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Disability Reports [1]

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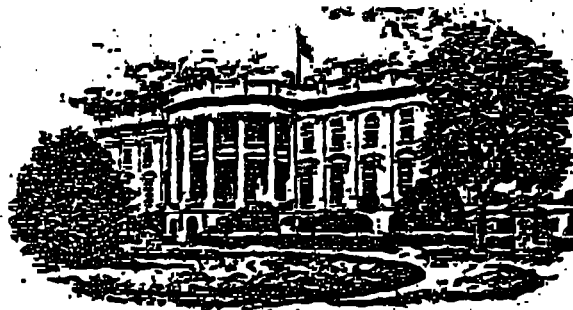
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THE WHITE HOUSE

WASHINGTON

FACSIMILE / MEMO FROM: Renee Sagw
OFFICE OF PRESIDENTIAL LETTERS AND MESSAGES
OLD EXECUTIVE OFFICE BUILDING, ROOM 93

VOICE: (202) 456-5519

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NUMBER OF PAGES (INCLUDING COVER): 3DATE: 6/8TO: Michelle Aronowitz

VOICE: _____

FAX: 6/647☐ FOR YOUR ACTION☒ INCOMING LETTER(S) FROM: Nat'l Council on Independent Living
RE: ATA☐ FOR YOUR REVIEW / APPROVAL☒ PER MY E-MAIL OR VOICE-MAIL MESSAGE TO YOU☐ PER YOUR REQUEST

ADDITIONAL COMMENTS:

Thanks for your help -
Renee

NCIL

National Council on Independent Living

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April 12, 2000

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The Honorable William J. Clinton
The White House
1600 Pennsylvania Avenue
Washington, DC

Dear President Clinton:

The National Council on Independent Living (NCIL) is the leading national membership organization that advances the independent living philosophy and advocates for the human rights of, and services for, people with disabilities to further their full integration and participation in society.

The Governing Board and membership of NCIL would like to thank you for your unwavering support for passage of the Ticket to Work and Work Incentives Improvement Act of 1999. This legislation is an important step towards eliminating the disincentives that prevent over seventy percent of Americans with disabilities who want to work, and to participate in the benefits and responsibilities of America's workforce.

We would also like to show our appreciation for your understanding of the many, complex issues affecting Americans with disabilities and your willingness to learn from us about the ways your Administration can work with us to benefit all Americans.

In an effort to provide you with input that we hope you will seriously consider, we would like to express our deep concern over the silence from your Administration regarding the numerous attacks on the constitutionality of the Americans with Disabilities Act (ADA). In addition to repeated attacks on the ADA in virtually every corner of the country, the courts in both the 7th and 8th circuits have recently held that the states are not obligated to comply with the ADA.

The American with Disabilities Act is the civil rights law for people with disabilities. NCIL is greatly troubled by the fact that, although we will be celebrating the 10th anniversary of the ADA on July 26, 2000, more and more damaging court decisions are being handed down without so much as a whisper of concern from the White House. Today, people with disabilities are in the fight for their lives to keep the one law that prohibits discrimination against 54 million Americans intact.

Each year on July 26th, many people stand up and make speeches about the benefits of the ADA and how all people, not only people with disabilities, are reaping the benefits. Unfortunately the other 355 days of the year, states, courts and public officials are handing down rulings, which are slowly decimating the ADA.

We need a public statement of support from you, Mr. President, reaffirming the Administration's commitment to the implementation and enforcement of the ADA locally, statewide and nationally. The American people need to know that people with disabilities have the same rights as all other Americans, not only on July 26 but every day of the year.

The disability community knows and appreciates your commitment to the rights of people with disabilities. Help us save our law by letting the American people know, what the disability community has always known, that you and your Administration will not allow the ADA be weakened.

Sincerely,


Paul Spooner
President


Michael Oxford
Vice President

Dear Paul and Michael:

Thank you for your letter regarding the Americans with Disabilities Act (ADA). I understand the concerns that prompted you to write, and I want to assure you that my Administration remains committed to ^{enforcing} ~~upholding~~ the ADA and pursuing inclusion, empowerment, and independence for people with disabilities. That is why the Department of Justice has filed briefs defending the ADA in cases involving states across the country, and we will continue to do so whenever we determine that this important legislation is threatened.

You bring up some important points in your letter, and I've shared your correspondence with members of my staff in the Office of Communications. As we continue our efforts to protect the rights of Americans with disabilities, I will keep your views in mind.

Best regards.

Sincerely,

o Ru 486
o Pres Council
o ADA letter



● **Eugenia Chough**

05/22/2000 03:36:57 PM

Record Type: Record

To: ogle-becky@dol.gov @ inet, mckinnon-william@dol.gov @ inet, Alison Perkins-Cohen/OMB/EOP@EOP
cc: Lisa M. Brown/OVP/EOP@EOP, J. Eric Gould/OPD/EOP@EOP, Michelle M. Aronowitz/WHO/EOP@EOP,
Andrea Kane/OPD/EOP@EOP
Subject: Updated disability accomps

If you haven't seen this already...

----- Forwarded by Eugenia Chough/OPD/EOP on 05/22/2000 03:36 PM -----

Rebecca J. Salay 05/22/2000 12:29:57 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Updated disability accomps

Attached are updated disability accomplishments. This is a public document, so please feel free to share with anyone who is interested.

They'll also be available on the web (along with all of our accomplishments) at this address:
<http://www.whitehouse.gov/WH/Accomplishments/index.html>

Becky Salay, x. 66238
Communications Research



Disability Accomps 2000

Message Sent To: _____

PRESIDENT CLINTON AND VICE PRESIDENT GORE:
Working on Behalf of Americans with Disabilities

"If we want to keep our economy growing with continued low inflation and low unemployment, we must draw on the untapped potential of our people.... Americans with disabilities who want to work shouldn't have to wait one more day."

-- President Bill Clinton
October 16, 1999

HISTORIC ECONOMIC GROWTH:

Moving From Record Deficits to Record Surplus. In 1992, the deficit was \$290 billion, a record dollar high. In 2000, we have a projected budget surplus of \$167 billion -- the largest dollar surplus on record (even after adjusting for inflation) and the largest as a share of our economy since 1951. This is the first time we have had three surpluses in a row in more than a half century.

Saving Social Security. President Clinton and Vice President Gore have coupled fiscal discipline with a commitment to preserve and protect Social Security. President Clinton fought for and signed bipartisan legislation to eliminate the confusing and out-dated retirement earnings test in order to encourage work and earnings for older Americans. Under the Clinton-Gore Administration, the life of the Social Security trust fund has been extended to 2034. President Clinton has proposed extending the program's solvency to at least 2054 by paying down the national debt and dedicating the interest savings to Social Security. The President has also pushed for measures to strengthen Social Security's benefits to reduce poverty among elderly women.

Nearly 22 Million New Jobs. 21.6 million new jobs have been created since 1993, the most jobs ever created under a single Administration -- and more new jobs than Presidents Reagan and Bush created during their three terms. 91 percent (19.7 million) of the new jobs have been created in the private sector, the highest percentage in 50 years.

The Unemployment Rate Was 3.9 Percent in April --the Lowest in More Than Three Decades. The unemployment rate fell to 3.9 percent in April. The last time the unemployment rate was this low was in January 1970 -- more than thirty years ago. The unemployment rate has remained below 5 percent for 34 months in a row.

Lowest Inflation Since 1965. Inflation remains virtually non-existent, with the underlying core rate of inflation at 1.9 percent in 1999 -- the lowest rate since 1965. In the last four years the GDP price index has risen under two percent each year -- the lowest rate of increase since the early 1960s.

Fastest and Longest Real Wage Growth in Over Three Decades. In the last 12 months, average hourly earnings have increased 3.8 percent -- faster than the rate of inflation. The United States has had five consecutive years of real wage growth -- the longest consecutive increase since the 1960s. Since 1993, real wages are up 6.8 percent, after *declining* 4.3 percent during the Reagan and Bush years.

Highest Homeownership Rate in History. In 1999, the homeownership rate was 66.8 percent -- the highest ever recorded.

Lowest Poverty Rate in Two Decades. The poverty rate has fallen from 15.1 percent in 1993 to 12.7 percent in 1998. That's the lowest poverty rate since 1979 and the largest five-year drop in poverty in nearly 30 years (1965-1970).

EXPANDING ECONOMIC OPPORTUNITY:

I. 2000 LEGISLATIVE PRIORITIES AND FY2001 BUDGET INITIATIVES

Disability Office in the Department of Labor. President Clinton and Vice President Gore support establishing an Office of Disability Policy, Evaluation and Technical Assistance (ODPET) within the Department of Labor (DOL), and improving access for adults with disabilities to employment services offered through the one-stop system. The President's FY 2001 budget includes \$20.56 million for ODPET, which was recommended by the Presidential Task Force on Employment of Adults with Disabilities. Under the leadership of an Assistant Secretary, ODPET's mission would be to dramatically increase the employment rate of people with disabilities by implementing a sustained, coordinated, and aggressive strategy to eliminate barriers and create meaningful employment opportunities for people with disabilities. This office would initially subsume the President's Committee on Employment of People with Disabilities (PCEPD) in an effort to reduce duplication and enhance coordination of Federal employment programs for people with disabilities. The office would work within DOL to ensure that all programs address the need to increase participation of people with disabilities in DOL training programs, with a targeted emphasis on those serving youth during FY 2001.

National Disability Business Development Board. Creation of ODPET would also establish the National Disability Business Development Board, a federally chartered corporation. The Board will be made up of America's business leaders, organized labor, rehabilitation and service providers, and disability-related organizations currently advising the President's Committee on Employment of People with Disabilities. The board would: work to improve the access of individuals with disabilities to financial institutions and commercial and business enterprises; provide incentives to, and collaborate with, the public and private sectors to ensure the necessary levels of resources/investments in employment initiatives for individuals with disabilities; and leverage funds for public awareness about disability and employment.

Tax Credit for Work-Related Expenses. In his FY 2001 budget, President Clinton renews his proposal for a \$1,000 tax credit for work-related expenses for people with disabilities. This tax credit was proposed last year but not supported by Congress. The credit would help workers with significant disabilities cover the formal and informal costs that are associated with employment, such as specialized transportation and technology. Like the Ticket to Work and Work Incentives Improvement Act, it would help ensure that people with disabilities have the tools they need to return to work by recognizing the extra costs associated with working.

Extending Medicare Access for People with Disabilities Who Work. The President and Vice President's FY 2001 budget builds on achievements enacted in the Ticket to Work and Work Incentives Improvement Act to ensure that individuals with disabilities have full opportunity to participate in and contribute to our growing economy. The Administration has proposed removing an arbitrary four-and-a-half-year limit on Medicare coverage for people with disabilities who return to work, giving individuals with disabilities lifetime access to Medicare.

Vocational Rehabilitation State Grants. The Administration's FY 2001 budget includes \$2.4 billion, an increase of \$60.8 million, or 2.6 percent, to assist State VR agencies to improve the employment outcomes of individuals with disabilities. A wide range of services is provided each year to about 1.2 million individuals with disabilities, and these funds will assist States to address the needs of this population.

II. RECORD OF ACCOMPLISHMENTS

Enacted the Ticket to Work and Work Incentives Improvement Act. The Ticket to Work and Work Incentives Improvement Act of 1999 (TWWIIA) is an historic bill produced through the bipartisan efforts of President Clinton and Vice President Gore; Senators Jeffords, Kennedy, Roth, and Moynihan; leaders in the House of Representatives; and the disability community. On December 17, 1999, the President signed this historic bill into law at a ceremony held at the FDR Memorial. This legislation, which the President advocated since 1998, will help provide better health care options for people with disabilities who work.

TWWIIA will improve employment opportunities by: creating new options and incentives for states to offer a Medicaid buy-in for workers with disabilities; extending Medicare coverage for an additional 4 ½ years for people on disability insurance who return to work; creating a \$250 million Medicaid buy-in demonstration to help people whose disabilities have not yet progressed so far that they cannot work; and enhancing employment-related services for people with disabilities through the new "Ticket to Work" Program. TWWIIA also creates a Work Incentive Grant program to provide benefits planning and assistance, facilitate access to information about work incentives, and better integrate services to people with disabilities working or returning to work.

Increasing the Substantial Gainful Activity Amount. In July 1999, the Social Security Administration increased the monthly earnings guidelines from \$500 to \$700 per month, enabling beneficiaries with disabilities to earn more without affecting their benefits. These guidelines are used to determine whether the work activities of a person with impairments, other than blindness, demonstrate that he or she is able to perform substantial gainful activity (SGA).

Directing Federal Agencies to Implement Plan for Hiring People with Disabilities. Since the beginning of the Clinton-Gore Administration, the American economy has added nearly 21 million new jobs, and unemployment is at the lowest level in three decades. Yet nearly 75 percent of individuals with significant disabilities are unemployed. Last year, Vice President Gore asked the Office of Personnel Management to develop a model plan to bring more adults with disabilities into the Federal workforce. On October 16, 1999, President Clinton released that action plan and directed the Federal government to implement it immediately. The plan, *Accessing Opportunity: The Plan for Employment of People with Disabilities in the Federal Government*, along with a companion Employment Guide, provides detailed resources for federal employees as they recruit, hire, train and promote people with disabilities. Under this plan, the Federal government -- the nation's largest employer with almost 1.8 million workers -- will do more to: recruit people with disabilities for positions at all levels of government; provide opportunities for students with disabilities; ensure career opportunities for people with disabilities; collect and maintain data to monitor success of people with disabilities in the federal workforce; and provide reasonable accommodations for applicants and employees with disabilities.

Sponsoring "Disability Mentoring Day: Career Development for the 21st Century." On October 27, 1999, the White House sponsored the first-ever mentoring day for people with disabilities. The

Office of Personnel Management (OPM) and Departments of Labor, Justice, Education, Transportation, and Defense also participated in the mentoring program, which was modeled after other "shadow" days. It also coincided with a reception hosted by OPM to celebrate the release of the *Plan and Employment Guide*. This year, the mentoring day will take place on Wednesday, October 25th. The White House encourages people from all across the country to participate in their local communities.

Expanding Hiring Opportunities for People with Psychiatric Disabilities. In January 1999, Tipper Gore announced that the Office of Personnel Management (OPM) would explore measures to eliminate the stricter standards that are currently applied to job applicants with psychiatric disabilities. On June 4, 1999, President Clinton signed an executive order ensuring that individuals with psychiatric disabilities are given the same hiring opportunities as persons with significant physical disabilities or mental retardation. On March 17, 2000, OPM issued proposed regulations to create a new Government-wide excepted appointing authority for persons with psychiatric disabilities. This authority will broaden the category of people who may non-competitively acquire competitive civil service status after two years of successful service, providing individuals with psychiatric disabilities the same hiring opportunities already offered to individuals with mental retardation and significant physical disabilities.

Mental Health Parity for Federal Employees. Leading by example, in June 1999 President Clinton called for parity for mental health and substance abuse coverage in the Federal Employees Health Benefits Program (FEHBP) by 2001. The FEHBP is the largest employer-sponsored health insurance program in the country -- covering about 9 million people, including Federal employees, retirees, and their families -- and often serves as a model for other employers and the insurance industry. The Office of Personnel Management (OPM) will work with participating health plans to introduce managed behavioral health care components that incorporate proven techniques such as case management, authorized treatment plans, provider networks using effective screening and referral procedures, pre-certification, and disease management. OPM has eliminated lifetime and annual maximums in the Program, and negotiated with plans to move away from contractual day and visit limitations, high deductibles, co-payments, and coinsurance for mental health coverage.

Signed the Workforce Investment Act of 1998. On August 7, 1998, President Clinton signed the Workforce Investment Act (WIA), which included the Rehabilitation Act Amendments of 1998, helping to improve worker training and placement options for people with disabilities. WIA establishes better links between the vocational rehabilitation (VR) system and the general workforce development system. Job seekers with disabilities now have improved options for service through the mainstream worker training and placement system, and through the disability-specific VR system. WIA also strengthens the Rehabilitation Act by giving increased options to individuals with disabilities in developing VR plans.

Increasing Employment of Adults with Disabilities. President Clinton signed an Executive Order in March 1998 establishing the Presidential Task Force on Employment of Adults with Disabilities. The Task Force is charged with creating a coordinated and aggressive national policy to move individuals with disabilities into gainful employment at a rate approaching that of the general adult population. The Task Force, chaired by the Secretary of Labor, continues its efforts to promote employment opportunities, and many of its recommendations have already been accepted and implemented by the President. The Task Force is analyzing the barriers to employment faced by people with disabilities and will report its findings with policy recommendations to the President on a periodic basis until its final report is presented on July 26, 2002.

Working on Innovative Strategies to Improve Employment of Adults with Disabilities. The Clinton-Gore Administration continues to develop innovative strategies to employ Americans with

disabilities. The Social Security Administration (SSA), the Department of Health and Human Services (HHS), the Department of Labor (DOL), and the Department of Education (DoED) are all participating in inter-agency demonstration projects to expand job opportunities for persons with disabilities. For instance, DoED has awarded six systems-change grants to establish models of improved cooperation and coordination between State Vocational Rehabilitation programs, public employment/employment training programs, and other related programs. The grants will help reduce barriers to employment and increase the capacity of States' overall employment system to serve individuals with disabilities. The focus of these systems change projects is increasing the employment rate of individuals with disabilities who are currently receiving support through public programs.

In addition, SSA is working under cooperative agreements with 12 states to develop innovative projects to assist adults with disabilities to reenter the workforce. This activity, the State Partnership Initiative, is designed to help states develop innovative and integrated statewide programs of services and supports for their residents with disabilities that will increase job opportunities and decrease dependence on benefits, including Social Security Disability Insurance and Supplemental Security Income. Moreover, the President's Committee on Employment of People with Disabilities (PCEPD) has worked to coordinate a commitment by the U.S. Chamber of Commerce, the Society of Human Resource Managers, and dozens of other private sector companies to support several initiatives advancing the employment of people with disabilities among employers. Initiatives include the formation of local and state employer-led groups advocating for the employment of people with disabilities, the launching of a nationwide campaign to advance the employment of persons with cognitive disabilities, and supporting PCEPD's career exploration and employment programs for youth with disabilities.

Creating New Tools to Help Families Move from Welfare to Work. Since enactment of the 1996 welfare reform law, millions of families have moved from welfare to work. Recognizing the special needs of some people with disabilities and other populations in moving from welfare to work, the 1997 Balanced Budget Act included \$3 billion to move long-term welfare recipients and low-income non-custodial fathers into jobs. To fully implement this initiative, the President's FY 2001 budget allows grantees an additional two years to spend Welfare-to-Work funds. It also proposes \$255 million for Fathers Work/Families Win grants to promote responsible fatherhood and support working families. The Welfare-to-Work Tax Credit provides tax incentives to encourage businesses to hire long-term welfare recipients. President Clinton has secured 110,000 new housing vouchers in the last two years to help welfare recipients and hard-pressed working families move closer to job opportunities, and this year he is proposing \$690 million for 120,000 new housing vouchers.

EDUCATION AND TRAINING:

I. 2000 LEGISLATIVE PRIORITIES AND FY2001 BUDGET INITIATIVES

State Grant Program. The Administration's FY 2001 budget includes \$5.28 billion, a \$290 million or 5.8 percent increase, for Special Education Grants to States. With passage of this increase, funding for the State Grant Program will have risen 127 percent since 1994. In FY 2001, the Grants to States program would provide an average of \$827 per child, an increase of 4 percent over the FY 2000 level. If approved, States will receive 13 percent of their average per pupil expenditures, or 11 percent of the excess costs, from the federal government for educating children with disabilities.

State Improvement Grants. The Administration's FY 2001 budget includes \$45.2 million for the State Improvement Grants, a \$10 million increase (or 28.4 percent) over FY 2000. This will provide funding

for 28 existing awards to States as well as new awards to an estimated 15 States and territories. The State Improvement program would expand efforts to reform and improve State systems for providing educational, early intervention, and transitional services to improve results for children with disabilities.

Parent Training. The Administration's FY 2001 budget for the Parent Training and Information Centers program is \$26 million, a \$7.5 million increase, or 40.3 percent, above last year's level. The increase would be used to expand the size of the awards to existing State Parent Training and Information Centers, establish four new centers for a total of 103 across the country, and provide additional technical assistance to centers. Three of the new centers would be community centers operated by local parent organizations and focus on meeting the needs of underserved parents and families of children with disabilities.

Reading and Behavior. The President's FY 2001 budget includes a request for a \$10 million Primary Education Intervention initiative. This initiative will support projects that demonstrate effective interventions coupled with early identification to improve results for children with disabilities. The initiative would target children with significant problems in learning to read, and those exhibiting behaviors that have been found to lead to significant discipline problems or emotional disturbance as they get older. Research shows that early intervention is particularly effective for improving educational results for children, and these funds will allow more students to benefit from timely identification and service delivery.

State Technical Assistance Awards. Helping States comply with the Individuals with Disabilities Education Act (IDEA) is critically important, and the President's FY 2001 budget includes an \$8 million request for State Technical Assistance Awards that will help address this need. These technical assistance awards will be instrumental in improving State monitoring and complaint resolution systems, and to correct deficiencies found through State and Federal monitoring of the implementation of IDEA.

II. RECORD OF ACCOMPLISHMENTS

Supporting Quality Education for Children with Disabilities. In 1997, the President enacted a stronger Individuals with Disabilities Education Act (IDEA), reaffirming our national commitment to provide a world class education for all our children by ensuring that our nation's schools are safe and conducive to learning, while scrupulously protecting the rights of students with disabilities. Funding for the basic IDEA grant program has increased by 100 percent under the Clinton-Gore Administration.

Fighting Unwise Amendments to IDEA. In the 105th Congress, the Majority in the House of Representatives attempted to amend the Individual with Disabilities Education Act (IDEA) to make it easier to expel children with disabilities who were judged by school officials to be potentially violent in school. These broad, subjective judgements could have resulted in inappropriate expulsion of large numbers of students with disabilities. The Clinton-Gore Administration, working with parents, successfully opposed these amendments.

Enforcing IDEA. The Clinton Administration has defended the rights of children with disabilities under the Individuals with Disabilities Education Act (IDEA) in numerous Federal Court cases: *Cedar Rapids Community School District v. Garrett F.*; *Marie O. v. Edgar*; *Sacramento City Unified School District v. Holland*; *Hartmann v. Loudon County Board of Education*.

IMPROVING ACCESS AND QUALITY OF HEALTH CARE:

I. 2000 LEGISLATIVE PRIORITIES AND FY2001 BUDGET INITIATIVES

Addressing the Nation's Multi-Faceted Needs for Long Term Services and Supports. The President's FY 2001 budget includes a \$28 billion, 10-year investment to tackle the complex problem of long-term care, which affects millions of elderly persons, people with disabilities, children with special needs, and/or the families who care for them. Its centerpiece is a \$3,000 tax credit for people with long-term care needs or their caregivers -- triple the amount proposed last year. It also seeks to address the way in which Medicaid policy and practice has inadvertently discriminated against people with long-term care needs who want to live in the community by making it much easier to provide coverage in nursing homes than in the community. This proposal would enable states to provide services to nursing-home qualified beneficiaries at 300 percent of the Supplemental Security Income limit (about \$15,000), without requiring a complicated and frequently time-consuming Federal waiver. This proposal contributes toward the goal of giving people who need long-term services and supports the choice of remaining in their homes and communities. It costs \$140 million over 5 years, \$370 million over 10 years.

Expanding Coverage to Uninsured Americans. In his FY 2001 budget, President Clinton has proposed a 10-year, \$110 billion initiative that would dramatically improve the affordability of and access to health insurance. The proposal would expand coverage to at least 5 million uninsured Americans and expand access to millions more. If enacted, these policies would be the largest expansion of coverage since Medicare was created in 1965.

Advocating a Strong Patients' Bill of Rights. The President and Vice President have called for passage of the bipartisan Patients' Bill of Rights Act, to ensure that all Americans have essential protections, including: guaranteed access to needed health care specialists; access to emergency room services when and where needs arise; continuity of care protections to assure coverage if a patient's health care provider is dropped; access to a timely internal and independent external appeals process with a medical necessity standard; assurance that doctors and patients can openly discuss treatment options; and an enforcement mechanism that ensures recourse for patients who have been harmed as a result of health plan actions.

II. RECORD OF ACCOMPLISHMENTS

Extending Enforceable Patient Protections for Millions of Americans. Leading by example, the President directed all federal agencies to ensure that their employees and beneficiaries have the benefits and rights guaranteed under the proposed Patients' Bill of Rights. Eighty-five million Americans covered by federal health plans have the security of knowing they will have fair access to health care thanks to the President's work.

Providing Access to Health Care Services for Uninsured Workers. In 1999, the President proposed and won \$25 million in funding for a program to coordinate systems of care, increase the number of services delivered, and establish an accountability system to assure adequate patient care for uninsured and low-income individuals. This year, the President has proposed funding this initiative at \$125 million, representing a substantial down payment on the President's plan to invest \$1 billion over 5 years.

Supporting Families. President Clinton fought for and enacted the Family and Medical Leave Act (FMLA), which allows workers to take up to 12 weeks of unpaid leave to care for a child or adult with a disability, seriously ill family members, newborn or adoptive children, or their own serious health problems -- without fear of losing their jobs. Since its enactment, FMLA has benefited millions of Americans, and the President has expanded leave options for Federal employees. President Clinton has called for extending this benefit to 12 million more working families and has proposed expanding FMLA to allow workers to take up to 24 unpaid hours off each year for school and early childhood education activities, routine family medical care, and caring for an elderly relative.

Increasing Access to Health Care and Supporting Employment for Americans with Disabilities. The Balanced Budget Act of 1997 created an optional program whereby States could allow people with disabilities who earn up to 250 percent of poverty to purchase Medicaid coverage. Oregon is the first state to take advantage of this policy, and they have created a program that will let individuals go to work and get or keep Medicaid. Secretary of Health and Human Services Donna Shalala has asked every governor to seriously consider this program.

Passing Meaningful Health Insurance Reform. President Clinton signed the Health Insurance Portability and Accountability Act of 1996, which limits exclusions for pre-existing conditions, makes coverage portable, and helps individuals who lose jobs maintain coverage.

Protecting the Medicaid Guarantee for People with Disabilities. The Clinton-Gore Administration refuses to go backward on health care coverage for Americans with disabilities, rejecting proposals to end the Medicaid guarantee to meaningful health benefits for people with disabilities. The President vetoed the Republicans' proposal in the 104th Congress to block grant the Medicaid program, preserving Medicaid coverage for six million persons with disabilities. Medicaid is often the only form of health care available to people with disabilities and allows many children and adults to receive services at home rather than in institutions. Thanks to President Clinton, the 1997 Balanced Budget Act preserved the Federal guarantee of Medicaid coverage for populations who depend on it.

IMPROVING ACCESSIBILITY:

I. 2000 LEGISLATIVE PRIORITIES AND FY2001 BUDGET INITIATIVES

Assistive Technology Initiatives. The Administration's FY 2001 budget includes \$100 million (a \$13.5 million increase) for disability and technology research at the National Institute on Disability and Rehabilitation Research (NIDRR). NIDRR will launch a comprehensive technology initiative which includes: \$5 million for an Educational Technology Initiative to provide technical assistance and training to elementary and secondary schools; \$3.4 million for a multi-pronged Employment initiative to carry out research, training, and technical assistance to enhance the ability of individuals with disabilities to access and use information and communication technology; and \$5.1 million for a Community Independence initiative on how information and assistive technology can be used to enhance community integration and participation by individuals with disabilities. The Administration's request also includes \$15 million to support grants that establish or maintain alternative loan financing programs. Most people with disabilities do not have the private financial resources to purchase the assistive technology they need. If approved, this increase would significantly enhance opportunities for individuals with disabilities to take advantage of assistive technology.

Centers for Independent Living. The Administration's FY 2001 includes \$58 million for Centers for Independent Living (CILs) -- a 20.8 percent increase over last year's funding level. This increase would make it possible to accomplish an increase in the stability of existing CILs and open new CILs in unserved and underserved areas. The request could provide sufficient funding to establish a \$200,000 federal funding floor. In addition, a \$10 million increase for CILs could expand the network of centers by funding up to 56 new centers in 23 States.

II. RECORD OF ACCOMPLISHMENTS

Ensuring that the Telecommunications Revolution Benefits All. In July 1999, the Federal Communications Commission (FCC) adopted rules on Section 225 of the Telecommunications Act of 1996, which requires that telecommunications equipment and services be accessible to individuals with disabilities, if readily achievable. This provision is known as the ADA for the Information Age. These regulations, which have been supported by the telecommunications industry, will ensure people with disabilities have access to a broad range of products and services -- such as telephones, cell phones, pagers, call waiting, and operator services -- where they previously experienced barriers. Telecommunications carriers may not install network features, functions, or capabilities that do not comply with the regulations. The regulations also ensure that information, documentation, and customer service is conducted in accessible ways.

Signed the Assistive Technology Act. Technology is a crucial component in enabling people with disabilities to obtain and keep meaningful employment. With the support of the Clinton-Gore Administration, Congress passed the Assistive Technology Act of 1998, which reauthorizes the "Tech Act" that created State Assistive Technology Centers to provide assistive devices to low-income individuals with disabilities.

Ensuring the Federal Government Provides Accessible Technology and Information. The Clinton-Gore Administration recommended, and Congress enacted, changes to the Rehabilitation Act strengthening the obligations of federal agencies to provide accessible information technology to their employees and customers. This enabled the federal government to use its considerable purchasing power to influence private industry toward developing universally designed technology that is accessible to almost everyone. On April 18, 2000, Attorney General Janet Reno announced the release of the Department of Justice's (DOJ) first report under section 508 of the Rehabilitation Act, *Information Technology and People with Disabilities: The Current State of Federal Accessibility*. Under DOJ's direction, federal agencies examined the procurement policies and procedures, along with common types of information technology. DOJ found that while some information technology used by federal agencies is accessible, simple steps can increase the extent to which federal information technology is usable by people with disabilities.

Increased Resources for Accessible Transportation. In 1998, President Clinton signed the Transportation Equity Act for the 21st Century (TEA-21), which provides significantly increased resources to make our Nation's surface transportation systems accessible. TEA-21 included increased funding for the Elderly Individuals and Individuals with Disabilities grant program.

Increasing Public Transportation Accessibility. The Department of Transportation and the Access Board have issued final regulations implementing the Americans with Disabilities Act (ADA) provisions for over-the-road bus (OTRB) accessibility that provides a definition of what constitutes discriminatory action. The regulation requires large, fixed-route operators to achieve 50 percent of full fleet accessibility by October 2006 and 100 percent by October 2012. The Department has strengthened the

regulations by including provisions making OTRB operators individually and collectively accountable for providing accessible service.

Access to Jobs Initiative. The President's Access to Jobs initiative helps communities design innovative transportation solutions, such as van services, to help former welfare recipients and other low-income workers get to work. Funding for this initiative has increased to \$75 million in FY 2000 and will be \$100 million in FY 2001 as a result of guaranteed funding in TEA-21. This innovative program emphasizes providing people with disabilities the transportation access required to achieve education, work, and family goals.

Increasing Housing Options. The Clinton-Gore Administration took a number of significant actions in 1998 that advanced housing policy for people with disabilities. First, HUD issued a statement supporting the view that institutional living does not constitute real housing for people with disabilities. On April 28, 1998, Fannie Mae announced the publication of "A Home of Your Own Guide," the first manual specifically created to provide step-by-step home buying guidance for people with disabilities. In February, HUD Secretary Cuomo issued a directive encouraging communities to use community development block grant funds for home modifications for people with disabilities. Also, in HUD's recent Notices of Funding Availability, the agency included bonus points for developers when they seek to build structures that include "visitability" by people with disabilities.

Increasing Section 8 Funding in HUD Appropriations. President Clinton supported the inclusion of \$40 million in Section 8 funding for people with disabilities, in part to offset the displacement likely to occur as a result of "elderly-only" designation of public housing formerly occupied by people with disabilities.

PROMOTING EQUALITY FOR ALL OF OUR CITIZENS:

I. 2000 LEGISLATIVE PRIORITIES AND FY 2001 BUDGET INITIATIVES

Increased Funding for Civil Rights Enforcement. The Clinton-Gore Administration's FY 2001 budget includes a request for an additional \$16 million for the Department of Justice's (DOJ) Civil Rights Division -- a 19 percent increase over last year's budget of \$82.2 million. With a proposed increase of \$2.4 million for the Civil Rights Division, DOJ hopes to further implement the Americans with Disabilities Act (ADA) by funding new initiatives, including an initiative to remove barriers that prevent people with disabilities from obtaining basic community services, such as riding public transportation or attending a town meeting. Additional funding will also help begin a new initiative to train law enforcement officers on how to appropriately interact with persons with mental disabilities.

Protecting All of Our Citizens. The President and Vice President have repeatedly called for passage of the Hate Crimes Prevention Act, which would strengthen and expand the existing federal hate crimes law to cover cases of hate crimes based on disability, gender, or sexual orientation.

II. RECORD OF ACCOMPLISHMENTS

Assuring Access to Community Living for the People with Disabilities. On June 22, 1999, the U.S. Supreme Court affirmed in *Olmstead v. L.C.* that, under the Americans With Disabilities Act, unjustifiable institutionalization of a person with a disability who, with proper support, can live in the community is discrimination. In accordance with that Court ruling, on January 14, 2000, the U.S.

Department of Health and Human Services issued guidance to state Medicaid directors on how to make state programs responsive to the desires of people with disabilities to live in appropriate community-based settings. The Administration's goal is to integrate people with disabilities into the social mainstream with equal opportunities and the opportunity to make choices in their lives. The Clinton-Gore Administration's flexibility in granting state waivers has spurred an increase in home and community-based services. Since he took office, the President has approved over 300 such waivers. As a result, the number of people with developmental disabilities served in home and community waiver programs has increased significantly.

Vigorously Enforcing Disability Rights. President Clinton has led the fight for vigorous enforcement of the Americans with Disabilities Act (ADA), the Fair Housing Act, the Individuals with Disabilities Education Act (IDEA), and other critical civil rights laws that prohibit discrimination against people with disabilities in housing, schools, workplaces, and public areas across the nation. Under the Clinton-Gore Administration, the number of positions allocated for ADA enforcement at the Department of Justice (DOJ) has increased by 105 percent. The Administration's FY 2001 budget proposal includes funding for another 29 new positions for ADA enforcement -- a 35 percent increase over FY 2000 funding. DOJ has entered into hundreds of settlement agreements involving access to civic life (city halls and municipal services), 911 emergency services, hotels, stores, restaurants, theaters, and other public accommodations. The Department's litigation activity has established important legal precedents including ADA coverage (such as zoning and prisons), architect liability, line of sight over standing spectators, effective communication, and unnecessary inquiries by professional licensing entities. Implementation of the ADA's "most integrated setting" requirement has been an important element of DOJ's Civil Rights of Institutionalized Persons Act investigations and agreements (involving MRDD institutions, psychiatric hospitals, and public nursing homes).

Working to Stop Discrimination Against People With AIDS. President Clinton supports the Supreme Court's decision in *Bragdon v. Abbott*, which reinforces the protections offered by the Americans With Disabilities Act (ADA) for Americans living with HIV and AIDS. The President directed the Department of Justice (DOJ) and the Equal Employment Opportunity Commission (EEOC) to vigorously prosecute those who discriminate against people with AIDS, leading to actions against health care providers and facilities that violate the ADA.

Working for Fair Housing. In response to the increase in reported cases of serious fair housing violations, the Department of Housing and Urban Development (HUD) committed to doubling the number of its civil rights enforcement actions by the year 2000. In addition, the President proposed and won a major expansion of HUD's Fair Housing programs. The FY 1999 budget expanded HUD's Fair Housing programs to \$40 million -- a \$10 million increase over FY 1998 funding. That 33 percent increase included \$7.5 million for a new audit-based enforcement initiative proposed by the Administration.

Adding a New Statue to the FDR Memorial. On May 2, 1997, President Clinton dedicated the Franklin Delano Roosevelt Memorial to honor the thirty-second President of the United States. On July 2, 1998, Vice President Gore announced that the FDR Memorial will soon include an additional outdoor room at the main entrance, which will depict FDR in the small wheelchair he invented. In collaboration with the disability community, the Clinton-Gore Administration has selected a specific design that will show how FDR became one of our greatest presidents while he had a disability and used a wheelchair. And last year, the Clinton-Gore Administration helped secure \$3 million to fund the memorial addition, which may be complete as early as this year.

Appointed the Most Diverse Administration in History. President Clinton has appointed a highly talented and the most diverse Administration in history, including the appointment of record numbers of people with disabilities in the White House and throughout the Clinton-Gore Administration. The Federal government now employs more than 100,000 employees with some type of disability. President Clinton's Administration appointees include: Judith Heumann, Assistant Secretary for Special Education and Rehabilitation Services; Paul Miller, Commissioner of the Equal Employment Opportunity Commission; and Fredric Schroeder, Commissioner of the Rehabilitation Services Commission. People with disabilities serve in the Departments of Education, Health and Human Services, Housing and Urban Development, Justice, Labor, State, and Transportation. President Clinton has also appointed people with disabilities to positions in such independent agencies as the National Council on Disability and the Social Security Administration, as U.S. District Court Judges, and to various Presidential Committees, Commissions, and Task Forces. In the White House, Jonathan Young is the first person with a disability ever appointed to serve as Associate Director for Disability Outreach in the Office of Public Liaison.

5/00

1999 Recommendations to the President from the Presidential Task Force on Employment of Adults with Disabilities

The Task Force wishes to recognize the outstanding work by the Clinton-Gore Administration in acting on the recommendations made to the President in last year's report — *Re-charting the Course: First Report of the Presidential Task Force on Employment of Adults with Disabilities*. Prompt action and strong support by the Administration on these recommendations has resulted in significant achievements that are leading to increased employment opportunities for people with disabilities. See Chapter Two for a complete review of the status of last years' recommendations.

The Task Force also wishes to acknowledge the efforts of Task Force Committee members, particularly those who chaired the various committees established in the spring of 1999 to guide and focus the work of the Task Force. The Task Force has received a report from each committee on their activities in 1999, which largely have focused on putting in place plans for more specific activity in 2000 and beyond. The Task Force will be reviewing and using these reports as the basis for future activities as appropriate. Highlights of these reports are included in Chapter Four.

The Task Force respectfully submits the following recommendations to the President of the United States of America for immediate consideration:

The Task Force recommends that:

- 1** *The President direct the Department of Labor to develop a proposal for consideration in the FY 2001 budget process for an Office of Disability Policy, Evaluation and Technical Assistance (ODPET) to be headed by an Assistant Secretary of Labor. ODPET functions could include:*
 - *Ensuring ongoing efforts to integrate people with disabilities into the Department of Labor's mainstream employment and training programs.*
 - *Establishing the National Disability Business Development Board to be comprised of the membership of the President's Committee on Employment of People with Disabilities and to serve as the advisory body to ODPET.*
 - *Maintaining the principle functions of the President's Committee on Employment of People with Disabilities.*
 - *Assisting the Presidential Task Force on Employment of Adults with Disabilities in implementing a coordinated and aggressive national employment strategy for people with disabilities.*

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-

mined to still be eligible will remain on SSI for 27 years, while those found ineligible are likely to live in poverty. Many youth with disabilities spend a significant portion of their lives living in poverty, dependent upon public assistance programs, and relegated to the margins of society. In addition, compared to students without disabilities, students with disabilities drop out of school much more frequently and enroll in post-secondary education less frequently.

The Task Force recommends that:

- 4 **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 under the age of 16.**

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 16 years and older. 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 at an earlier age.

The Task Force recommends that:

- 5 **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.**

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.

The Task Force recommends that:

- The President continue to work with Congress to secure adequate funding, proposed in the Administration's FY 2000 budget, for their program to accelerate the development and adoption of information and communication technologies that can be used by the 54 million Americans with disabilities.**

The President should continue to push for this initiative that would: (1) help make the Federal Government a "model user" of accessible electronic and information technology through the implementation of Section 508 of the Rehabilitation Act; (2) support new and expanded State loan programs making assistive technology more affordable for adults with disabilities; and (3) invest in research, development, and technology transfer in areas such as "text to speech," speech recognition, and eye-tracking for people who cannot use a keyboard.

The Task Force recommends that:

- 7 **The President continue to work with Congress to pass the tax credit proposed in the Administration's FY 2000 budget, in order to assist adults with disabilities with expenses related to work.**

Working-age adults with disabilities are often discouraged from working because of the high cost of personal attendant services and other services or technologies required for employment. Similarly, the cost to employers of hiring an individual requiring personal attendant services can sometimes be prohibitive. Tax credits provide a flexible way to assist people with disabilities in defraying these expenses.

The Task Force recommends that:

8 The President continue to work with Congress to pass a strong, enforceable Patients' Bill of Rights.

It is critically important to people with disabilities that we enact a strong, enforceable Patients' Bill of Rights. This legislation must include the following: guaranteed access to needed health care specialists; access to emergency room services when and where the need arises; continuity of care protections so that patients will not have an abrupt transition in care if their providers are dropped; access to a fair, unbiased, and timely internal and independent external appeals process to address health plan grievances and to help govern decisions about medically necessary treatments; an enforcement mechanism that ensures recourse for patients who have been harmed as a result of a health plan's actions.

The Task Force recommends that:

9 The President convene a White House Conference on Employment of Adults with Disabilities that will include representatives from the Administration, Congress, elected officials from State and local governments, small and large businesses, the disability community and other stakeholders.

A White House Conference would provide heightened visibility to the issue of employing persons with disabilities and help build partnerships between public and private sectors. It would also provide the opportunity to showcase "best practices" and innovative strategies for employment of people with disabilities, and highlight actions taken by Task Force member agencies, departments, and other Federal agencies. Finally, it could commemorate the 10th anniversary of the Americans with Disabilities Act, the 25th anniversary of the Individuals with Disabilities Education Act, and the 35th anniversary of the Equal Employment Opportunity Commission.

The Task Force recommends that:

10 The President direct the Task Force members' departments and agencies to collaborate on the development and implementation of a multimedia, interagency public awareness campaign to eliminate the negative and erroneous stereotypes about employment of people with disabilities. This campaign would focus on the benefits of employing people with disabilities.

There is an immediate need for leadership to address negative attitudes and prejudices against people with disabilities. An aggressive public awareness campaign, conducted in partnership with the disability community, businesses, and other influential entities would help to eliminate erroneous and prejudicial thinking about disability that results in limiting employment opportunities.

The Task Force recommends that:

11 The President direct the Social Security Administration and the Department of Labor to create an "Access America for People with Disabilities" Web site that targets individuals with disabilities.

In February, Vice President Gore announced "Access America for Seniors," a Web site providing a wide range of services to older Americans — an example of his vision of "one-stop" Web access to government services. A new Web site, "Access America for People with Disabilities," would likewise provide information and services offered by virtually every major Federal Government agency by linking to an abundance of helpful Federal agency sites, information, programs, and services.

*Lisa will call Nancy Mc Fadden
Lisa calls
Nancy Mc Fadden at Transit*

The Task Force recommends that:

- 12** The President direct the Department of Transportation to work with the Departments of Labor, Education, and Health and Human Services, the Social Security Administration, and other relevant Task Force members to develop a comprehensive plan of action to address the lack of transportation services and systems for persons with disabilities.

The lack of available public transportation is a major employment barrier for persons with disabilities. This fact is cited by many individuals with disabilities at recent Town Hall meetings held by the Task Force and at other events as the major impediment to finding and keeping jobs. The Department of Transportation has been vigorous in addressing public and private accessibility issues for people with disabilities. This directive would be to concentrate Federal efforts on developing an interagency action plan that addresses the lack of available transportation.

The Task Force recommends that:

- 13** The President direct all Federal agencies with customer service call centers and other appropriate services to explore ways to encourage hiring people with disabilities.

Cutting-edge telecommunications technology has recently made it possible for customer service centers to send voice and data to home-based customer service representatives who work just as if they were in a call center. Many agencies in the Federal Government operate significant customer service call center activities. This cutting-edge technology needs to be widely available in the Federal Government, and used to increase the employment rate of individuals with disabilities as much as possible.

Research has shown that the percentage of individuals with significant disabilities who are employed is the lowest of disadvantaged groups in the nation. It is critical that we seek out as many strategies as possible to change this picture.

The Task Force recommends that:

- 14** The President direct the Social Security Administration to explore options for raising the Earned Income Exclusion in the Supplemental Security Income program, for both adults and students, in order to encourage work efforts.

Supplemental Security Income (SSI) is a means-tested program, but beneficiaries are able to have limited earnings without impact on their benefit amounts. Allowing such earnings not only increases overall income security, but also provides an incentive to work. The earned income exclusions for both adults and students, however, have not been raised since the early 1970's, even though the SSI Federal Benefit Rate is indexed annually for inflation. The Earned Income Exclusion remains at \$65 per month for adults and up to \$400 per month for students for a limited time period. As a result, SSI beneficiaries with non-SSI income do not receive full indexing of their benefits, and work effort is less rewarded than it was previously.

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Eric Gould will take the list and find out how to approach agencies

Willard knows Federal agencies involved in this

do they contract process of contracts set
O.P.M. -

for disability policy within the Department of Labor; improving individuals with disabilities' access to employment and training programs; and, enhancing current programs for individuals with disabilities.

Ticket to Work and Work Incentives Improvement Act: In 1999, the President signed the Ticket to Work and Work Incentives Improvement Act, landmark legislation that begins reducing the institutional barriers that have limited the employment opportunities of individuals with disabilities.

- *Health insurance protections for working people with disabilities:* People with disabilities who want to return to work may face the loss of Medicaid or Medicare coverage or incur prohibitive work-related costs, such as personal assistance and assistive technology. The Act seeks to remove these barriers by creating new options and incentives for States to offer a Medicaid buy-in for disabled workers and extending Medicare coverage for Disability Insurance beneficiaries who return to work.
- *Ticket to Work and Self-Sufficiency:* The Act establishes a new program to enhance employment-related services to help Disability Insurance and Supplemental Security Income disabled beneficiaries re-enter the workforce, giving individuals more choice in their selection of vocational rehabilitation service providers.

Office on Disability Policy, Evaluation, and Technical Assistance: The budget reconstitutes the President's Committee on Employment of People with Disabilities as the Office on Disability Policy, Evaluation, and Technical Assistance (ODPET). Headed by an Assistant Secretary, this new office will bring a permanent focus to the significant employment obstacles faced by individuals with disabilities and provide a forum for addressing those obstacles. The Presidential Task Force on Employment of Adults with Disabilities will work with the ODPET to ensure interagency policy coordination.

Assistive Technology: To help individuals with disabilities overcome obstacles to employment, the budget also provides \$41 million for the Department of Education's Assistive

Technology program to help make assistive technology devices and services available. Within this total is \$15 million to help States establish low-interest loan programs to help individuals with disabilities purchase assistive technology. In addition, the budget includes \$18 million in the National Institute of Disability and Rehabilitation Research and the National Science Foundation for research, demonstrations, and technical assistance on how to make technology more accessible. Lastly, to increase employment of people with disabilities in the Federal Government, the budget also includes \$3.5 million for the General Services Administration to make assistive technology available to Federal employees.

Work Incentive Grants: The budget continues competitive grants enacted in 2000 (totaling \$20 million a year) to be awarded by DOL to partnerships of organizations in every State, including organizations of people with disabilities, to help One-Stop Career Centers and Workforce Investment Boards provide a range of high-quality services to people with disabilities working or returning to work.

Limit on Medicare Coverage in the Ticket to Work and Work Incentives Improvement Act: In the compromise on the Act, its Medicare benefit was limited to an additional four and a half years. Because of this limit, the provision postpones rather than eliminates the disincentive to work since Medicare provides the necessary coverage that is often unavailable or unaffordable on the job. The budget proposes to remove this limit and extend Medicare coverage indefinitely.

Tax Credit for Workers with Disabilities: The budget proposes a \$1,000 tax credit for workers with disabilities or their spouses to defray additional work-related costs such as personal assistance services.

In addition, the budget continues to invest in other programs which help disabled individuals prepare for the workforce, including \$6.4 billion for Special Education programs, described earlier in this chapter, which serve individuals with disabilities up to age 21; and \$2.8 billion for Vocational Rehabilitation. The budget also supports other important disability programs, including the Committee for Purchase From People Who are Blind

CHAPTER 1

1999 Recommendations to the President from the Presidential Task Force on Employment of Adults with Disabilities

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The Task Force respectfully submits the following recommendations to the President of the United States of America for immediate consideration:

The Task Force recommends that:

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- **Ensuring ongoing efforts to integrate people with disabilities into the Department of Labor's mainstream employment and training programs.**
- **Establishing the National Disability Business Development Board to be comprised of the membership of the President's Committee on Employment of People with Disabilities and to serve as the advisory body to ODPET.**
- **Maintaining the principle functions of the President's Committee on Employment of People with Disabilities.**
- **Assisting the Presidential Task Force on Employment of Adults with Disabilities in implementing a coordinated and aggressive national employment strategy for people with disabilities.**

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The Task Force recommends that:

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It is critically important to people with disabilities that we enact a strong, enforceable Patients' Bill of Rights. This legislation must include the following: guaranteed access to needed health care specialists; access to emergency room services when and where the need arises; continuity of care protections so that patients will not have an abrupt transition in care if their providers are dropped; access to a fair, unbiased, and timely internal and independent external appeals process to address health plan grievances and to help govern decisions about medically necessary treatments; an enforcement mechanism that ensures recourse for patients who have been harmed as a result of a health plan's actions.

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A White House Conference would provide heightened visibility to the issue of employing persons with disabilities and help build partnerships between public and private sectors. It would also provide the opportunity to showcase "best practices" and innovative strategies for employment of people with disabilities, and highlight actions taken by Task Force member agencies, departments, and other Federal agencies. Finally, it could commemorate the 10th anniversary of the Americans with Disabilities Act, the 25th anniversary of the Individuals with Disabilities Education Act, and the 35th anniversary of the Equal Employment Opportunity Commission.

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There is an immediate need for leadership to address negative attitudes and prejudices against people with disabilities. An aggressive public awareness campaign, conducted in partnership with the disability community, businesses, and other influential entities would help to eliminate erroneous and prejudicial thinking about disability that results in limiting employment opportunities.

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11 The President direct the Social Security Administration and the Department of Labor to create an "Access America for People with Disabilities" Web site that targets individuals with disabilities.

In February, Vice President Gore announced "Access America for Seniors," a Web site providing a wide range of services to older Americans — an example of his vision of "one-stop" Web access to government services. A new Web site, "Access America for People with Disabilities," would likewise provide information and services offered by virtually every major Federal Government agency by linking to an abundance of helpful Federal agency sites, information, programs, and services.

The Task Force recommends that:

- 12* ***The President direct the Department of Transportation to work with the Departments of Labor, Education, and Health and Human Services, the Social Security Administration, and other relevant Task Force members to develop a comprehensive plan of action to address the lack of transportation services and systems for persons with disabilities.***

Use hand check to verify

The lack of available public transportation is a major employment barrier for persons with disabilities. This fact is cited by many individuals with disabilities at recent Town Hall meetings held by the Task Force and at other events as the major impediment to finding and keeping jobs. The Department of Transportation has been vigorous in addressing public and private accessibility issues for people with disabilities. This directive would be to concentrate Federal efforts on developing an interagency action plan that addresses the lack of available transportation.

The Task Force recommends that:

- 13* ***The President direct all Federal agencies with customer service call centers and other appropriate services to explore ways to encourage hiring people with disabilities.***

Cutting-edge telecommunications technology has recently made it possible for customer service centers to send voice and data to home-based customer service representatives who work just as if they were in a call center. Many agencies in the Federal Government operate significant customer service call center activities. This cutting-edge technology needs to be widely available in the Federal Government, and used to increase the employment rate of individuals with disabilities as much as possible.

Research has shown that the percentage of individuals with significant disabilities who are employed is the lowest of disadvantaged groups in the nation. It is critical that we seek out as many strategies as possible to change this picture.

The Task Force recommends that:

- 14* ***The President direct the Social Security Administration to explore options for raising the Earned Income Exclusion in the Supplemental Security Income program, for both adults and students, in order to encourage work efforts.***

Supplemental Security Income (SSI) is a means-tested program, but beneficiaries are able to have limited earnings without impact on their benefit amounts. Allowing such earnings not only increases overall income security, but also provides an incentive to work. The earned income exclusions for both adults and students, however, have not been raised since the early 1970's, even though the SSI Federal Benefit Rate is indexed annually for inflation. The Earned Income Exclusion remains at \$65 per month for adults and up to \$400 per month for students for a limited time period. As a result, SSI beneficiaries with non-SSI income do not receive full indexing of their benefits, and work effort is less rewarded than it was previously.

CHAPTER 1

1999 Recommendations to the President from the Presidential Task Force on Employment of Adults with Disabilities

The Task Force wishes to recognize the outstanding work by the Clinton-Gore Administration in acting on the recommendations made to the President in last year's report — *Re-charting the Course: First Report of the Presidential Task Force on Employment of Adults with Disabilities*. Prompt action and strong support by the Administration on these recommendations has resulted in significant achievements that are leading to increased employment opportunities for people with disabilities. See Chapter Two for a complete review of the status of last years' recommendations.

The Task Force also wishes to acknowledge the efforts of Task Force Committee members, particularly those who chaired the various committees established in the spring of 1999 to guide and focus the work of the Task Force. The Task Force has received a report from each committee on their activities in 1999, which largely have focused on putting in place plans for more specific activity in 2000 and beyond. The Task Force will be reviewing and using these reports as the basis for future activities as appropriate. Highlights of these reports are included in Chapter Four.

The Task Force respectfully submits the following recommendations to the President of the United States of America for immediate consideration:

The Task Force recommends that:

- 1** *The President direct the Department of Labor to develop a proposal for consideration in the FY 2001 budget process for an Office of Disability Policy, Evaluation and Technical Assistance (ODPET) to be headed by an Assistant Secretary of Labor. ODPET functions could include:*
 - *Ensuring ongoing efforts to integrate people with disabilities into the Department of Labor's mainstream employment and training programs.*
 - *Establishing the National Disability Business Development Board to be comprised of the membership of the President's Committee on Employment of People with Disabilities and to serve as the advisory body to ODPET.*
 - *Maintaining the principle functions of the President's Committee on Employment of People with Disabilities.*
 - *Assisting the Presidential Task Force on Employment of Adults with Disabilities in implementing a coordinated and aggressive national employment strategy for people with disabilities.*

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-

mined to still be eligible will remain on SSI for 27 years, while those found ineligible are likely to live in poverty. Many youth with disabilities spend a significant portion of their lives living in poverty, dependent upon public assistance programs, and relegated to the margins of society. In addition, compared to students without disabilities, students with disabilities drop out of school much more frequently and enroll in post-secondary education less frequently.

The Task Force recommends that:

- 4** *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 under the age of 16.*

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 16 years and older. 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 at an earlier age.

The Task Force recommends that:

- 5** *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.*

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.

The Task Force recommends that:

- 6** *The President continue to work with Congress to secure adequate funding, proposed in the Administration's FY 2000 budget, for their program to accelerate the development and adoption of information and communication technologies that can be used by the 54 million Americans with disabilities.*

The President should continue to push for this initiative that would: (1) help make the Federal Government a "model user" of accessible electronic and information technology through the implementation of Section 508 of the Rehabilitation Act; (2) support new and expanded State loan programs making assistive technology more affordable for adults with disabilities; and (3) invest in research, development, and technology transfer in areas such as "text to speech," speech recognition, and eye-tracking for people who cannot use a keyboard.

The Task Force recommends that:

- 7** *The President continue to work with Congress to pass the tax credit proposed in the Administration's FY 2000 budget, in order to assist adults with disabilities with expenses related to work.*

Working-age adults with disabilities are often discouraged from working because of the high cost of personal attendant services and other services or technologies required for employment. Similarly, the cost to employers of hiring an individual requiring personal attendant services can sometimes be prohibitive. Tax credits provide a flexible way to assist people with disabilities in defraying these expenses.

The Task Force recommends that:

8 *The President continue to work with Congress to pass a strong, enforceable Patients' Bill of Rights.*

It is critically important to people with disabilities that we enact a strong, enforceable Patients' Bill of Rights. This legislation must include the following: guaranteed access to needed health care specialists; access to emergency room services when and where the need arises; continuity of care protections so that patients will not have an abrupt transition in care if their providers are dropped; access to a fair, unbiased, and timely internal and independent external appeals process to address health plan grievances and to help govern decisions about medically necessary treatments; an enforcement mechanism that ensures recourse for patients who have been harmed as a result of a health plan's actions.

The Task Force recommends that:

9 *The President convene a White House Conference on Employment of Adults with Disabilities that will include representatives from the Administration, Congress, elected officials from State and local governments, small and large businesses, the disability community and other stakeholders.*

A White House Conference would provide heightened visibility to the issue of employing persons with disabilities and help build partnerships between public and private sectors. It would also provide the opportunity to showcase "best practices" and innovative strategies for employment of people with disabilities, and highlight actions taken by Task Force member agencies, departments, and other Federal agencies. Finally, it could commemorate the 10th anniversary of the Americans with Disabilities Act, the 25th anniversary of the Individuals with Disabilities Education Act, and the 35th anniversary of the Equal Employment Opportunity Commission.

The Task Force recommends that:

10 *The President direct the Task Force members' departments and agencies to collaborate on the development and implementation of a multimedia, interagency public awareness campaign to eliminate the negative and erroneous stereotypes about employment of people with disabilities. This campaign would focus on the benefits of employing people with disabilities.*

There is an immediate need for leadership to address negative attitudes and prejudices against people with disabilities. An aggressive public awareness campaign, conducted in partnership with the disability community, businesses, and other influential entities would help to eliminate erroneous and prejudicial thinking about disability that results in limiting employment opportunities.

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The lack of available public transportation is a major employment barrier for persons with disabilities. This fact is cited by many individuals with disabilities at recent Town Hall meetings held by the Task Force and at other events as the major impediment to finding and keeping jobs. The Department of Transportation has been vigorous in addressing public and private accessibility issues for people with disabilities. This directive would be to concentrate Federal efforts on developing an interagency action plan that addresses the lack of available transportation.

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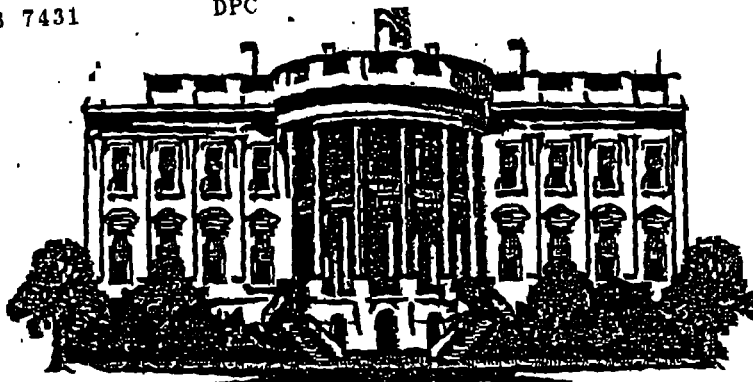
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THE WHITE HOUSE

Domestic Policy Council

DATE: 5/17

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NUMBER OF PAGES (INCLUDING COVER): 6

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☒ PER MY E-MAIL OR VOICE-MAIL MESSAGE TO YOU

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Lon Sorensen

06/20/2000 11:57:45 AM

Record Type: Record

To: liz.savage@usdoj.gov @ inet, ogle-becky@dol.gov, Michelle M. Aronowitz/WHO/EOP@EOP

cc:

Subject: Conf. call re: response to NCD report

Lisa would like to convene a conference call on Monday, June 26, at 10am regarding a response to the NCD report on federal enforcement of the ADA. Ellen Vargyas, Paul Miller, and Nancy McFadden will also be on the call. The numbers to call in on:

202-456-2565

PIN 1624

Thanks!

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press conf. tomorrow - 10am

Liz Savage
514 4279

FOR IMMEDIATE RELEASE
Tuesday, June 27, 2000

CONTACT: Reginald Welch
David Grinberg
(202) 663-4900
TTY: (202) 663-4494

EEOC RECEIVES REPORT ON ADA ENFORCEMENT BY NATIONAL COUNCIL ON DISABILITY

WASHINGTON -- The U.S. Equal Employment Opportunity Commission (EEOC) today received a report by the National Council on Disability (NCD) examining the Federal Government's enforcement of the Americans with Disabilities Act of 1990 (ADA). The report, entitled *Promises to Keep: A Decade of Federal Enforcement of the Americans with Disabilities Act*, analyzes enforcement of the Act by several federal agencies, including EEOC.

"The Commission has always welcomed the input of federal agencies and other organizations with an interest in the laws that fall under our jurisdiction. Therefore, we welcome this report and look forward to closely reviewing its recommendations," said EEOC Commissioner Paul Steven Miller. "In addition to vigorously enforcing the ADA, the Commission provides education, outreach, and technical assistance to the private sector in order to promote understanding and voluntary compliance with the Act. Such efforts have played an instrumental role in ensuring that persons with disabilities are permitted to work in environments that are free of discrimination, where they are judged by their ability to do the job, rather than on myths, fears, and stereotypes."

EEOC has enforcement authority for Title I of the ADA, which prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms and conditions of employment.

Since Title I of the ADA went into effect on July 26, 1992, the EEOC has obtained over \$300 million on behalf of more than 20,000 charging parties through its overall enforcement efforts, including settlements, conciliations, mediation, and litigation. In addition, EEOC has obtained non-monetary benefits for over 10,000 individuals under Title I. Such benefits include reasonable accommodations, policy changes, training and education, job referrals, union membership, and posting of EEO notices at job sites.

Through its administrative enforcement activities, EEOC resolves many ADA cases prior to any litigation being filed. EEOC has resolved over 130,000 ADA charges since Title I was implemented in July 1992. Between fiscal years 1993 (the first full year EEOC enforced Title I) and 1999, the number of investigative findings of "reasonable cause" that discrimination took place rose more than ten-fold from 106 to 1,665; the number of "merit resolutions" (resolutions of meritorious allegations with a favorable outcomes to charging parties) more than tripled from 1,119 to 3,965; and monetary benefits obtained for charging parties also tripled from \$15.9 million to \$49.9 million. ADA charges filed with EEOC have accounted for an average of 21.4% of the agency's caseload since FY 1993.

Since launching its voluntary national mediation program in February 1999, EEOC has mediated about 2,000 ADA charges with a success rate of over 60%. Of these mediated cases, approximately \$17.2 million in monetary benefits have been awarded to 1,530 persons. In addition, 46% of mediated ADA charges were resolved with non-monetary relief, such as reasonable accommodations, reinstatement, policy changes, and training programs.

(more)

EEOC PRESS RELEASE – Page 2

EEOC's efforts to achieve voluntary compliance with the laws it enforces is buttressed by the ability to file litigation against businesses that fail to voluntarily conciliate EEO violations against employees and applicants. The Commission has sought to strategically and vigorously enforce all aspects of the ADA through its litigation program, which includes filings individual and class suits, and *amicus* "friend of the court" briefs. In addition, agency legal staff provides advice to district office administrative enforcement units which are responsible for investigating charges of discrimination.

On the district court level, EEOC has filed more than 350 substantive lawsuits to enforce the ADA. The Commission also has increased the percentage of its ADA class caseload from 8% of all ADA suits in FY 1996 to 22% in FY 1999. On the appellate level, EEOC has filed *amicus* briefs in dozens of cases in which it has confronted fundamental issues on how the ADA should be applied, including the critical issue of who should be protected by the Act.

In addition to enforcement and litigation, the development and issuance of policy guidance plays a central role in EEOC's efforts to promote understanding and voluntary compliance with the ADA. Besides educating employers and employees about their rights and responsibilities, the courts examine and give substantial weight to Commission policy guidance in their interpretations of significant case law. Since the ADA was enacted in 1990, EEOC has issued numerous comprehensive policy guidances and technical assistance documents addressing every aspect of employment discrimination under the ADA.

EEOC's outreach program supplements its enforcement, litigation, and policy initiatives by providing the public with a broad range of education, technical assistance, and training on the ADA and other agency-enforced statutes. EEOC makes information available on its operations, programs, and activities through printed materials (including different languages and alternate formats), its Internet web site, speeches and presentations, media relations, workshops and technical assistance programs, and by responding to public inquiries. Building on intensive outreach efforts by EEOC field offices in FY 1991-1992, the ADA was the principle topic of 3,050 outreach events between FY 1993 and 1999. In the past three years alone, approximately 126,000 people attended ADA outreach events designed to provide educational services to stakeholders and to foster on-going relationships with hundreds of individuals and organizations nationwide.

In addition to enforcing Title I of the ADA, EEOC enforces Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, religion, sex, and national origin; the Age Discrimination in Employment Act, which prohibits discrimination against individuals 40 years of age or older; sections of the Civil Rights Act of 1991; the Equal Pay Act; and the Rehabilitation Act's prohibitions against disability discrimination in the federal government. Further information about the Commission is available on the agency's web site at www.eeoc.gov.

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FOR IMMEDIATE RELEASE
Tuesday, June 27, 2000

DOT 123-00
Contact: Bill Adams
Tel.: (202) 366-5580

**Statement of U.S. Secretary of Transportation Rodney E. Slater
Concerning the National Council on Disability's Report on the ADA**

I appreciate the time and effort invested by the National Council on Disability (NCD) to prepare this important report on the Americans with Disabilities Act.

As the NCD report noted, this Administration strongly supports the civil rights of people with disabilities. The U.S. Department of Transportation has made and continues to make significant strides to improve transportation opportunities for people with disabilities in all forms of transportation infrastructure and services.

Transportation is about more than concrete, asphalt and steel. It is the means by which people get to where they need to go: to jobs, to schools, to markets. All Americans must have access to the opportunities our great nation offers, and the ADA strives to ensure that access.

The department has taken a number of steps to meet the needs of the disabled. Just last September, the department issued the final rule on over-the-road buses, requiring phased-in accessibility for commercial buses. In August 1999, the department eliminated the \$2,500 cap on the liability of airlines to passengers for loss or damage to their wheelchairs and other assistive devices. Also, last summer, the department issued a policy statement stressing access for persons with disabilities to all modes of transportation and calling accessibility in transit an important civil right. We have also required priority seating for travelers with disabilities, and incorporated a general ADA requirement on reasonable accommodations into Air Carrier Access Act rules.

We realize there is more work to do, and we will continue our commitment to exploring ways to make our ADA program even stronger and more effective. The National Council on Disability Report on the ADA will be a guide in that effort. The department places a high priority on ensuring that the U.S. transportation system in the 21st century is inclusive in service, accessible to all, and provides mobility to all users.

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Department of Justice



FOR IMMEDIATE RELEASE
TUESDAY, JUNE 27, 2000 (202) 514-2007
WWW.USDOJ.GOV TDD (202) 514-1888

STATEMENT BY THE DEPARTMENT OF JUSTICE **ON THE NATIONAL COUNCIL ON DISABILITY'S REPORT ON THE ADA**

"We appreciate the work of the National Council on Disability and will closely review its report on the Americans with Disabilities Act.

"As the National Council on Disability recognized, this Administration has consistently asserted its strong support for the civil rights of people with disabilities. We, at the Department of Justice, have conducted a strong, vigorous, and effective ADA program. But we realize there is more work to do.

"Since the law took effect we have reached hundreds of settlements improving access across the country and have engaged in an extensive effort to educate the public about the law. But, we recognize that many people with disabilities continue to face barriers in their daily lives. And we regret we do not have sufficient resources to address every ADA violation that is brought to our attention.

"Since the start of this Administration, the Justice Department's ADA enforcement budget has more than doubled. And in FY 2000, the Administration requested nearly 30 new positions. Although the Council's report recognizes the progress we have made, we agree that an even greater amount of resources will enable us to process more complaints and collect more data.

"Over the past 10 years, we have worked closely with the Department of Transportation, the Equal Employment Opportunity Commission and the Federal Communications Commission, all of which have the most extensive obligations under the ADA. We have coordinated our efforts to insure that all ADA policies and enforcement positions are developed and implemented comprehensively and consistently. While we do not agree with the Council's report on this issue, we will certainly see what additional steps we can take.

"Our ADA enforcement program is national in scope and focuses on the fundamental issues affecting persons with disabilities. Our priority has been to develop the law expansively. We have sought every opportunity to educate courts on the ADA's requirements. As the Report recognizes, 'the Justice Department has taken strong and appropriate policy positions on various issues in cases it has litigated.'

In courts across the country we have argued that:

- * The ADA's definition of disability is comprehensive - covering individuals without regard to whether their condition is mitigated by medication, devices or appliances as well as covering people who live with HIV.
- * The ADA applies to each and every activity of State and local government, including prisons, arrest procedures, zoning, and residential and nursing home facilities.
- * The ADA covers the terms and conditions of insurance policies.

"In carrying out our enforcement program, we have used our limited resources strategically - industry by industry - to maximize compliance nationally. We often have used complaints from individuals with disabilities as the catalyst for seeking nationwide compliance. For example:

Ensuring new construction is accessible and usable

The ADA's new construction requirements are far reaching, and if implemented correctly, will ensure access for generations of people with disabilities to come. Soon after the law took effect, we found that buildings were not being designed correctly. In deciding how to proceed, we studied the building industry to determine what types of facilities were being built over the last decade.

- * Establishing architect liability: We have insured that designers of new buildings are responsible for insuring they comply with the ADA. (*United States v. Ellerbe Becket*)
- * Establishing franchiser liability for new hotel construction: Through extensive litigation, we established the principle that franchisers who are involved in the design and construction of new hotels are responsible for complying with the ADA. (*United States v. Days Inns of America*). We pursued this case vigorously because we understood the significant amount of new construction occurring in the hotel industry in the last decade and we recognized that approximately 25% of the complaints we received involved hotels.
- * Establishing the principle of "line of sight over standing spectators": We have revolutionized stadium design throughout the industry. In new stadiums, wheelchair users can now see the playing field along with everyone else. We focused on stadium design because there has been a significant increase in construction of new sports stadia across the country in the past decade. (*United States v. Ellerbe Becket*, 1996 agreement with the Atlanta Committee on the Olympic Games)
- * Establishing the principle of "comparable sight lines" in stadium-style movie theaters: Stadium-style seating is the wave of the future in movie theater design — thousands are being built across the country. In many theaters, wheelchair users are now relegated to the front row. We have attacked this problem by suing two of the largest chains in the industry. (*United States v. AMC Entertainment, Inc.*; *United States v. Cinemark USA, Inc.*). We also opened several investigations of other national chains.

Focusing on fundamental barriers to effective communication

- * Insuring that 9-1-1 emergency centers are accessible: Access to 9-1-1 can be a matter of life or death. People who are deaf, hard-of hearing or who have speech impairments have

the right to depend on quick and effective 9-1-1 service. Our litigation established that direct access to 9-1-1 requires every call taking position to have a telecommunication device for deaf persons (TDD/TTY). (*Miller v. District of Columbia*) We surveyed more than 500 9-1-1 centers across the country to ensure that direct, effective access is provided.

- * Establishing the principle that professional courses must provide sign-language interpreters: In our first ADA lawsuit, we sued a national company that prepares over 10,000 students annually to take the certified public accounting exam, challenging its auxiliary aid policies. (*United States v. Becker C.P.A. Review*); (*United States v. Harcourt Brace Legal and Professional Publications, Inc.* consent decree)

Providing Freedom from Unnecessary Isolation in Institutions and Prohibiting Unnecessary Inquiries into Disability

- * Establishing that unjustified isolation of people with disabilities in institutions is discrimination under the ADA: Our ADA regulation covering state and local government requires placement in "the most integrated setting appropriate" for an individual. In 1994, we argued that this regulation requires states to make reasonable modifications to policies or procedures when individuals with disabilities are inappropriately placed in public nursing homes or institutions. In 1999 the Supreme Court endorsed this position in *Olmstead v. L.C.*
- * Establishing the principle that overly broad questions about an individual's mental health history violate the ADA: By challenging overly broad inquiries by State licensing officials of applicants for professional licenses (law and medicine), we spurred reform efforts nationwide. We argued, in Florida, New Jersey and Virginia cases that broad questions about an individual's history of treatment or counseling for mental, emotional and nervous conditions that do not focus on an applicant's current fitness to practice in a given profession violate the ADA.

"We are proud of our efforts to enforce the ADA over the past 10 years. Our record reflects a comprehensive, coordinated and aggressive strategy to achieve access for all Americans with disabilities."

###

DRAFT

**Statement by the Department of Justice
on the National Council on Disability's Report on the ADA**

"We appreciate the work of the National Council on Disability and will closely review its report on the Americans with Disabilities Act.

"As the National Council on Disability recognized, this Administration has consistently asserted its strong support for the civil rights of people with disabilities. We, at the Department of Justice, have conducted a strong, vigorous, and effective ADA program. But we realize there is more work to do.

"Over the past 10 years we have reached hundreds of settlements improving access across the country and have engaged in an extensive effort to educate the public about the law. But, we recognize that many people with disabilities continue to face barriers in their daily lives. And we regret we do not have sufficient resources to address every ADA violation that is brought to our attention.

"Since the start of this Administration, the Justice Department's ADA enforcement budget has increased more than XX%. (OR -- list the increase in amounts sought) And in FY 2000, the Administration requested nearly 30 new positions. Although the Council's report recognizes the progress we have made, we agree that an even greater amount of resources will enable us to process more complaints and collect more data.

"Over the past 10 years, we have worked closely with the Department of Transportation, the Equal Employment Opportunity Commission and the Federal Communications Commission, all of which have the most extensive obligations under the ADA. We have coordinated our efforts to insure that all ADA policies and enforcement positions are developed and implemented comprehensively and consistently. While we do not agree with the Council's report on this issue, we will certainly see what additional steps we can take.

"Our ADA enforcement program is national in scope and focuses on the fundamental issues affecting persons with disabilities. Our priority has been to develop the law expansively. We have sought every opportunity to educate courts on the ADA's requirements. As the Report recognizes, 'the Justice Department has taken strong and appropriate policy positions on various issues in cases it has litigated.'

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- The ADA covers the terms and conditions of insurance policies.

“In carrying out our enforcement program, we have used our limited resources strategically - industry by industry - to maximize compliance nationally. We often have used complaints from individuals with disabilities as the catalyst for seeking nationwide compliance. For example:

Ensuring new construction is accessible and usable

The ADA’s new construction requirements are far reaching, and if implemented correctly, will ensure access for generations of people with disabilities to come. Soon after the law took effect, we found that buildings were not being designed correctly. In deciding how to proceed, we studied the building industry to determine what types of facilities were being built over the last decade.

- Establishing architect liability: We have insured that designers of new buildings are responsible for insuring they comply with the ADA. (*United States v. Ellerbe Becket*)
- Establishing franchiser liability for new hotel construction: Through extensive litigation, we established the principle that franchisers who are involved in the design and construction of new hotels are responsible for complying with the ADA. (*United States v. Days Inns of America*). We pursued this case vigorously because we understood the significant amount of new construction occurring in the hotel industry in the last decade and we recognized that approximately 25% of the complaints we received involved hotels.
- Establishing the principle of “line of sight over standing spectators”: We have revolutionized stadium design throughout the industry. In new stadiums, wheelchair users can now see the playing field along with everyone else. We focused on stadium design because there has been a significant increase in construction of new sports stadia across the country in the past decade. (*United States v. Ellerbe Becket*, 1996 agreement with the Atlanta Committee on the Olympic Games)
- Establishing the principle of “comparable sight lines” in stadium-style movie theaters: Stadium-style seating is the wave of the future in movie theater design — thousands are being built across the country. In many theaters, wheelchair users are now relegated to the front row. We have attacked this problem by suing two of the largest chains in the industry. (*United States v. AMC Entertainment, Inc.*; *United States v. Cinemark USA, Inc.*). We also opened several investigations of other national chains.

Focusing on fundamental barriers to effective communication

- Insuring that 9-1-1 emergency centers are accessible: Access to 9-1-1 can be a matter of life or death. People who are deaf, hard-of hearing or who have speech impairments have the right to depend on quick and effective 9-1-1 service. Our litigation established that direct access to 9-1-1 requires every call taking position to have a telecommunication device for deaf persons (TDD/TTY). (*Miller v. District of Columbia*) We surveyed more than 500 9-1-1 centers across the country to ensure that direct, effective access is provided.
- Establishing the principle that professional courses must provide sign-language interpreters: In our first ADA lawsuit, we sued a national testing entity that prepares over 10,000 students annually to take the certified public accounting exam, challenging its auxiliary aid policies. (*United States v. Becker C.P.A. Review*); (*United States v. Harcourt Brace Legal and Professional Publications, Inc.* consent decree)

Providing Freedom from Unnecessary Isolation in Institutions and Prohibiting Unnecessary Inquiries into Disability

- Establishing that unjustified isolation of people with disabilities in institutions is discrimination under the ADA: Our ADA regulation covering state and local government requires placement in “the most integrated setting appropriate” for an individual. In 1994, we argued that this regulation requires states to make reasonable modifications to policies or procedures when individuals with disabilities are inappropriately placed in public nursing homes or institutions. In 1999 the Supreme Court endorsed this position in *Olmstead v. L.C.*
- Establishing the principle that overly broad questions about an individual’s mental health history violate the ADA: By challenging overly broad inquiries by State licensing officials of applicants for professional licenses (law and medicine), we spurred reform efforts nationwide. We argued, in Florida, New Jersey and Virginia cases that broad questions about an individual’s history of treatment or counseling for mental, emotional and nervous conditions that do not focus on an applicant’s current fitness to practice in a given profession violate the ADA.

“We are extremely proud of our efforts to enforce the ADA over the past 10 years. Our record reflects a comprehensive, coordinated and aggressive strategy to achieve access for all Americans with disabilities.”

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FEDERAL POLICY BARRIERS TO ASSISTIVE TECHNOLOGY



National Council on Disability
May 31, 2000