission
- The Chair of the Access Board

- The Assistant Secretary of the Interior for Indian Affairs
- other officials as designated by the President.

In the Directive, the President designates the following agencies to participate, as well:

- The Administrator of the General Services Administration
- The Secretary of Defense
- The Secretary of Transportation

Although the President does not have authority over the Federal Communications Commission and the U.S. Postal Service, the Attorney General will invite those agencies to participate as ad hoc members of the IDCC. The Office of Management and Budget will also be asked to participate.

Substantively, the Directive charges the IDCC to lead executive agencies in making the federal government's electronic and information technology accessible to persons with disabilities. The IDCC, after the additional members are added, includes the Access Board and GSA — the two agencies charged with providing technical assistance under section 508 — as well as the Department of Justice and the EEOC — the two lead policy setting agencies — and the Federal Communications Commission, which has authority over the Telecommunications Act, the IDCC is the ideal body to coordinate all of these activities.

MEMORANDUM FOR THE HEADS OF ALL EXECUTIVE DEPARTMENTS AND
AGENCIES

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

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

As we celebrate the ADA, we cannot forget that it was built on the solid foundation of section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, as amended in 1978, which prohibits discrimination on the basis of disability in federal programs and activities. One important goal of section 504 is for the federal government to set an example for the rest of the country by being a model employer and providing exemplary service to its customers with disabilities. While this goal remains constant, the nature and structure of government have changed in the decades since the inception of section 504. New agencies have been formed, while others no longer exist. Government is more efficient and doing more with less.

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

I call upon the Department of Justice, the Equal Employment Opportunity Commission, the Interagency Disability Coordinating Council (IDCC), and the Presidential Task Force on Employment of Adults with Disabilities to provide leadership to ensure that all agencies meet a common goal: to ensure that today's federal programs - including the program of employment - continue to be readily accessible to and usable by persons with disabilities.

To meet this goal, I hereby direct all agencies to engage in a Five Year Plan. Under this Five Year Plan, agencies will follow guidance to be provided by the Department of Justice and the Equal Employment Opportunity Commission (EEOC) to evaluate agency programs, activities, and facilities for compliance with sections 501 and 504 of the Rehabilitation Act, set targeted goals consistent with priorities developed by the Department of Justice and the EEOC, and implement all actions necessary to achieve those goals, within the next five years. As the initial steps in the Five Year Plan, agencies are directed to do the following:

- make all programs offered on their Internet and Intranet sites accessible to people with disabilities by July 27, 2001; and
- publish by various means, including by incorporation on all agency Internet home pages, the name and contact information for the office(s) responsible for coordinating the agency's compliance with sections 501 and 504 of the Rehabilitation Act.

I furthermore direct the Department of Justice and the Equal Employment Opportunity Commission, in close consultation with the IDCC and the Presidential Task Force on Employment of Adults with Disabilities, to develop priorities and establish for the Five-Year Plan under which agencies will focus on specific programs or types of programs to ensure that they are readily accessible to persons with disabilities.

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

I designate the following persons to participate in the IDCC, in addition to those members set out by statute (29 U.S.C. § 794c):

- The Administrator of the General Services Administration
- The Secretary of Defense
- The Secretary of Transportation

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

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

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

William J. Clinton



McKinnon William <mckinnon-william@dol.gov>

07/10/2000 09:25:06 AM

Record Type: Record

To: Michelle M. Aronowitz/WHO/EOP

cc: McKinnon William <mckinnon-william@dol.gov>

Subject: FW: Directive

> <<HRTW Options>> <<integr~4>> <<EO on Reas Accom Cover Memo>>

> <<Comments.ReasAccom EO>>

>

> Hi Michelle, Eric Gould is going to pull together a meeting tomorrow to
> discuss several Executive Orders that we have been working on over the
> past couple of months.

>

HRTW refers to Task Force recommendation #4. The others are several EO's
that are all in draft formintegr and memo1 relate 504....the eocallcen
refers to the Task Force directive# 13, the last concerns reasonable
accommodations across the federal (we are waiting for DOJ comments on the EO
for reasonable accommodations...the redline is from EEOC...OPM's comments
were parallel to EEOC's)

> <<memo1>> <<eocallctr>> <<redlinereasaccedft_1>>

I will be glad to provide any background. Eric has seen this as well.

> thanks, Bill

>



- HRTW Options.doc



- integr~4.wpd



- EO on Reas Accom Cover Memo.wpd



- Comments.ReasAccom EO.doc



- memo1



- eocallctr.wpd



- redlinereasacceodft_1.wpd



McKinnon William <mckinnon-william@dol.gov>

07/10/2000 01:01:50 PM

Record Type: Record

To: Michelle M. Aronowitz/WHO/EOP, J. Eric Gould/OPD/EOP

cc:

Subject: RE: FW: Directive

> <<eocallc2>> <<EO YOUTH>>

>

Previously I sent the file....eocallc.... which has do with Task Force recommendation #13 regarding customer call centers. This file.....eocallc2.... represents modifications around both the term and the concept of "home-based." Apparently there is some sensitivity surrounding the old "OSHA-at-home" brouhaha , and the direction that GSA seems to be moving the federal government in terms of "federal call centers." No longer constrained by simple "phone communications," they are becoming known as "federal contact centers," and the pace of technological development is leading some to talk about "ROI" and cost savings resulting from increased use of greatly improved "speech recognition and interpretation." All this, together with an increase in "outsourcing" and a reduction in the number of "live" human beings working as "call/contact center agents," could portend more difficulty in achieving any kind of significant increase in the number of PWDs working as "home-based cyberagents." Advanced degrees in Job Task Analysis may be called for!!

The EO Youth file is a draft Executive Order regarding recommendations generated at a recent Task Force Youth Transition Summit.....



- eocallc2.wpd



- EO YOUTH.doc

● J. Eric Gould

07/07/2000 12:09:49 PM

Record Type: Record

To: Lisa M. Brown/OVP/EOP@EOP, Andrea Kane/OPD/EOP, Marsha Scott/WHO/EOP@EOP, Michelle M. Aronowitz/WHO/EOP@EOP

cc:

Subject: disability discrimination EM

There are a couple of Exec. Memos and Exec. Orders that I've been working with Becky and other folks on. This is a draft Executive Memo that we could release for the ADA event at the end of the month. Before I send this into the world for clearance, I wanted to get your reaction. Please get back to me ASAP since the date is quickly approaching. Thanks



discrimEM.do

DRAFT

MEMORANDUM FOR THE HEADS OF ALL EXECUTIVE DEPARTMENTS AND AGENCIES

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

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

As we celebrate the ADA, we cannot forget that it was built on the solid foundation of section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, as amended in 1978, which prohibits discrimination on the basis of disability in federal programs and activities. One important goal of section 504 is for the federal government to set an example for the rest of the country by being a model employer and providing exemplary service to its customers with disabilities. While this goal remains constant, the nature and structure of government have changed in the decades since the inception of section 504. New agencies have been formed, while others no longer exist. Government is more efficient and doing more with less.

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

I call upon the Department of Justice, the Equal Employment Opportunity Commission, the Interagency Disability Coordinating Council (IDCC), and the Presidential Task Force on Employment of Adults with Disabilities to provide leadership to ensure that all agencies meet a common goal: to ensure that today's federal programs — including the program of employment — continue to be readily accessible to and usable by persons with disabilities.

To meet this goal, I hereby direct all agencies to engage in a Five Year Plan. Under this Five Year Plan, agencies will follow guidance to be provided by the Department of Justice and the Equal Employment Opportunity Commission (EEOC) to evaluate agency programs, activities, and facilities for compliance with sections 501 and 504 of the Rehabilitation Act, set targeted goals consistent with priorities developed by the Department of Justice and the EEOC, and implement all actions necessary to achieve those goals, within the next five years. As the initial steps in the Five Year Plan, agencies are directed to do the following:

- make all programs offered on their Internet and Intranet sites accessible to people with disabilities by July 27, 2001; and

- publish by various means, including by incorporation on all agency Internet home pages, the name and contact information for the office(s) responsible for coordinating the agency's compliance with sections 501 and 504 of the Rehabilitation Act.

I furthermore direct the Department of Justice and the Equal Employment Opportunity Commission, in close consultation with the IDCC and the Presidential Task Force on Employment of Adults with Disabilities, to develop priorities and establish for the Five-Year Plan under which agencies will focus on specific programs or types of programs to ensure that they are readily accessible to persons with disabilities.

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

I designate the following persons to participate in the IDCC, in addition to those members set out by statute (29 U.S.C. § 794c):

- The Administrator of the General Services Administration
- The Secretary of Defense
- The Secretary of Transportation

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

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

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

William J. Clinton

Memorandum

To:

From:

Date:

Re: Presidential Directive on Renewing the Federal
Government's Commitment to Ensuring that Federal Programs
are Free from Disability-Based Discrimination

The Department of Justice and the Presidential Task Force on Employment of Adults with Disabilities (Task Force) have drafted the attached Presidential Directive. It contains specific steps designed to reach the goal of making federal programs free of disability-based discrimination.

Overview

The Directive's core requirement is that all agencies engage in a Five-Year Plan to ensure that today's federal programs are free from disability-based discrimination.

The Department of Justice and the Equal Employment Opportunity Commission, working in close consultation with the Task Force and the Interagency Disability Coordinating Council (IDCC), are charged with assigning additional priorities and setting schedules for further agency actions to be completed as part of the Five-Year Plan.

Background

Section 504's prohibition of discrimination on the basis of disability, 29 § USC 794, was extended in 1978 to federal agencies. Section 504 was a forerunner of the Americans with Disabilities Act (ADA), which does not apply directly to federal agencies. Section 504 applies to all agency programs, including the program of employment. Section 501 and its implementing regulations contain specific provisions related to employment.

The regulations implementing section 504, in addition to prohibiting discrimination, contain affirmative requirements designed to lower barriers to participation in federal programs and activities by people with disabilities. One of these provisions was a one-time requirement that federal agencies engage in a comprehensive self-evaluation of their programs, activities, and facilities to determine if they are accessible to people with disabilities.

Since the mid-1980's, the federal government has seen dramatic changes. Agencies have been created. Others no longer exist.

Programs and functions have changed. Many of the actions designed to comply with Section 504 may no longer be effective.

This Administration is committed to the full participation in all aspects of American society by people with disabilities and recognizes that the federal government must set a good example. Today's government programs must be readily accessible to and usable by persons with disabilities. The time has come to evaluate whether yesterday's tools meet today's needs.

Employment discrimination. The nature of the workplace has changed. Most agencies thrive on a teamwork approach, using collaborative efforts to achieve agency missions. Diversity among team members is essential to achieving customer-friendly solutions. Government cannot provide the services Americans need unless it reflects the diversity of our society. By ensuring the promise of equal opportunity for government employees with disabilities, the Administration will set an example for the rest of the country to follow.

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

Five-Year Plan

While there is a clear need to reevaluate the tools we use to implement sections 501 and 504 in light of today's federal programs, agencies should not be overburdened with unnecessary paperwork exercises. Instead of requiring agencies to engage in a wholesale self-evaluation of all programs for compliance with section 504, we recommend that agencies engage in a "Five Year Plan" to take specific actions and focus on particular priorities. These priorities include ensuring that agency programs offered on the Internet are accessible to people with disabilities and that modern employment practices remain free from discrimination.

The first two steps under the Five Year Plan will be for agencies to:

- * ensure that agency programs on federal Internet and Intranet sites are accessible to people with

¹The broad language of "make all programs offered on [agency] Internet and Intranet sites accessible to and usable by

disabilities;¹ and

- * publish by various means, including by incorporation on all agency Internet home pages, the name and contact information for the office(s) responsible for coordinating the agency's compliance with sections 501 and 504 of the Rehabilitation Act.

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

- * eliminate disability-based discrimination in employment,
- * remove barriers in buildings and outdoor environments,
- * ensure accessible transportation arrangements and vehicles,
- * provide effective communication,
- * ensure nondiscrimination in credentialing and licensing programs,
- * make policy modifications, and
- * achieve other goals.

people with disabilities" provides a necessary degree of flexibility to agencies to determine how they will provide accessibility. If, for example, an agency offers on its Internet site numerous historic documents in Adobe Acrobat's "portable document format" or ".pdf," which can be difficult or impossible to read for people who use assistive technology such as screen readers, agencies may be able to meet the goal of full accessibility by providing an e-mail address to which persons for whom a posted document is inaccessible could request one in an alterante format. This level of flexibility is necessary, due to the broad range of documents and formats already posted on the Internet. Guidance from the Department of Justice could address the extent to which agencies would have to retrofit existing, widely-used pages in other respects (i.e., use appropriate color combinations, changing format, etc.).

The interagency Chief Information Officers' Council has directed agencies to make their twenty most popular Internet sites fully accessible by July 27, 2000, the 10th anniversary of the ADA.

The EEOC will continue to be the lead agency to determine policies, practices, and schedules for addressing disability-based employment discrimination. The Department of Justice will continue to be the lead agency on all other issues. Both of these agencies will consult regularly with the Presidential Task Force and the IDCC.

Expanded Membership in and Role for the IDCC

The Interagency Disability Coordinating Council (IDCC) was established under the Rehabilitation Act, 29 U.S.C. § 794c, as a mechanism for, among other things, "developing and implementing agreements, policies, and practices designed to maximize effort, promote efficiency, and eliminate conflict, competition, duplication, and inconsistencies among the operations, functions, and jurisdictions of the various departments, agencies, and branches of the Federal Government . . ." The Attorney General is Chair of the IDCC, pursuant to Executive Order 12250.

The IDCC met on a regular basis throughout the 1980's, when agencies were drafting implementing regulations for "federally conducted activities" under section 504 of the Rehabilitation Act and as they modified their programs to comply with section 504. Since then, as agencies have become more focused on other issues, IDCC meetings became less frequent. Eventually, they tapered off altogether. The Administration's commitment to taking a fresh look at disability accessibility issues -- especially in light of the changing nature of government -- makes it desirable to revitalize the IDCC as a coordinating body.

In comparison to the Presidential Task Force on Employment of Adults with Disabilities, which contains many of the same member agencies but focuses only on employment-related issues, the IDCC's statutory charge is much broader: to coordinate the federal government's actions and policies to implement all parts of the Rehabilitation Act and its implementing regulations. 29 U.S.C. § 794c.

By statute, the IDCC includes:

- * The Secretary of Education
- * The Secretary of Health and Human Services
- * The Secretary of Labor
- * The Attorney General
- * The Director of the Office of Personnel Management
- * The Chair of the Equal Employment Opportunity Commission
- * The Chair of the Access Board
- * The Assistant Secretary of the Interior for Indian Affairs

- * other officials as designated by the President.

In the Directive, the President designates the following agencies to participate, as well:

- * The Administrator of the General Services Administration
- * The Secretary of Defense
- * The Secretary of Transportation

Although the President does not have authority over the Federal Communications Commission and the U.S. Postal Service, the Attorney General will invite those agencies to participate as ad hoc members of the IDCC. The Office of Management and Budget will also be asked to participate.

Substantively, the Directive charges the IDCC to lead executive agencies in making the federal government's electronic and information technology accessible to persons with disabilities. The IDCC, after the additional members are added, includes the Access Board and GSA -- the two agencies charged with providing technical assistance under section 508 -- as well as the Department of Justice and the EEOC -- the two lead policy setting agencies -- and the Federal Communications Commission, which has authority over the Telecommunications Act, the IDCC is the ideal body to coordinate all of these activities.

MEMORANDUM FOR THE HEADS OF ALL EXECUTIVE DEPARTMENTS AND
AGENCIES

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

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

As we celebrate the ADA, we cannot forget that it was built on the solid foundation of section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, as amended in 1978, which prohibits discrimination on the basis of disability in federal programs and activities. One important goal of section 504 is for the federal government to set an example for the rest of the country by being a model employer and providing exemplary service to its customers with disabilities. While this goal remains constant, the nature and structure of government have changed in the decades since the inception of section 504. New agencies have been formed, while others no longer exist. Government is more efficient and doing more with less.

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

I call upon the Department of Justice, the Equal Employment Opportunity Commission, the Interagency Disability Coordinating Council (IDCC), and the Presidential Task Force on Employment of Adults with Disabilities to provide leadership to ensure that all agencies meet a common goal: to ensure that today's federal programs - including the program of employment - continue to be readily accessible to and usable by persons with disabilities.

To meet this goal, I hereby direct all agencies to engage in a Five Year Plan. Under this Five Year Plan, agencies will follow guidance to be provided by the Department of Justice and the Equal Employment Opportunity Commission (EEOC) to evaluate agency programs, activities, and facilities for compliance with sections 501 and 504 of the Rehabilitation Act, set targeted goals consistent with priorities developed by the Department of Justice and the EEOC, and implement all actions necessary to achieve those goals, within the next five years. As the initial steps in the Five Year Plan, agencies are directed to do the following:

- * make all programs offered on their Internet and

Intranet sites accessible to people with disabilities by July 27, 2001; and

- * publish by various means, including by incorporation on all agency Internet home pages, the name and contact information for the office(s) responsible for coordinating the agency's compliance with sections 501 and 504 of the Rehabilitation Act.

I furthermore direct the Department of Justice and the Equal Employment Opportunity Commission, in close consultation with the IDCC and the Presidential Task Force on Employment of Adults with Disabilities, to develop priorities and establish for the Five-Year Plan under which agencies will focus on specific programs or types of programs to ensure that they are readily accessible to persons with disabilities.

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

I designate the following persons to participate in the IDCC, in addition to those members set out by statute (29 U.S.C. § 794c):

- * The Administrator of the General Services Administration
- * The Secretary of Defense
- * The Secretary of Transportation

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

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

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

William J. Clinton