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

January 9, 1998

cc Bill White, OPL
cc Maria Hanrahan,
CEA

MEMORANDUM FOR DESIGNATED AGENCY HEADS
(SEE ATTACHED DISTRIBUTION LIST)

What do you
think?

FROM: Robert G. Damus *MOZ/RGD*
General Counsel

-Diana

SUBJECT: Proposed Executive Order Entitled "Increasing
Employment of Adults with Disabilities"

Attached is a proposed Executive order entitled "Increasing
Employment of Adults with Disabilities."

It was prepared by the Department of Labor, in accordance
with the provisions of Executive Order No. 11030, as amended.

On behalf of the Director of the Office of Management and
Budget, I would appreciate receiving any comments you may have
concerning this proposal. If you have any comments or
objections, they should be received no later than close of
business Friday, January 16, 1999. Please be advised that
agencies that do not respond by the deadline will be recorded as
not objecting to the proposal.

Comments or inquiries may be submitted by telephone to Mr.
Mac Reed of this office (Phone: 395-3563; Fax: 395-7294).

Thank you.

Attachments - Distribution List
Proposed Executive Order

cc: Jack Lew
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Honorable Marca Bristo
Chairperson
National Council on Disability

Honorable Tony Coelho
Chair
President's Committee on Employment of People
with Disabilities

Honorable James B. King
Director
Office of Personnel Management

Honorable Charles Ruff
Counsel to the President

Honorable Todd Stern
Assistant to the President
and Staff Secretary

Honorable Ron Klain
Chief of Staff to the Vice President

EXECUTIVE ORDER

Increasing Employment of Adults with Disabilities

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to increase the employment of adults with disabilities to a rate that is as close as possible to the employment rate of the general adult population and to support the goals articulated in the findings and purpose section of the Americans with Disabilities Act of 1990, it is hereby ordered as follows:

Section 1 Establishment of National Task Force on Employment of Adults with Disabilities.

(a) There is established the "National Task Force on the Employment of Adults with Disabilities" ("Task Force"). The Task Force shall include the Secretary of Labor, Secretary of Education, Secretary of Veterans Affairs, Secretary of Health and Human Services, Commissioner of the Social Security Administration, Secretary of the Treasury, Secretary of Commerce, Administrator of the Small Business Administration, the Chair of the Equal Employment Opportunity Commission, the Chair of the National Council on Disability, the Chair of the President's Committee on Employment of People with Disabilities, and such other senior Executive branch officials as may be determined by the Chair of the Task Force.

(b) The Task Force shall be chaired by the Secretary of Labor and co-chaired by the Chair of the President's Committee on Employment of People with Disabilities.

(c) The purpose of the Task Force is to create a coordinated and aggressive national policy to bring adults with disabilities into gainful employment at a rate that is as close as possible to that of the general population. The Task Force shall develop and recommend, through the Chair to the President, a coordinated federal policy to reduce employment barriers for persons with disabilities. Policy recommendations may cover such areas as discrimination, inadequate access to health care, lack of consumer-driven long-term supports and services, transportation, accessible and integrated housing, telecommunications, assistive technology, community services, child care, education, vocational rehabilitation, training services, on-the-job supports, and economic incentives to work. Specifically, the Task Force shall:

1. Conduct an analysis of their existing programs and policies to determine what changes, modifications and innovations may be necessary remove barriers for people with disabilities to go to work;
2. Develop and recommend options to address the lack of health insurance as a barrier to employment;
3. Subject to the availability of appropriations, conduct an analysis of State and private disability systems and their implications for federal programs and employment of people with disabilities (eg; worker' compensation, unemployment insurance, private insurance, and State Mental Health and Mental Retardation Systems);
4. Obtain and consider statistical and data analysis, cost data, research, and policy studies on public subsidies, employment, employment discrimination, and rates of return-to-work for individuals with disabilities;
5. Evaluate and, where appropriate coordinate and collaborate on, research and demonstration priorities of their agencies related to employment of adults with disabilities;
6. Evaluate whether federal employment and training related studies can and should include a statistically significant sample of adults with disabilities;
7. Subject to the availability of appropriations, conduct an analysis of youth programs related to employment and the outcomes of those programs for young people with disabilities, such as Employment and Training Administration Programs, Special Education, Vocational Rehabilitation, School-to-Work Transition, Vocational Education, Social Security Rehabilitation Programs and SSA Work Incentives and other programs for young people with disabilities as may be determined by the Chair and Co-chair of the Task Force;
8. Evaluate whether a single governmental entity or programs can be established to provide computer and electronic accommodations for federal employees with disabilities; and

9. Recommend to the President any additional steps that can be taken to advance the employment of adults with disabilities; including legislative proposals, regulatory changes, and program and budget initiatives.

(d) The members of the Task Force shall make the activities and initiatives in this order a high priority within their respective agencies' programs and budgets. These activities and initiatives are to be conducted consistent with the Balanced Budget Act of 1997 and the government-wide effort to balance the budget. The Task Force shall issue its first report to the President by October 15, 1998. Afterwards, the Task Force shall issue a report to the President on a biannual basis until July 26, 2002, the 10th anniversary of the initial implementation of the employment provisions of the Americans with Disabilities Act, on the actions taken by and progress of each member of the Task Force in carrying out this order. The Task Force shall terminate on July 26, 2002.

(e) As defined herein, an adult with a disability is a person with a physical or mental impairment that substantially limits at least one major life activity. This definition comes from, and is to be read consistent with, the definition of "individual with a disability" that appears in Section 3(2)A of the Americans with Disabilities Act of 1990.

Sec. 2. Specific Activities by Task Forces members and other agencies.

(a) To ensure that the Federal Government is a model employer of adults with disabilities, by January 31, 1999, the Office of Personnel Management and the Equal Employment Opportunity Commission shall submit to the Task Force a review of Federal Government personnel laws, regulations and policies and, as appropriate, shall recommend or implement changes necessary to improve federal employment policy for adults with disabilities. This review shall include personnel practices and actions including: hiring, promotion, benefits, retirement, workers' compensation, retention, job accommodations, layoffs and reductions in force.

(b) The Department of Justice, Department of Labor, Department of Education, and Department of Health and Human Services shall report to the Task Force by January 31, 1999 on their work with the States and others to ensure the Personal Responsibility and Work Opportunity Reconciliation Act is carried out as required by Section 504 of the Rehabilitation

Act of 1973, as amended, and the Americans with Disabilities Act so that individuals with disabilities and their families can have equal opportunity to realize the full promise of welfare reform.

(c) The Departments of Education, Labor, Commerce, and Health and Human Services, the Small Business Administration, and the President's Committee on Employment of People with Disabilities, shall report to the Task Force by January 31, 1999 on their work together to develop small business and entrepreneurial opportunities for adults with disabilities; as well as strategies for assisting low income adults, including those with disabilities, to create small businesses and micro-enterprises.

(d) The Departments of Transportation and Housing and Urban Development shall report to the Task Force by January 31, 1999 on their examination of their financial assistance programs for the purpose of creating new work incentives for adults with disabilities and removing barriers to their work.

(e) The Department of Justice, Department of Education, and Department of Labor, the Equal Employment Opportunity Commission, and the Social Security Administration shall report to the Task Force by January 31, 1999 on their work together to propose remedies to the estoppel of people with disabilities from successfully exercising their employment rights under the Americans with Disabilities Act because of the receipt of monetary benefits based on their disability and lack of gainful employment.

(f) The Bureau of Labor Statistics of the Department of Labor and the Census Bureau of the Department of Commerce, in cooperation with the Department of Education, Department of Health and Human Services, National Council on Disability, and the President's Committee on Employment of People with Disabilities, shall design and implement a statistically reliable and accurate method to measure the employment rate of adults with disabilities to be published on as frequent basis as possible. This method shall be designed and implemented as soon as possible, but not later than the date of expiration of this executive order.

(g) All federal agencies that are not members of the Task Force shall: (a) review their programs and policies to ensure that they are being conducted and delivered in a manner which facilitates and promotes the employment of adults with disabilities and (b) coordinate and

cooperate with the Task Force. Agencies will file a report with the Task Force on the results of their review on January 31, 1999.

Sec. 3. (a) All efforts taken by federal departments and agencies under Sections 1 and 2 of this executive order shall, as appropriate, further partnerships and cooperation with public and private sector employers, organizations that represent people with disabilities, organized labor, veteran service organizations, and state and local governments whenever such partnerships and cooperation are possible and would promote the employment and gainful economic activities of individuals with disabilities.

(b) Implementation on the activities in Section 3 of this order shall begin on the date of this order.

Sec. 4. Judicial Review. This order does not create any right of benefit, substantive or procedural, enforceable at law by party against the United States, its agencies, its officers, or any person.

THE WHITE HOUSE,