

# Withdrawal/Redaction Sheet

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE                | DATE | RESTRICTION |
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| 001. list                | re: Disabled Youth (2 pages) | n.d. | b(6)        |

### COLLECTION:

Clinton Presidential Records  
Domestic Policy Council  
Ann O'Leary  
OA/Box Number: 19575

### FOLDER TITLE:

ADA [American's with Disabilities Act] [2]

2013-0436-S

rc1226

### RESTRICTION CODES

#### Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

#### Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**DELIVERABLES**

**POSSIBLE PRINCIPAL ANNOUNCEMENT:**

**INCENTIVES FOR EMPLOYMENT**

HUD provides important incentives for individuals with disabilities who receive certain types of HUD housing assistance to enter the workforce. In a new regulation, finalized in March, HUD:

- excludes from annual income certain funds earned by previously unemployed individuals or individuals previously receiving certain types of public assistance, for individuals living in public housing; and
- provides a deduction to adjusted annual income for families with an individual with a disability and also provides a deduction for certain medical expenses of disabled families and certain expenses necessary to enable employment, for individuals living in public housing as well as individuals receiving assistance under §8 programs.

HUD proposes to extend these incentives for persons with disabilities to *all* of HUD's housing assistance, including §8 (to the degree not currently covered), §811, §202, the Rental Supplement program, and the Rental Assistance Program. This would be accomplished through regulatory changes and proposed statutory changes.

Notes  
or  
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**POSSIBLE HUD ANNOUNCEMENTS:**

**CONSOLIDATED PLANNING FOR COMMUNITY DEVELOPMENT**

HUD is requiring all states and localities that have already developed a Consolidated Plan to create a new plan during the year 2000. To encourage recipients to specifically address assisting adults and families with disabilities in this plan, the Office of Community and Planning Development (CPD) will distribute a publication entitled "Piecing it All Together in Our Community: Learning to Use HUD's Consolidated Plan to Expand Housing Opportunities for People with Disabilities."

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## **DATA COLLECTION**

HUD is modifying its Tenant Rental Assistance Certification System (TRACS) to enable the Department to identify which units of the 30,000 assisted projects in the Department's multifamily inventory are accessible to persons with disabilities. Specifically, the Department will be able to determine which units are accessible to persons with mobility impairments, persons with visual impairments, and/or persons with hearing impairments. This system will become operational during the second quarter of Fiscal Year 2001.

## **TAX CREDITS (to be announced only in conjunction with Treasury and Justice)**

HUD is entering into a Memorandum of Understanding (MOU) with the Departments of Treasury (including the Internal Revenue Service) and Justice that sets forth the reporting and other responsibilities of each Department when a multifamily project constructed and operated using Low-Income Housing Tax Credits (LIHTC) is found to be possibly or actually in violation of the Fair Housing Act.

The MOU encourages substantially equivalent State and local agencies to include State Housing Finance Agencies administering Federal LIHTCs in regularly scheduled fair housing training. Finally, the MOU calls for an annual meeting of interested Federal Departments and agencies to discuss emerging civil rights issues and methods and programs for increasing civil rights compliance in the LIHTC program.

## **HOMEOWNERSHIP**

HUD will send a letter from Assistant Secretary for Housing William Apgar to all approved FHA mortgagees entitled "Single Family Loan Production - Increasing Home Ownership Rates for Persons with Disabilities". This Mortgagee Letter will re-emphasize the Department's commitment to make home ownership a reality for persons with disabilities and encourage its lender partners to make this dream possible through increased, but prudent flexibility when underwriting their loan applications.

## **OUTREACH AND INFORMATION ON REGULATORY ENFORCEMENT**

HUD will issue a notice to reemphasize the responsibility of Community Development Block Grant recipients to further affirmatively fair housing and to assess compliance with the requirements of the Fair Housing Act (the Act) concerning accessible multifamily design and construction. The notice will call upon recipients to give the same attention in their Analysis of Impediments to discrimination based upon disability as they do to other bases of discrimination such as race that have been prohibited by the Act since its inception in 1968. The notice will also encourage local elected officials to examine their building codes for inconsistencies with the design and construction requirements of the Act and find ways to inform builders and architects of the need to comply with those requirements as early as possible in the design phase of a multifamily project.

*Notice in Federal Register*

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1-20 pp. are compliant  
24. plan to make compliant

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HUD will launch a web page that contains technical assistance letters, court decisions, answers to frequently asked questions and other developments in accessibility issues; permits the public to ask questions and receive answers; directs the public to relevant publications or studies; and provides text of particularly important publications.

### ACCESS HOUSING 2000 (more to come in consultation with HHS)

HUD is planning to send to its housing and community development partners a joint letter with the Department of Health and Human Services to highlight the importance of the *Olmstead* principle and to encourage its partners to find ways to expand accessible, affordable housing for persons with disabilities. The letter will include a copy of HHS guidance to state Medicaid directors and a copy of a letter Secretary Shalala sent to every Governor.

### NEIGHBORHOOD NETWORK CENTERS

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

### NATIVE eDGE

HUD has agreed to use its Internet-based Native American community resources to disseminate technical information on job development and employment for Native Americans with disabilities. These systems, the Native American Economic Development Access Center (Native eDGE) which links fourteen federal agencies to entrepreneurs and their partners seeking economic development in Indian Country, and CodeTalk, an interagency website for Native American communities, would facilitate the development of opportunities to employ Native Americans with disabilities, particularly through new business enterprises. Partner agencies would provide resources such as disabilities employment and related training to HUD staff, publications and documents to distribute on the Internet, and when necessary cooperative funding for technical enhancements and/or expansion of the services. To support this project, HUD has completed a technical review of Native eDGE and is now working to make the web site fully compliant with ADA requirements.

Ideally, the services would operate in concert with a new, Inter-Agency American Indian Disability Technical Assistance Center established through a multi-agency agreement. Such a Center would assist the 557 Federally recognized American Indian tribes and Alaska Native Villages examine the implication of, and potential for adoption of, culturally appropriate laws, policies, and programs to assist their members with disabilities in living healthy, productive, and integrated lives within their communities.

(b)

## HHS/SAMHSA Deliverables for the Anniversary of the ADA

**THEME#1: Increasing Health Care Coverage** - Insurance coverage plays a critical role in the employability of those with disabilities, an issue that is particularly important to those with substance abuse and mental health disabilities. This issue should be raised and addressed by the President during the July 26 event.

### Key Actions/Announcements:

- Federal Employee Benefit Plan- A Parity Model that Works - HHS/SAMHSA is working with the Office of Personnel Management (OPM) to ensure and evaluate mental health parity for Federal employees, demonstrating a model for other employers to emulate. Such information can help educate and inform members of Congress and others of the importance of legislative and policy fixes to promote and ensure mental health and substance abuse parity for all Americans.
- Creating a National Safety Net - Components of HHS are working together in the development of a new safety net initiative, the Community Assistance Program or CAP. CAP is designed to meet the needs of the some 30 million plus uninsured Americans. The objective of this \$25 million initiative is to build comprehensive, integrated health care delivery systems that will offer a seamless continuum of care for the uninsured and underinsured. Special efforts have been made to ensure that substance abuse and mental health services will be included in these systems. Awards will be made to approximately 20 communities.

**THEME #2: Improving Employability** - We must continue to strive to improve the employment rate for individuals with disabilities, ensuring opportunity, inclusion, and economic self-sufficiency for all Americans.

### Key Actions/Announcements:

- Improving Rates of Employment - HHS/SAMHSA is pleased to announce the results from the Employment Intervention Demonstration Program (EIDP), which can be used to educate and inform employers in improving the rate of employment of people with psychiatric disabilities. The EIDP illustrates that, given the right support services, people with mental disabilities can work. Clients of this program worked 793,577 hours and earned \$4.2 million in the first three years of the project. The President can announce the success of this project and release a fact sheet to better inform employers about vocational rehabilitation and employment of individuals with mental disabilities. Application of the lessons learned from EIDP can ultimately help people with serious mental illnesses find and maintain employment by establishing best practices by employers and support services.
- Providing Employers with the Tools and Knowledge - HHS/SAMHSA is planning to conduct a "National Summit on Employment of People with

Psychiatric Disabilities." This summit will provide businesses with the tools and knowledge they need to make informed decisions in increasing efforts to hire people with psychiatric disabilities and implement workplace policies to support such hiring. The summit will include tracks for consumers and employers, to exchange knowledge and information about how to effectively identify, obtain, and maintain appropriate and fulfilling employment. The President could issue an Executive Directive for such a summit, directing HHS/SAMHSA to take the leadership, in collaboration with Department of Labor.

**THEME #3: Eliminating Stigma In Order to Reach Families in Need** - We must continue to work to eliminate the stigma, discrimination, and prejudice associated with disabilities. Individuals with psychiatric and substance abuse disabilities face the stigma every day.

**Key Actions/Announcements:**

- Anti-Stigma Campaign - HHS/SAMHSA is working with the *National Mental Health Awareness Campaign* and within its own programming to educate the public, amplify the voices of people with psychiatric disabilities, and eliminate negative images. Anti-stigma posters, fact sheets, and brochures, along with a guide on how to respond to stigma, are being developed. Training and curricula is being offered to help reduce stigmatizing attitudes, behaviors, and practices. These items could be released and illustrated during the July 26 event by Mrs. Gore.
- Vote: It Begins With Me! - HHS/SAMHSA is pleased to announce the development of a manual, created by the National Mental Health Association with SAMHSA's support, to encourage individuals with mental disabilities to exercise their right to vote. This campaign and manual is designed to change the way individuals with mental disabilities see themselves, demonstrating their role as contributors in society. It involves consumers themselves in the promotion of their own voter registration, education, and mobilization. This manual could be released and illustrated during the July 26 event by Mrs. Gore.

**THEME #4: Reducing Discrimination** - The ADA works to ensure that individuals with disabilities receive equitable and fair treatment across the board. Psychiatric disabilities and substance abuse disorders present unique disability issues for treatment, employability, and appropriate housing.

**Key Actions/Announcements:**

- Creating a National Coalition - HHS/SAMHSA will support the creation of a **National Mental Health Coalition** to promote community-based care, in compliance with the Olmstead Decision\*\*. Key organizations and constituencies will come together to work in partnership with the States to develop a plan, working with consumers. This technical assistance effort will link with the Private Industry Councils (PICs) looking at employability, housing authorities,

case managers, professional organizations, social security services, and others to ensure wrap-around, integrated, community-based services. The creation of this coalition could be announced by Vice-President Gore at the July 26 event.(September 2000)

**\*\*See Also: HHS submission for complete information on Olmstead**

Contact: Lorinda Daniel, 301-443-4795

- met by Chris Jennings -

## NEW RECOMMENDATIONS/HHS

1. HCFA will modify its policies and practices to support the integration of Title XIX beneficiaries with significant disabilities into the American workforce by **issuing new policy guidance** and offering **technical assistance** emphasizing flexible, non-categorical implementation of the Medicaid program to state **Medicaid directors** that:
  - (1). Clarifies and encourages the use of existing medicaid coverage options (such as personal care; clinic services; rehabilitative services; and HCB waiver programs) to be used to finance supported employment and other work related services for working-aged recipients with disabilities; [note: this is a particularly urgent issue for persons with psychiatric disabilities who are receiving title XIX financed intensive community supports; it will also positively affect people with mr/dd.]
  - (2). Explains options available to states to create a special income eligibility category for Title XIX beneficiaries that provides clear and reasonable incentives to engage in work and increase earnings without jeopardizing Medicaid eligibility.
2. HCFA will revise Medicaid **program manual** and issue **policy guidance** to encourage use of individual budgets that enables customer choice and control.
3. HCFA will develop **strategies** to assist states to provide **incentives** for employment by authorizing higher reimbursement rates for integrated employment outcomes.
4. HCFA will add **premium on federal financial participation** in Medicaid reimbursement to states that adopt a **Medicaid buy-in**. [note: premium could be provided in a variety of ways; the group discussed small financial but there are probably others that HCFA could identify].
5. HHS will create an **Olmstead Watch website** (integrated with Access America Web recommended by the Presidential Task Force 2<sup>nd</sup> report) that informs the public and multiple stakeholders on post-Olmstead activities, including:
  - (1). State compliance plans
  - (2). Status of state efforts to move individuals off waiting lists;
  - (3). HHS and DOJ monitoring activities and findings;
  - (4). Civil rights information on court cases and decisions regarding Section 188 of WIA, Sections 503, 504, 508 of Title IV WIA and Title II of the ADA
  - (5). Civil rights program contacts with state and federal government;
  - (6). Examples of state efforts to redirect resources to support integrated employment;
  - (7). Federal policy across agencies to support choice and individual budgets; and
  - (8). Other research and related data, as appropriate, in order to effectively disseminate information to enable movement to the community and integrated employment for people with the most significant disabilities.



**"Dunham, Nancy" <Nancy.Dunham@ost.dot.gov>**  
07/13/2000 02:44:49 PM

Record Type: Record

To: Megan J. Crowhurst/WHO/EOP  
cc: "Workie, Blane" <Blane.Workie@ost.dot.gov>  
Subject:

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As requested, here is the reworked deliverable for Presidential announcement:

The Department of Transportation has conducted the initial interagency coordination, and has completed its "Comprehensive Plan of Action," addressing the lack of transportation services and systems for persons with disabilities, as directed by the President and recommended by the President's Task Force on Employment of Adults with Disabilities. The Plan, designed specifically to address barriers to "finding and keeping jobs," will issue shortly.

The remaining items, listed below, are probably not at the principal level, and we will be using them as a part of DOT's ADA event on July 21.

We expect to announce the issuance of two new regulations: one on DOT's adoption of the Access Board's Updated Accessibility Guidelines and one extensive supplemental rule on safety standards for platform lifts and for motor vehicles using platform lifts.

We will announce the impending issuance of Volume Two of "Designing Sidewalks and Trails for Access: A Best Practices Guide." This highly-anticipated guidance will provide much-needed technical advice on creating and adapting sidewalks and trails for use by all, including persons with mobility impairments, visual impairments, and other disabilities.

We are working to complete a number of other deliverables, including, issuance of a Report to Congress on Commercial Drivers Licences for insulin-dependent diabetics; completion of an interagency Air Carrier Access Act outreach plan for travelers with a disability; issuance of a new Departmental policy statement and plan on Section 501 and Affirmative Action for Persons with a Disability; and the announcement of a biennial "Secretary's Excellence in Accessibility Award."

I am also attaching our Accomplishments list, which I have previously submitted to your office. It is in the form of a Memorandum from our General Counsel, Nancy McFadden, to the Secretary of Transportation, Rodney Slater. Note that there have been major changes to the laws, strengthening



accessibility of transportation modes used to get to work, to participate in business travel, to attend job interviews, and so forth. Also, you already have a separate list of accomplishments from Michael Winter's office at FTA on accessible transit, etc. If you need the FTA report, I can get you another copy.

<<10thmemo.wpd>>



- 10thmemo.wpd

## Possible Transportation Deliverables

ADP

### *ADA Enforcement*

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

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

### *Reauthorization of TEA-21*

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

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

2. DOT, through its Access Flagship Initiative, One DOT, or other mechanism, should review the programs and funding amounts currently authorized under TEA-21 to determine how each program can be modified to better respond to the needs and capacities of people with disabilities.

3. DOT should establish a time-limited task force consisting of representatives from DOT, DOL, HHS, transit authorities, transit providers and disability advocacy groups to review existing law and practice and develop recommendations to the Secretary of DOT regarding the provision of transportation services to Americans with disabilities. Their Report should be completed and submitted to the Secretary of Transportation by June 1, 2001, prior to planning for the reauthorization.

4. The Federal Highway Administration should assess the need for additional funding and outreach for sidewalk improvements under the Surface Transportation Program.

### *Expansion of the Coordinating Council on Access and Mobility*

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

1. DOT and HHS should immediately expand the Coordinating Council to include representation from several agencies within, at a minimum, the Department of Labor, Housing and Urban Development, and the Department of Education (*HHS is supportive of this*).

2. The Council should develop a strategy for including people with disabilities in all of its proposed initiatives and activities.

3. The expanded Coordinating Council should sponsor a series of regional workshops on facilitating local coordination of transportation for people with disabilities for representatives of workforce investment boards, people with disabilities, transit authorities, private providers, metropolitan planning organizations, and advocacy organizations. These workshops should emphasize local transportation's role in workforce development and the one-stop system.

### *Changes to Existing Programs*

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

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

Other program deliverables:

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

**Dunham, Nancy**

**From:** Dunham, Nancy  
**Sent:** Friday, July 07, 2000 11:36 AM  
**To:** 'MeganJ.Crowhurst@who.eop.gov'  
**Cc:** Workie, Blane; Brenman, Marc; Rupp, Jeff; McFadden, Nancy; Tochen, David; Day, John  
<FTA>  
**Subject:** DOT deliverables

As requested, the following is a list of DOT's anticipated deliverables for the end of July ADA celebration.

a. First, our priority will be to complete Recommendation 12, from the "1999 Recommendations to the President from the PTFEAD." Thus, DOT expects to have an initial "Plan of Action" to comprehensively "address the lack of transportation services and systems for persons with disabilities," especially as it relates to "finding and keeping jobs." At this point, preliminary interagency coordination has been done, and an informal draft Plan has been prepared.

As discussed in the OEOB meeting on 7/5/00, since this is a PTFEAD recommendation, this would likely be one the ADA celebration announcements by the President.

b. Second, we expect to announce the issuance of two new regulations: one on DOT's adoption of the Access Board's Updated Accessibility Guidelines and one extensive supplemental rule on safety standards for platform lifts and for motor vehicles using platform lifts.

c. Third, we will announce the impending issuance of Volume Two of "Designing Sidewalks and Trails for Access: A Best Practices Guide." This highly-anticipated guidance will provide much-needed technical advice on creating and adapting sidewalks and trails for use by all, including persons with mobility impairments, visual impairments, and other disabilities.

d. Last, we are working to complete a number of other deliverables, including, issuance of a Report to Congress on Commercial Drivers Licences for insulin-dependent diabetics; completion of an interagency Air Carrier Access Act outreach plan for travelers with a disability; issuance of a new Departmental policy statement and plan on Section 501 and Affirmative Action for Persons with a Disability; and the announcement of a biennial "Secretary's Excellence in Accessibility Award."

## Department of Agriculture

The Secretary's Advisory Committee for Employees with Disabilities (SACED) as a best practice that can be replicated at other agencies. The Secretary has approved a full-time staff for the SACED.

- ✓ Established quarterly data collection for SACED review on the amount USDA offices are spending on accommodations, to determine the feasibility of Department-wide central funding. The SACED supports processes to reduce costs and delivery time for employee accommodations.
- ✓ Established a mentor program targeted for USDA employees with disabilities to expand opportunities for employee development and career advancement.
- ✓ Launched a SACED home page as a communications vehicle for employees and applicants with disabilities with a contact list, calendar of events, and an extensive resource list for use by committee members, managers, and employees with links to disability information and Internet resources. The home page offers an easy, accessible method for employees and applicants to contact the committee with their comments and suggestions.
- ✓ Established Employment Subcommittee to develop recruitment strategic plan with Departmental employment goals for hiring of persons with disabilities at all levels in cooperation with the Presidential Task Force on Employment of Adults with Disabilities. Promoted alternative workplace, telecommuting, and work at home programs as a mechanism for accommodating employees with disabilities.
- ✓ Assessed statistical data on representation of employees with disabilities and disabled veterans in the USDA workforce so the SACED can ensure appropriate representation at all levels. Developed and implemented an all-employee survey on employment and service delivery issues that achieved a 30 percent response rate and published a report entitled *Employee Survey on Disability Issues* in January 2000.
- ✓ Held four SACED forums with employees throughout the country to listen to concerns, success stories, and suggestions from the disability community and prepared an action item memo that was signed by the Secretary and distributed to the Subcabinet for action. Periodic progress reports to the Secretary will serve to monitor progress.



## **The Secretary's Advisory Committee for Employees with Disabilities (SACED):**

### **A best practice that can be replicated at other agencies**

Secretary Glickman established the Secretary's Advisory Committee for Employees with Disabilities (SACED) in 1997 to provide input and focus on achieving equal access to affirmative employment, advancement, and services for people with disabilities at USDA. The SACED has expended considerable time and in-house resources to provide outreach, raise awareness, and make USDA a model employer of persons with disabilities. This year, the Secretary approved a full-time staff for the SACED. The committee operates at the highest level of executive leadership and is charged with providing advice and direction to the Secretary to:

- eliminate barriers to equal opportunity for employees with disabilities;
- provide accessible facilities, reasonable accommodations, and equal opportunity in hiring and promotions;
- promote affirmative employment opportunities for disabled veterans and persons with severe (targeted) and other (non-targeted) disabilities; and
- provide effective communication, including information in alternative formats, as needed, to all employees.



SACED has the responsibility of reviewing the Department's progress in achieving results and ensuring accountability. The SACED provides oversight for implementation of recommendations resulting from a series of nationwide listening forums for employees with disabilities. Periodic reports to the Secretary will serve to monitor progress.

**Departmental Reasonable Accommodation Policy:** The Secretary issued a Departmental Reasonable Accommodation policy stating that: "USDA recognizes that all of its employees need the tools necessary to be productive, and that making reasonable accommodations is simply a way of providing the tools needed to accomplish its mission. USDA is committed to a simple and streamlined process for providing reasonable accommodations."

**Central Funding:** The SACED has established quarterly data collection for review on the amount USDA offices are spending on accommodations to determine costs for Department-wide central funding.

**Mentor Program:** The SACED established a mentor program targeted for USDA employees with disabilities to expand opportunities for employee development and career advancement.

**Communications:** The SACED established a SACED home page as a communications vehicle for employees and applicants with disabilities with a contact list, calendar of events, and an extensive resource list for use by committee members, managers, and employees with links to disability information and Internet resources.



**Employment:** The SACED established an Employment Subcommittee to develop a Department-wide recruitment strategic plan with Departmental employment goals for hiring of persons with disabilities in cooperation with the Presidential Task Force on Employment of Adults with Disabilities.

**DEPARTMENT OF THE TREASURY  
REPORT ON THE WHITE HOUSE INITIATIVE ON THE AMERICANS WITH  
DISABILITIES ACT(ADA)**

**DELIVERABLES**

- The FY 2001 budget proposes tax relief for disabled workers, who may incur significant costs associated with working. Under the proposal, qualified disabled workers could qualify for a tax credit for up to \$1,000.
- The Treasury Department has been working with the IRS and the Presidential Task Force on Employment of Adults with Disabilities to improve the dissemination of information regarding tax benefits available to disabled individuals and their employers. Activities include an article in a forthcoming issue of the *SSA/IRS Reporter* (a newsletter for employers) and a mass mailing to organizations representing the disabled community.
- Three certified Community Development Financial Institutions (CDFIs) have programs that serve the disabled: the Connecticut Housing Investment Fund located in Hartford, CT and the Clearinghouse CDFI located in Orange County, CA administer financing programs for affordable housing; Washington CASH located in Seattle, WA just launched a pilot program partnering with the state's vocational rehabilitation office to provide micro-loans to disabled entrepreneurs. Background information on the CDFI Fund follows:

**The Community Development Financial Institutions Fund (CDFI)** is a wholly-owned government corporation within the U.S. Department of the Treasury. It's vision: an America in which all people have fair and equal access to capital and financial services. It's mission: promote access to capital and local economic growth by directly investing in and assisting in community development financial institutions (CDFIs) and expanding financial service organizations' lending, investment and services within underserved markets.

The Fund provides financial and technical assistance to many organizations that serve individuals with disabilities and other people lacking adequate access to capital, credit and other financial services.

**Access to Capital and the CDFI Program**

The CDFI Program has three funding components: Core, Intermediary and Technical Assistance. These three components promote the CDFI Fund's goal, articulated in its strategic plan, of strengthening the expertise and the financial and organizational capacity of CDFIs to address the needs of the communities that they serve. CDFIs include community development banks, community development credit unions, non-profit loan funds, micro-enterprise loan funds, and community development venture capital funds.

The *Core Component* builds the financial capacity of CDFIs by providing equity investments, grants, loans or deposits to enhance the capital base --the underlying financial



strength – of these organizations so that they can better address the unmet community development needs of their target markets. In addition, under the Core Component, the Fund provides technical assistance grants in conjunction with loans and investments in order to maximize the community development impact of the Fund's awards.

The Fund selects awardees that clearly demonstrate private sector market discipline and the capacity to positively impact underserved communities. The Core Component leverage encourages additional private and public sector investments into these same organizations through its one-to-one non-federal match requirement.

The *Intermediary Component* allows the Fund to invest in additional CDFIs indirectly, through intermediary organizations that support CDFIs. These intermediary entities, which are also CDFIs, generally provide intensive financial and technical assistance to small and growing CDFIs, thereby strengthening the industry's financial and institutional capacity.

The *Technical Assistance (TA) Component* of the CDFI Program is the Fund's newest funding program. Introduced in 1998, this component builds the capacity of startup, young and small institutions. The TA Component allows the Fund to direct relatively small amounts of funds to CDFIs that demonstrate significant potential for generating community development impact but whose institutional capacity needs to be strengthened before they can fully realize this potential.



Through the first four rounds of the CDFI Program, the CDFI Fund has made \$215.7 million in investments in CDFIs. These organizations serve both rural and urban areas in local, regional, statewide, and multi-state markets in 46 states and the District of Columbia, Puerto Rico, and the Virgin Islands.

In addition to our CDFI funding programs, the Fund administers a CDFI Certification Program. CDFI certification increases the credibility of community lending organizations in the eyes of potential funders and investors. An organization that is certified is better able to attract private sector investments from local banks, corporations, foundations, and individuals. As of June 30, 2000, the Fund has certified 437 organizations in 49 States plus the District of Columbia, Puerto Rico, and the U.S. Virgin Islands. Wyoming has no certified CDFIs.



POTUS

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

We expect to be able to announce some major regulatory actions that would:

1. Annually adjust per the average wage index the earnings guideline that shows whether work done by persons with impairments other than blindness is substantial gainful activity;
2. Increase (from \$200 to \$530) the earnings amount that shows that a person has used one of his/her trial work months under SSDI, and then annually adjust the amount per the average wage index;
3. Increase the maximum monthly (from \$400 to \$1,290) and yearly (from \$1,620 to \$5,200) Student Earned Income Exclusion amounts used in determining SSI eligibility and payment amounts, and then annually adjust these amounts per the consumer price index.

Numbers 1 and 2 above are appropriate for announcement by the President or Vice President. Number 3 could accompany them, or be packaged for announcement with other youth activities by any of the principals.

## ANNOUNCEMENT

### EEOC ISSUES GUIDANCE LIMITING EMPLOYER ACCESS TO MEDICAL INFORMATION ABOUT EMPLOYEES

- \* Today, the Equal Employment Opportunity Commission issued guidance that explains the kinds of medical information employers may and may not obtain about employees.
- \* The Americans with Disabilities Act strictly limits employers' access to medical information about their employees. The reason for this is simple: **Employees should be judged on their actual performance, not on the basis of their medical conditions.**
- \* This guidance will help to ensure that qualified workers are not discriminated against because of medical conditions they have or medications they are taking that are unrelated to job performance, or because an employer thinks the worker may acquire some condition in the future.
- \* Generally, employers are prohibited from asking employees questions about
  - \* whether they have or have ever had a disability;
  - \* the kinds of prescription drugs they are taking;
  - \* the results of any genetic tests an employee has had.
- \* Medical examinations are also generally prohibited.
- \* On the other hand, an employer may be permitted to obtain medical information about an employee:
  - \* where the employee requests a reasonable accommodation;
  - \* if the employer observes performance problems that appear to be the result of a medical condition; or
  - \* if the employer needs to verify that the employee is able to return to work.
- \* Moreover, the guidance does not affect the ability of employers to offer certain kinds of programs, such as Employee Assistance programs and voluntary health programs that are helpful to employees in dealing with personal and/or health-related problems.

## PROPOSED ANNOUNCEMENT

### **EEOC issues guidance to explain Executive Order prohibition on genetic discrimination in federal employment.**

#### Background

- President Clinton signed EO 13145 on February 8, 2000.  
  
*President Clinton expressed the hope that this EO would "set an example and pose a challenge for every employer in America" to adopt a policy not to discriminate on the basis of protected genetic information, "because . . . no employer should ever review your genetic records with your resume."*
- EEOC has responsibility for coordinating the policy of the Government to prohibit discrimination based on protected genetic information.
- On June 26, 2000, President Clinton joined Francis Collins and other prominent scientists to announce the completion of a first draft of the human genome.
  - The identification of specific genes heralds tremendous advances in science and medicine but also carries with it tremendous risks of misuse.

#### Highlights

- The EO protects the federal civilian workforce.
- It prohibits employment discrimination based on genetic test results of the employee, family medical history, and genetic test results of family members.
  - Together, these three types of information are "protected genetic information."
- Federal departments and agencies cannot require genetic testing.
- Federal departments and agencies only may request family medical history from applicants and employees.
  - Departments and agencies are limited to using family medical history only for medical evaluations assessing current ability to do the job.
  - Job-related decisions cannot be based on family medical history alone.
- Federal departments and agencies must follow strict rules about confidentiality and



disclosure of protected genetic information.



**DEPARTMENT OF EDUCATION  
ADA ANNIVERSARY  
DELIVERABLES  
(17 July 00)**

**PRINCIPALS:**

- 1) **Disability Harassment Guidance:** The Department will issue a "Dear Colleague letter" to offer schools guidance to address student harassment based on disability. July 26<sup>th</sup>.
- 2) **Information Technology:** The Department will award a contract, in conjunction with the General Services Administration, to create an Information Technology Demonstration Center. This Demonstration Center will provide a forum for industry and disabled technology users to share knowledge about cutting edge information technology products. Mid September.
- 3) **Information Technology:** The Department will award a competitive grant to create an Information Technology Technical Assistance and Training Center. This Center will develop curriculum and training materials to facilitate the implementation of Section 255 of the Telecommunications Act and Section 508 of the Rehabilitation Act. Mid September.
- 4) **Self-Employment Guide:** The Department's Rehabilitation Services Administration will publish a technical assistance Guidance on Self-Employment and Business Ownership for Individuals with Disabilities for vocational rehabilitation agencies. July 26<sup>th</sup>.
- 5) **Students with Disabilities & Assessment:** The Department will issue guidance in the form of commonly asked questions and answers around the inclusion of students with disabilities in statewide and district assessment. Late July or early August.
- 6) **Disability Community Leadership in a Post-Olmstead Environment:** The Department of Education will fund a



disability community empowerment project, in conjunction with the Department of Health & Human Services and the Task Force. July 26th.

## **OTHERS**

- 1) **High Stakes Testing Guide:** The Department recently published for public comment a guide to high stakes assessment which includes a section that discusses the "Testing of Students with Disabilities." Final version to be published in September.
  - 2) **ADA/504 Success Stories Fact Sheet:** Examples of successful efforts to educate Americans with disabilities.
  - 3) **Charter Schools and Students with Disabilities:** The final report of this study is scheduled for a late summer/early fall release. The study examined, in part, the reasons parents enroll students with disabilities in charter schools, the nature of services provided, and the outcome goals charter schools have for students with disabilities.
  - 4) **Guide to Vocational Rehabilitation:** Publication of a layman's guide to the Federal/state vocational rehabilitation program is anticipated in late July.
  - 5) **Consumer Choice Guidance:** The Rehabilitation Services Administration will issue guidance promoting consumer choice in the vocational rehabilitation program. July.
  - 6) **IEP Guide:** The Department published an easy-to-understand guide on the Individuals with Disabilities Education Act requirements for a student's Individualized Education Program to be used by teachers and parents. Released on July 4th by Secretary Riley.
  - 7) **Youth Leadership Project:** The Department will publish a grant announcement in late August to establish a Youth with
- 
- 



Disabilities Leadership Development project. This project, to be awarded in October, is jointly funded with the Task Force, the Department's of Labor and Health & Human Services, the Social Security Administration, and the President's Committee on the Employment of People with Disabilities and the National Council on Disability.



POTOS

## PROPOSED WHITE HOUSE ANNOUNCEMENT ON INCREASING THE FEDERAL GOVERNMENTS' HIRING OF PEOPLE WITH DISABILITIES

HHS  
Ref.  
Cal  
Ag  
Justice  
Energy

### Objectives:

- To set a realistic "stretch" goal to increase the number of persons with disabilities hired by Federal department and agencies.
- To increase the representation of persons with disabilities employed at all levels and occupations of the Federal government.

### PROPOSED ANNOUNCEMENT

**Federal government will hire 100,000 people with disabilities over the next five years**

- This represents a **60% increase** in the hiring level of people with disabilities for Federal government
- 100,000 new hires represents **9.2%** of all new Federal hires . . . almost 1 in 10

=====

### BACKGROUND

#### Current State of Play

- Federal government is our nation's largest employer – 1.8 million employees
- Government hires 200,000 employees each year
- Of those, 12,000 are people with disabilities (5.9%)
- 1,600 are people with targeted disabilities (0.8%)

#### What Happens If We Do Nothing

- Federal new hires over the next five years will be 1,082,000
- Of these, 62,500 will have a disability (5.8% of all hires)
- Of these, 8,000 will have a targeted disability (.7% of all hires)



"Elliot E. Maxwell" <EMaxwell@doc.gov>  
07/14/2000 06:25:29 PM

Please respond to EMaxwell@doc.gov

Record Type: Record

To: Megan J. Crowhurst/WHO/EOP

cc:

Subject: re: ADA event

---

I have attached a draft contribution from DOC that is in clearance. I think the items likely to be of greatest interest are the funding of the Harvard study on disability and employment, the ongoing TOP grant program which the President has proposed tripling in the 2001 budget, and the study designed to increase technology transfer between the federal labs and the assistive technology industry.

Elliot E. Maxwell  
Special Advisor to the Secretary  
for the Digital Economy  
U.S. Department of Commerce

(t) 202-482-0211  
(f) 202-501-1173  
e-mail: emaxwell@doc.gov  
Room 5039  
U.S. Department of Commerce  
Washington, D.C. 20230  
----- Original Text -----

From: <Megan\_J.\_Crowhurst@who.eop.gov>, on 07/13/2000 5:11 PM:

I have not yet received either a deliverable or an accomplishment sheet from the following departments:

Treasury  
Labor  
Justice  
SBA  
Defense  
Commerce  
NPR

I need to receive a deliverable (at least one important step your department has made relating to ADA in the last year) that has not yet been announced for one of the principles to announce at the event on the south lawn on July 26.

In addition, I need a revised list of your departments accomplishments in



"Minton, Michael R" <MintonMR@state.gov>  
07/14/2000 09:32:55 AM

Record Type: Record

To: Megan J. Crowhurst/WHO/EOP

cc:

Subject: RE: Deliverables

---

Megan:

Thanks for the phone message yesterday. The accomplishments that I sent you represent only the Department of State Foreign Buildings Operations progress in our diplomatic missions abroad. Since our focus is on buildings, our mission is to deliver every building, whether newly constructed or renovated, as a fully accessible facility for its workers and visitors alike. This is something we already do and will continue to do. Like security, accessibility for the disabled is a priority in our building program. As noted in our list of achievements, the Department of State continues to demonstrate to the world of our commitment to improving the quality of life for all who work in and visit our diplomatic facilities.

Following recent world events, the Department of State is currently planning for a significant increase in new embassy office building design and construction. All of these new diplomatic facilities will represent America's commitment to leadership in all aspects of design including accessibility.

I hope that you and Marsha will accept this message as the deliverable from the Foreign Building Operations. If you have any questions, please contact me at (703) 516-1740.

Thank you,

Michael R. Minton, Architect  
Foreign Buildings Operations  
U.S. Department of State

-----Original Message-----

From: Megan\_J.\_Crowhurst@who.eop.gov  
[SMTP:Megan\_J.\_Crowhurst@who.eop.gov]  
Sent: Thursday, July 13, 2000 5:21 PM  
To: schmueckerbl@state.gov; thomassonpl@state.gov;  
tomassorj@state.gov; mintonmr@state.gov;  
CN=wendell\_sutton/OU=pmb/OU=os/O=doi@doi.gov  
Cc: Marsha\_Scott@who.eop.gov  
Subject: Deliverables

Thanks so much for the timely arrival of your list of

## **Amendments to the Executive Order**

Here is a draft of the change for the Section 2 EO mandates.

Insert new subpart, (i), to read:

To ensure improvement in the education, transition, employment, health and independent living outcomes of young people with disabilities, all Federal agencies will coordinate and cooperate with the Task Force to: (1) strengthen interagency research, demonstration, and training activities; (2) create a public awareness campaign focused on young people with disabilities; (3) ensure that young people with disabilities are included in all youth programs mandated under the Workforce Investment Act; (4) increase access to health care and resources through an Interagency Council on Healthy and Ready to Work; (5) increase participation in postsecondary education and training; and (6) create a Youth Advisory Council to assist the Task Force in conducting these and other appropriate activities.



## 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 Employment of Adults with Disabilities" ("Task Force"). The Task Force shall comprise the Secretary of Labor, Secretary of Education, Secretary of Veterans Affairs, Secretary of Health and Human Services, Commissioner of Social Security, Secretary of the Treasury, Secretary of Commerce, Secretary of Transportation, Director of the Office of Personnel Management, Administrator of the Small Business Administration, the Chair of the Equal Employment Opportunity Commission, the Chairperson 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 Secretary of Labor shall be the Chair of the Task Force; the Chair of the President's Committee on Employment of People with Disabilities shall be the Vice Chair of the Task Force.

(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 adult population. The Task Force shall develop and recommend to the President, through the Chair of the Task Force, a coordinated Federal policy to reduce employment barriers for persons with disabilities. Policy recommendations may cover such areas as discrimination, reasonable accommodations, 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, job retention, on-the-job supports, and economic incentives to work. Specifically, the Task Force shall:

(1) analyze the existing programs and policies of Task Force member agencies to determine what changes, modifications, and innovations may be necessary to remove barriers to work faced by people with disabilities;

(2) develop and recommend options to address health insurance coverage as a barrier to employment for people with disabilities;

(3) subject to the availability of appropriations, analyze State and private disability systems (e.g., workers' compensation, unemployment insurance, private insurance, and State mental health and mental retardation systems) and their effect on Federal programs and employment of adults with disabilities;

(4) 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 Task Force member agencies related to employment of adults with disabilities;

(6) evaluate whether Federal studies related to employment and training can, and should, include a statistically significant sample of adults with disabilities;

(7) subject to the availability of appropriations, analyze youth programs related to employment (e.g., Employment and Training Administration programs, special education, vocational rehabilitation, school-to-work transition, vocational education, and Social Security Administration work incentives and other programs, as may be determined by the Chair and Vice Chair of the Task Force) and the outcomes of those programs for young people with disabilities;

(8) evaluate whether a single governmental entity or program should be established to provide computer and electronic accommodations for Federal employees with disabilities;

(9) consult with the President's Committee on Mental Retardation on policies to increase the employment of people with mental retardation and cognitive disabilities; and

(10) 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) (1) The members of the Task Force shall make the activities and initiatives set forth in this order a high priority within their respective agencies within the levels provided in the President's budget.

(2) The Task Force shall issue its first report to the President by November 15, 1998. The Task Force shall issue a report to the President on November 15, 1999, November 15, 2000, and a final report

on July 26, 2002, the 10th anniversary of the initial implementation of the employment provisions of the Americans with Disabilities Act of 1990. The reports shall describe the actions taken by, and progress of, each member of the Task Force in carrying out this order. The Task Force shall terminate 30 days after submitting its final report.

(e) As used herein, an adult with a disability is a person with a physical or mental impairment that substantially limits at least one major life activity.

**Sec. 2. Specific activities by Task Force members and other agencies.**

(a) To ensure that the Federal Government is a model employer of adults with disabilities, by November 15, 1998, the Office of Personnel Management, the Department of Labor, 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 such as: hiring, promotion, benefits, retirement, workers' compensation, retention, accessible facilities, job accommodations, layoffs, and reductions in force.

(b) The Departments of Justice, Labor, Education, and Health and Human Services shall report to the Task Force by November 15, 1998, on their work with the States and others to ensure that the Personal Responsibility and Work Opportunity Reconciliation Act is carried out in accordance with section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, so that individuals with disabilities and their families can realize the full promise of welfare reform by having an equal opportunity for employment.

(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 work together and report to the Task Force by November 15, 1998, on their work to develop small business and entrepreneurial opportunities for adults with disabilities and strategies for assisting low-income adults, including those with disabilities to create small businesses and micro-enterprises. These same agencies, in consultation with the Committee for Purchase from People Who Are Blind or Severely Disabled, shall assess the impact of the Randolph-Sheppard Act vending program and the Javits-Wagner-O'Day Act on employment and small business opportunities for people with disabilities.

(d) The Departments of Transportation and Housing and Urban Development shall report to the Task Force by November 15, 1998, on their examination of their programs to see if they can be used to create new work incentives and to remove barriers to work for adults with disabilities.

(e) The Departments of Justice, Education, and Labor, the Equal Employment Opportunity Commission, and the Social Security Administration shall work together and report to the Task Force by November 15, 1998, on their work to propose remedies to the prevention of people with disabilities from successfully exercising their employment rights under the Americans with Disabilities Act of 1990 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 Departments of Education and Health and Human Services, the 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 as soon as possible, but no later than the date of termination of the Task Force. Data derived from this methodology shall be published on as frequent a basis as possible.

(g) All executive agencies that are not members of the Task Force shall: (1) coordinate and cooperate with the Task Force; and (2) review their programs and policies to ensure that they are being conducted and delivered in a manner that facilitates and promotes the employment of adults with disabilities. Each agency shall file a report with the Task Force on the results of its review on November 15, 1998.

**Sec. 3. Cooperation.** All efforts taken by executive departments and agencies under sections 1 and 2 of this 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.

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

*William Clinton*

THE WHITE HOUSE,

March 13, 1998.

Talking Points on  
Extending ADA to Internet

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THE WHITE HOUSE

**SPEAKING PROGRAM**

The President

- ✓ Sen. Tom Harkin (D-IA)
- ✓ Sen. Orrin Hatch (R-UT)
- ✓ Justin Dart

**VOCALIST**

- ✓ Beth Gray

**CABINET ATTENDING (8)**

- Secretary Norman Mineta (DOC)
- ✓ Secretary Alexis Herman (DOL)
- Deputy Secretary Hershel Gober (VA)
- ✓ Director Janice Lachance (OPM)
- ✓ Commissioner Kenneth Apfel (SSA)
- ✓ Director Bruce Reed (DPC)
- ✓ Chairwoman Ida Castro (EEOC)

**MEMBERS ATTENDING (17):**

- ✓ Sen. Tom Harkin (D-IA)
- Sen. James Jeffords (R-VT)
- Sen. Ted Kennedy (D-MA) +  
Mrs. Kennedy and  
Ted Kennedy, Jr.
- Sen. ~~Carl Levin~~ (D-MI)
- ✓ Sen. Orrin Hatch (R-UT)
- Sen. Arlen Specter (R-PA)

THE WHITE HOUSE

- Rep. ~~Benjamin Cardin~~ (D-MD)
- Rep. Eliot Engel (D-NY)
- Rep. Steny Hoyer (D-MD)
- Rep. Sander Levin (D-MI)
- Rep. Jim McDermott (D-WA)
- Rep. Michael McNulty (D-NY)
- Rep. Connie Morella (R-MD)
- Rep. ~~Major Owens~~ (D-NY)
- Rep. ~~Donald Payne~~ (D-NJ)

**FORMER MEMBERS ATTENDING:**

- Former Sen. Howard Metzenbaum
- Former Rep. Tony Coelho
- ✓ Former Rep. Lowell Weicker
- ✓ Former Rep. Steve Bartlett

**PRESIDENT CLINTON AND THE FIRST LADY COMMEMORATE THE 10<sup>TH</sup>  
ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT  
Announce New Action to Expand Employment Opportunities and  
Ensure Equality for Individuals With Disabilities  
July 26, 2000**

**DRAFT – DRAFT – DRAFT**

Today, in an event at the FDR Memorial, President Clinton with the First Lady and leaders of the disability community will celebrate the 10<sup>th</sup> Anniversary of the Americans with Disabilities Act (ADA) and take new action to further the goals of the ADA by: increasing Federal employment opportunities for people with disabilities; ensuring that Federal agencies establish effective procedures for addressing reasonable accommodation requests and that federal programs are free from disability-based discrimination; and reducing the barriers that Social Security beneficiaries face when they return to work. The President will also announce his intention to work with the Congress in the context of an overall budget framework to enact legislation that builds on the success of the Work Incentives Improvement Act by allowing children with disabilities to continue their Medicaid coverage even if their parents have returned to work. Finally, the President will unveil the Access America for People with Disabilities website created to provide quick access to services and other resources for people with disabilities and their families. Today the First Lady will announce a series of initiatives to improve and increase opportunities for young people with disabilities to successfully transition to work and achieve independence. Yesterday, Vice President Gore announced a number of initiatives to provide home and community based options for people with disabilities who frequently have no choice but institutionalization. These announcements build on the Clinton/Gore Administration's commitment to advancing the rights of people with disabilities as full participants in all of society and preserving the spirit and intent of the ADA.

**ASSISTING DISABLED SOCIAL SECURITY BENEFICIARIES WHO ARE WORKING OR WANT TO GO TO WORK.** These proposals to be announced by the President reflect the ADA's focus on helping individuals with disabilities to fully participate in the workforce by reducing the barriers that Social Security beneficiaries face when they return to work.

- **Automatically adjusting the Substantial Gainful Activity (SGA) level for individuals with disabilities.** The Administration proposes to encourage additional disabled individuals to return to work with enhanced security by increasing the SGA levels to reflect the annual increases in the national average wage index. Since the beginning of the Social Security disability program in 1956, there have been no regularly scheduled increases in SGA. Last year, the Administration increased the amount that Social Security disability beneficiaries can earn – from \$500 to \$700 per month – and continue to receive their benefits. Each year, approximately 400,000 disability beneficiaries participate in the workforce. Many hesitate to work because they cannot afford to give up critical benefits.
- **Increase the amount of monthly earning that count during a trial work period for Social Security beneficiaries who go to work.** This increase will encourage beneficiaries with disabilities to contribute their talent and energy to the workforce and test their ability to maintain a level of work activity without affecting their disability benefits by increasing from

\$200 to \$530 the minimum amount of monthly earnings that count toward a monthly work period. In the future, the amount will be automatically adjusted based on any annual increases in the national average wage index.

**INCREASING THE OPPORTUNITY FOR INDIVIDUALS WITH DISABILITIES TO BE EMPLOYED IN THE FEDERAL GOVERNMENT.** The President will issue an Executive Order calling on Federal agencies to hire 100,000 people with disabilities over a five-year period. This ambitious commitment exceeds current hiring trends by 60 percent, reflecting this Administration's strong commitment to making the Federal government a model employer by recruiting a diverse and well-qualified workforce. The President believes that the Federal government is ready to meet this challenge. This Executive Order calls on agencies to recruit individuals with disabilities for the full range of levels and occupations in the Federal government. The President will also direct Federal agencies to establish effective procedures for processing requests for reasonable accommodation by employees and job applicants with disabilities. A reasonable accommodation is any change in the work environment or in the way a job is performed that enables a person with a disability to enjoy equal employment opportunities. Although many individuals with disabilities can apply for and perform jobs without any reasonable accommodations, workplace barriers – whether physical or procedural – may keep others from performing jobs that they could do with some form of accommodation. Finally, to harness the power of new technologies to promote employment of people with significant disabilities, the President will call on Federal agencies that already operate customer service centers to identify positions that could be relocated to home-based or off-site facilities. If the agencies determine that it is feasible and appropriate to establish home-based positions, they are then required to develop a plan and guidelines that encourage the recruitment and employment of individuals with disabilities for such positions.

**RENEWING THE FEDERAL GOVERNMENT'S COMMITMENT TO ENSURING THAT FEDERAL PROGRAMS ARE FREE FROM DISABILITY-BASED DISCRIMINATION.**

The President will direct all Federal agencies to engage in a plan to ensure that today's Federal programs are free from disability-based discrimination, using specific steps designed by the Department of Justice and the Equal Employment Opportunity Commission (EEOC) to reach this important goal. As we celebrate the 10<sup>th</sup> anniversary of the ADA, we should renew our commitment to ensure that people with disabilities have equal employment opportunities within the Federal government and are fully able to participate in all Federal government programs.

**ACCESS AMERICA FOR PEOPLE WITH DISABILITIES WEBSITE.** In keeping with President Clinton and Vice President Gore's vision of using information technology to increase and improve customer service, the President announced a new website, *Access America for People with Disabilities* - [www.disAbility.gov](http://www.disAbility.gov) - that will serve as a "one-stop" electronic link to an enormous range of useful information to people with disabilities and their families. The website contains information relating to children and youth; employment, self employment, and entrepreneurship; transportation; health care and long term services and supports; choice and self-determination; recreation and travel; civil rights and protections; college, adult and vocational education; housing; technology; income supports; tax credits and deductions; disability statistics; and emergency preparedness.

**ANNOUNCING SUPPORT FOR LEGISLATION TO INCREASE ACCESS TO MEDICAID FOR WORKING FAMILIES WITH DISABLED CHILDREN.** Today, the President will applaud the efforts of bipartisan members of Congress to pass the Grassley- Kennedy- Sessions- Waxman Family Opportunity Act of 2000 (S. 2274 and HR 4825), sponsored by a bipartisan majority in the Senate and a growing coalition in the House. This bill, which is the next logical step beyond the Jeffords-Kennedy Work Incentives Improvement Act, creates a new Medicaid buy-in option and will help thousands of children with disabilities who lose their Medicaid coverage because of increased family income due to employment. It will also include a time-limited demonstration that extends Medicaid coverage to children who have a disabling condition that, without health care coverage, would cause them to become so severely disabled as to be eligible for SSI. The President announced that he will work with the Congress to enact legislation that achieves these goals in the context of a fiscally responsible budget framework.

**ADDRESSING BARRIERS TO EMPLOYMENT FOR YOUTH WITH DISABILITIES.** The First Lady will announce a series of steps to help young people successfully transition from education to employment including:

- **Helping to bridge the transition from education to employment for students with disabilities.** Young people with disabilities face enormous challenges when transitioning from education to employment. The First Lady announced the Administration's plan to increase the amount that students who receive SSI can earn while continuing to receive the important protection SSI provides. The Administration will increase the maximum monthly earned income exclusion for students who receive Supplemental Security Income from \$400 to \$1,290 and the yearly exclusion from \$1,620 to \$5,200. The Administration is proposing to automatically adjust these amounts thereafter based on any annual increases in the cost-of-living index.
- **Working with youth to reach adult employment: the youth to work initiative.** Recognizing that starting early is key to helping adults with disabilities gain employment skills and thrive in the workplace, the First Lady announced a new interagency Youth to Work Initiative. This Initiative would be created by amending the Executive Order that established the Presidential Taskforce on Employment of Adults with Disabilities to focus the mission on the important issue of helping young people make the transition from school to work. Youth with disabilities who want to enter the workforce face many barriers to employment, including low educational attainment, as well as low educational and employment expectations. Under the structure of the Taskforce, the Youth to Work Initiative will strengthen interagency research, demonstration projects, and education and training activities for youth to work activities. It will create a public awareness campaign to focus on youth with disabilities and reduce the stigma of their entering the workforce. To ensure fairness, this Initiative will ensure that youth with disabilities are included in all youth programs in federal agencies. To help ease the transition to work, it will explore how to increase access to health care and postsecondary education and training for youth going to work.
- **Able to work consortium to help youth with disabilities access job opportunities.** The Presidential Taskforce on the Employment of Adults with Disabilities has worked with several

major corporations to begin a public-private partnership that will help ensure that youth with disabilities are afforded the employment opportunities needed to lead to meaningful careers. These corporations, representing technology, pharmaceuticals, banking and investment, manufacturing, and communications, have volunteered to lead by example and demonstrate to other major corporations the importance and viability of hiring young people with disabilities. These pioneering companies will actively serve as mentors to other companies hiring youth with disabilities.

#### **HELPING DISABLED INDIVIDUALS LIVE AND WORK IN THEIR COMMUNITIES.**

Yesterday, Vice President Gore announced that the Clinton-Gore Administration will launch a series of major new initiatives designed to promote the delivery of home- and community-based care for people with disabilities of all ages. These initiatives include a new \$50 million investment in FY 2001 to help states more easily offer services to people with disabilities of all ages in the setting most appropriate to their needs; new guidance to state Medicaid directors to help them comply with the recent *Olmstead* Supreme Court ruling requiring Medicaid coverage for home and community based services; and a new public-private partnership between the Administration and the Robert Wood Johnson Foundation to help individuals with disabilities in institutional settings transition into community-based care. In addition, the Vice President will announce new action to increase home ownership; expand incentives for employment for individuals with disabilities to a broader range of housing assistance programs; and promote the development of new assistive technology for people with disabilities.

**WORKING TO ACHIEVE THE GOALS OF THE ADA.** Throughout this Administration, President Clinton and Vice President Gore have worked hard to achieve the ADA's core goals – equality of opportunity, full participation, independent living, and economic self-sufficiency. This Administration has vigorously defended the ADA in court cases across the Nation; collaborated with State Medicaid directors to implement the Supreme Court's 1999 *Olmstead* decision, which prohibits unjustified isolation of institutionalized persons with disabilities; helped ensure that 80 percent of America's public transit buses are now accessible; implemented the Ticket to Work and Work Incentives Improvement Act, which the President signed into law last December; and developed far-reaching policies for a comprehensive, coordinated employment agenda through the Task Force on Employment of Adults with Disabilities

#### **PRESIDENT URGES THE CONGRESS TO ACT NOW ON NATIONAL PRIORITIES FOR PEOPLE WITH DISABILITIES.**

The President will urge the Congress to act now on national priorities that will address the unique needs of individuals with disabilities and are fully funded in his budget, including:

- **A new \$1,000 tax credit to offset the formal and informal employment related costs incurred by working people with disabilities.** This tax credit would provide a new incentive for approximately 200,000-300,000 people with disabilities to begin working, and help those people with jobs maintain them. It would complement the Work Incentives Improvement Act and would be available to all people with disabilities, irrespective of their state Medicaid eligibility options. For participants in the Work Incentives Improvement Act Medicaid buy-in, this tax credit could pay for services not covered (e.g., assistive technology, transportation).

- **A new \$3,000 long-term care tax credit.** This initiative acknowledges and supports almost 2 million Americans with long-term care needs and the family members who care for them through a \$3,000 tax credit, an investment of \$27 billion over 10 years. This new tax credit supports the diverse needs of families by compensating a wide range of formal or informal long-term care for people of all ages with three or more limitations in activities of daily living (ADLs) or a comparable cognitive impairment.
- **Providing an affordable, accessible Medicare prescription drug benefit option for all beneficiaries.** The President has proposed a voluntary, affordable Medicare prescription drug benefit for all beneficiaries, including up to 5 million people with disabilities. Beginning in 2002, it would provide prescription drug coverage that would have a zero deductible and cover half of all prescription drug costs up to \$5,000 when fully phased in. It will also limit all out-of-pocket medication costs to \$4,000. This optional benefit would also provide negotiated discounts that would ensure that Medicare beneficiaries no longer pay the highest prices in the marketplace. The President's proposal is part of a broader set of reforms that would take the Medicare Trust Fund off budget, extend its life to at least 2030, make the program more efficient and competitive, and dedicate \$40 billion over 10 years to improve health care provider payment rates.
- **A strong, enforceable Patients' Bill of Rights.** This legislation endorsed by over 200 health care provider and consumer advocacy groups, is the only bipartisan proposal currently being considered that includes: protections for all Americans in all health plans; protections for patients accessing emergency room care from financial sanctions; requirements that all health plans ensure continuity of care for patients in the middle of a course of treatment; guarantees that assure access to necessary and accessible health care specialists; meaningful enforcement mechanisms that ensure recourse for patients who have been harmed as a result of a health plan's actions.
- **Establishing an Office of Disability Policy.** The Clinton-Gore Administration supports establishing an Office of Disability Policy within the Department of Labor, and improving access for adults with disabilities to employment services offered through one-stop career center systems. The President's FY 2001 budget includes \$21 million for the Office of Disability Policy, which was recommended by the Presidential Task Force on Employment of Adults with Disabilities.

**PRESIDENT CLINTON AND VICE PRESIDENT GORE  
WORKING ON BEHALF OF AMERICANS WITH DISABILITIES  
ACCOMPLISHMENTS AT A GLANCE  
July 26, 2000**

**Creating the Presidential Task Force on Employment of Adults with Disabilities** - Two years ago, President Clinton created the Presidential Task Force on Employment of Adults with Disabilities, chaired by Secretary of Labor Alexis Herman, and charged the Task Force with developing 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 adult population. The heads of 18 cabinet and sub-cabinet agencies sit on the Task Force, and President Clinton and Vice President Gore have given its work the highest priority through accepting all the recommendations in the first and second reports from the Task Force.

**Signing the Ticket to Work and Work Incentives Improvement Act of 1999 (TWWIIA)** President Clinton supported and signed this important bill, making health insurance available and affordable when an individual with disabilities goes to work or develops a significant disability while working, and giving people with disabilities more choices and greater access to employment services and training.

**Signing the Workforce Investment Act (WIA) of 1998** - President Clinton signed WIA, which provides the framework for a unique national workforce preparation and employment system designed to meet both the needs of the nation's businesses and the needs of job seekers and those who want to further their careers. It also included reauthorization of the Rehabilitation Act, adding stronger linkages between the vocational rehabilitation system and the general workforce development system so that people with disabilities have increased employment training and job options. Changes to Section 508 of the Rehabilitation Act also strengthened the obligations of the Federal government to provide accessible information technology to their employees and customers, thus leveraging the Federal government's considerable purchasing power to encourage private industry to develop universally designed technology that is accessible to almost everyone.

**Ensuring a Quality Education for Children with Disabilities** - In 1997 President Clinton enacted an improved and stronger Individuals with Disabilities Education Act. The new law focused attention not merely on ensuring access to public schools for the nation's six million students with disabilities, but also on ensuring that these students are held to the same high standards as their peers. Today, state grants to support IDEA implementation have increased by 143 percent and record numbers of students with disabilities are now learning alongside non-disabled students in thousands of classrooms across the nation.

**Making the Federal Government a Model Employer** - President Clinton directed Federal agencies to increase efforts to recruit and hire people with disabilities which resulted in OPM issuing "Accessing Opportunity: The Plan for Employment of People with Disabilities in the Federal Government" to serve as a framework for Federal departments and agencies to use in creating strategies and initiatives to recruit, hire, develop, and retain more persons with

disabilities. President Clinton also signed an Executive Order ensuring that individuals with psychiatric disabilities are given the same Federal hiring opportunities as persons with significant disabilities and mental retardation. Furthermore, the President directed OPM to make mental health coverage more affordable and accessible for all Federal employees by ensuring that by 2001 Federal Employee Health Benefits Program (FEHBP) plans provide coverage for clinically proven treatments for mental illness and substance abuse in a manner identical to coverage for other medical conditions.

FIRST LADY HILLARY RODHAM CLINTON  
REMARKS AT 10<sup>TH</sup> ANNIVERSARY ADA EVENT  
FDR MEMORIAL  
WASHINGTON, D.C.  
JULY 26, 2000

Thank you and welcome to this celebration of the 10<sup>th</sup> anniversary of the Americans with Disabilities Act. Etched in the walls of this memorial is our nation's promise to: "scrupulously guard the civil rights and civil liberties of all our citizens." Notice that FDR didn't say all men, or all white people or all people **without** disabilities. He said all citizens.

Today we continue the civil rights journey led by those who gathered in Seneca Falls, who opened the doors at Central High School, who marched through Selma, and who fought tirelessly to enact the Civil Rights Act of 1964 and, yes, the Americans with Disabilities Act of 1990. With the ADA, we said that we cannot have civil rights without disability rights. And we promised to replace fear and ignorance and discrimination based on **disability** with opportunity based on **ability**.

None of it would have been possible without the people gathered here. It wouldn't have been possible without strong bipartisan leadership from Congress and the White House. We will be hearing in a few minutes from Senator Harkin and Senator Hatch, and I want to thank them, and the other Members who have shown that guaranteeing the rights of people with disabilities is not a Democrat issue or a Republican issue, but an American issue.

We are fortunate to also be joined by Senators Kennedy, Jeffords, Levin, Metzenbaum, and Specter; and Congressmen Weicker, Hoyer, Coehlo, Owens, Bartlett, Cardin, Engel, Levin, McDermott, McNulty, Morella, Owens, and Payne. Could all of you please stand? Thank you.

Now, as all of you know, the ADA was, above all, a product of the courage and commitment of the disability rights community and its leaders. Some have since passed away. Others are celebrating across the country. And so many of you have come here today, and I want to thank you very much.

I am delighted that we will hear later from someone who has really been at the heart and soul of this movement. Now, when we think of Justin Dart, we think of his classic cowboy hat and cowboy boots, his contagious grin, his eloquence and love of all humanity. But, mostly, we think of his lifelong commitment to ensuring the rights and dignity of every single American. Justin, we thank you, and we honor you.

I also want to thank Beth Gray for her beautiful rendition of the National Anthem. And I want to welcome the young people up here, who remind us of how far we've come, and why we must recommit ourselves today to the work that is still undone.

You know, when I was working at the Children's Defense Fund in the early 70s, I went door to door as part of a survey which examined why so many children were not in school. And I remember going into a small apartment and seeing a child with a very bright and eager look on her face. But, because, she used a wheel chair, she had never been in school. And house by house, I met many children like her, who were kept out of school, and even out of sight, solely because of a disability.

I know that Judy Heumann [Human], the President's extraordinary Assistant Secretary for Education, couldn't attend public school until fourth grade. And I can only imagine how proud she is, 25 years after the IDEA was enacted, to see how it and the ADA have helped young people like those here, live and learn like all children should.

I think of Meira [meer-ah] Kirschbaum, who plays in integrated sports programs with sign language. Aaron Kaufman, who, in getting ready for his Bar Mitzvah, managed to educate more than a dozen synagogues about the "dignity of accessibility." At age 13, he even wants to be in the House of Representatives. Meanwhile, Alyssia [Alisa] Rodriguez, who is the lead in a new PSA campaign, wants to be the first woman president.

All of the young people are growing up with hopes and opportunities that, not too long ago, were hard to even imagine. They are growing up at a time when they can do the things their peers take for granted, like watch a movie, go to a concert, learn in a classroom, or eat at a restaurant. Now, this obviously didn't happen by accident. It happened because so many of you demanded that we knock down the barriers of laws and attitudes that held people back for too long.

And it happened because this Administration knew that passing the ADA was the beginning, not the end, of our commitment to ensure the rights of all people with disabilities. So all of us can look back on the last seven and a half years, and say:

We are a fairer country because we are vigorously enforcing disability laws – so that discrimination in housing, schools, and workplaces is punished and stopped. We are a more prosperous country because we are giving people with disabilities the training, opportunities, and health care to get the jobs they want, and keep the jobs they need.

And we are a smarter country because we reauthorized the Individuals with Disabilities Education Act, and put quality education and training within reach of far more young people.

Because of all the changes we've fought for, these young people up here are part of a new generation of Americans with disabilities. They want to work. They expect to work. They have been graduating from high school and college, preparing to work. Here they are, ready to dedicate their skills and abilities at a time when employers all over the country need them. And all of us -- from families to teachers, from businesses to government leaders -- must help.

I am pleased to announce today three new steps that will help create a seamless web of support, so that no young person with a disability falls through the cracks. First, we are more than tripling the amount of money students can earn without losing any of their SSI or Medicaid benefits. Many of us worked our way through college, not only for the extra money but the extra skills. Young people with disabilities should never have to pay the price for working. And with this change, I hope that they will never again have to choose between getting a summer job and keeping their health and disability insurance.

Second, we are expanding the mandate of the Presidential Task Force on the Employment of Adults with Disabilities to focus on young people as well. That means working across the government to launch a public awareness campaign, conduct research, and increase access to health care. And it means teaming up with companies such as Microsoft and Ford to give young people everywhere the kinds of after school and summer jobs that build not only their confidence, but also their resumes.

Finally, The Department of Education is going to reach out to schools to help them stop harassment of students with disabilities, and ensure that all young people feel respected and protected. And I want to thank one of our special guests, Peter Yarrow, for all he's done through his "Don't Laugh at Me" campaign.

Because we can change all the laws in the world. We can change all the workplaces. But, we will never fully open the doors in America unless we change attitudes as well. Only we can decide if we are going to teach our children to treat each other right, to never demean each other, and to always relish differences in themselves and others. And only we can decide if we are going to expect and ensure that all our children, whether they have disabilities or not, grow up believing that they are valued, that they

can contribute fully, that they can go as far as their dreams and hard work will take them.

That was what Mathew Cavedon did. He was instrumental in persuading Maryland to create Hadley's playground, a one-acre space without boundaries, where children could play together, free from fear and stereotypes and discrimination. Now, let me just point out that Mathew is 10. He was born in the same year as the ADA, and, in many ways, their two visions are the same.

The ADA Torch of leadership that many of you carried through decades, and even through D.C. yesterday, is being passed to Mathew's generation. It comes steeped in the rich civil rights tradition, with painful reminders of the sacrifices made by the pioneers who came before us. It comes with new tools that empower young people to pass it on to the next generation, always stronger and brighter than when they got it.

No one has worked harder to do that than our next speaker. Ten years ago, Senator Tom Harkin stood in the well of the Senate and said it was his proudest moment in 16 years of service. Proud because his leadership, along with Senators Kennedy's, resulted in such a historic victory for people with disabilities, and our

fundamental sense of what is right in America. And he was proud because, like so many other Members, he came to this debate with deep personal, as well as professional, convictions.

It was Senator Harkin's brother Frank, who inspired him in his fight for the ADA, who reminded him of the daily struggles and indignities that people with disabilities still face. Senator, I was so sorry to hear about the loss of your brother. But I can only imagine how proud he is watching you right now, as you continue to champion the rights and dignities of all Americans, especially those too often forgotten.

It is my great honor to introduce Senator Tom Harkin.

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View Related Topics

February 18, 2000, Friday, Late Edition - Final

**SECTION:** Section A; Page 20; Column 1; National Desk

**LENGTH:** 739 words

**HEADLINE:** F.D.A. Approves Costly Meningitis Shots

**BYLINE:** By SHERYL GAY STOLBERG

**DATELINE:** WASHINGTON, Feb. 17

**BODY:**

The first **vaccine** to prevent a leading cause of **meningitis** in infants and toddlers was approved today by the Food and Drug Administration, one day after a panel of scientific experts recommended against giving it to all children under the age of 5 in part because of its high cost.

The **vaccine**, Prevnar, manufactured by Wyeth-Ayerst Laboratories, a division of the American Home Products Corporation in Philadelphia, protects youngsters against the pneumococcus bacteria, which each year causes an estimated 1,400 cases of **meningitis** and 16,000 cases of blood poisoning in children under 5, as well as 40 percent of all childhood ear infections.

The approval is important because **meningitis**, while not very common, kills several hundred children each year and leaves others with brain damage and other neurological problems. But prevention will come at a price; a four-dose course of Prevnar will cost \$232, roughly the same as all other childhood immunizations combined.

With that high cost in mind, a panel of advisers to the Centers for Disease Control and Prevention recommended on Wednesday that the vaccine become part of the routine immunization schedule for the roughly 3.8 million babies born each year, but given immediately on a catch-up basis only to children under the age of 2.

Among 2- to 5-year-olds, the panel called for vaccinating only those children at high risk, specifically blacks, American Indians, Alaska Natives and youngsters with H.I.V., sickle-cell anemia or other disorders that weaken the immune system.

The decision marked the first time that the panel had given special consideration to black children, and only the second time that it had taken cost into account. The panel conducted a cost-benefit analysis for Prevnar, taking into account lost time at work for parents. It concluded that the **vaccine** would be cost-effective at \$46 a dose, \$12 less than the \$58 the company has set.

In an interview today, Dr. Peter Paradiso, vice president of scientific affairs and research strategy for Wyeth-Ayerst, defended the price, but said the company was pleased with the committee's decision. He also said the company spent 14 years developing the **vaccine** and tested it in more than 50,000 children, which drove up the cost.

"Our goal for this **vaccine** was for it to become part of the routine immunization schedule for all kids, and it will," Dr. Paradiso said, adding that "the amount of disease you are preventing and will prevent for years to come justifies the price."

The panel's advice is not binding, but the C.D.C. is likely to follow it. Government-financed health programs would then use the guidelines to determine how to put Prevnar into medical practice, meaning

those in the programs are likely to have limited access to the **vaccine**. While doctors and health insurance companies are also likely to follow the advice, people who want their children vaccinated could pay their doctors to do so.

While some doctors say it troubles them to offer **vaccines** to some children and not to others, Dr. Gary Overturf, a University of New Mexico authority on infectious diseases, said a committee of the American Academy of Pediatrics had reached the same conclusion.

"We are uncomfortable making decisions strictly on cost, but I don't think this was strictly on cost," he said. "We had to set a priority to put those children at highest risk first."

Dr. Overturf said it would be logistically impossible to vaccinate all children under the age of 5. In any event, once all newborns have gotten the **vaccine** over the next five years, the issue will become moot.

In approving Prevnar, the food and drug agency said it was extremely effective in preventing cases of pneumococcal **meningitis**, a dangerous infection of the spinal cord and central nervous system that often leaves children with neurological damage, including deafness and learning disabilities.

In clinical trials, the **vaccine**, which is targeted against seven of the most common strains of pneumococcus, proved 100 percent effective in preventing infection with those strains, and 90 percent effective in preventing infection with all strains, the agency said.

The agency said infants could receive the **vaccine** at 2, 4 and 6 months of age, and at a year to 15 months. For children under 2 years old who have missed the initial doses, the vaccination schedule will be determined by health care providers.

<http://www.nytimes.com>

**LANGUAGE:** ENGLISH

**LOAD-DATE:** February 18, 2000

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## **FOCUS<sup>TM</sup>**

**Search: General News;meningitis and vaccines**

To narrow this search, please enter a word or phrase:

*Example: House of Representatives*

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July 25, 2000  
**10<sup>th</sup> Anniversary of the American with Disabilities Act**

**DATE:** July 26, 2000  
**LOCATION:** FDR Memorial  
**BRIEFING TIME:** 10:15am – 10:20am  
**EVENT TIME:** 10:35am – 11:35am  
**FROM:** Mary Beth Cahill  
Bruce Reed

**I. PURPOSE**

To commemorate the 10<sup>th</sup> Anniversary of the American with Disabilities Act (ADA), demonstrate the Administration's commitment to disability issues, highlight the Administration's accomplishments, and unveil new initiatives.

**II. BACKGROUND**

On July 26, 2000, people throughout the country will celebrate the 10th Anniversary of the ADA, which was signed into law by President Bush on the South Lawn on July 26, 1990. A variety of activities have been planned, by public as well as private groups, for the weeks leading up to and following the July 26 anniversary.

For people with disabilities, the ADA is analogous to the Civil Rights Act of 1964. It provides the basic foundation of nondiscrimination against people with disabilities – in the areas of employment, state and local governments, public accommodations, and telecommunications. The Supreme Court has issued several rulings on the ADA in recent months – with mixed results for the rights of people with disabilities. The Court will hear a case this fall that could rule on the constitutionality of the ADA's application to states.

For more than a year, advocates have been organizing a nationwide, coordinated celebration of the ADA 10th Anniversary: "The Spirit of ADA Torch Relay." The national host organization is the American Association of People with Disabilities (AAPD). The Torch Relay includes: 1) a "Spirit of ADA" Pledge renewing commitment to the rights of people with disabilities; and, 2) a nationwide torch relay from June 11 to August 7, with local events held at 24 relay sites (beginning in Houston, then traversing the country from San Francisco to New York). The Vice President, Members of the Cabinet and other Administration officials have participated in relay sites across the country. The "Spirit of ADA" Torch officially arrived in Washington, D.C. yesterday at an event held at the FDR Memorial. Tony Coelho and other dignitaries participated in this ceremony. Justin Dart will present you with a replica of the ADA torch.

Today you will unveil new steps that your Administration is taking to advance the rights of people with disabilities as full participants in society and preserve the spirit and intent of the ADA, which include:

**ASSISTING DISABLED SOCIAL SECURITY BENEFICIARIES WHO ARE WORKING OR WANT TO GO TO WORK.** These proposals reflect the ADA's focus on helping individuals with disabilities to fully participate in the workforce by reducing the barriers that Social Security beneficiaries face when they return to work.

- **Automatically adjusting the Substantial Gainful Activity (SGA) level for individuals with disabilities.** To encourage additional disabled individuals to return to work with enhanced security, you are proposing to increase the SGA levels to reflect the annual increases in the national average wage index. Since the beginning of the Social Security disability program in 1956, there have been no regularly scheduled increases in SGA, and last year, your Administration increased the amount Social Security disability beneficiaries can earn and continue to receive their benefits from \$500 to \$700 per month. Each year, approximately 400,000 disability beneficiaries participate in the workforce, and many hesitate to work because they cannot afford to give up critical benefits.
- **Increase the amount of monthly earning that count during a trial work period for Social Security beneficiaries who go to work.** This increase will encourage beneficiaries with disabilities to contribute their talent and energy to the workforce and test their ability to maintain a level of work activity without affecting their disability benefits by increasing from \$200 to \$530 the minimum amount of monthly earnings that count toward a monthly work period. In the future, the amount will be automatically adjusted based on any annual increases in the national average wage index.

**INCREASING THE OPPORTUNITY FOR INDIVIDUALS WITH DISABILITIES TO BE EMPLOYED IN THE FEDERAL GOVERNMENT.** You will issue an Executive Order calling on Federal agencies to hire 100,000 people with disabilities over a five-year period. This will exceed current hiring trends by 60 percent, and reflects your Administration's strong commitment to making the Federal government a model employer by recruiting a diverse and well-qualified workforce. You will also direct Federal agencies to establish effective procedures for processing requests for reasonable accommodation by employees and job applicants with disabilities to enable a person with a disability to enjoy equal employment opportunities. Finally, you will call on Federal agencies that already operate customer service centers to identify positions that could be relocated to home-based or off-site facilities. If the agencies determine that it is feasible and appropriate to establish home-based positions, they are then required to develop a plan and guidelines that encourage the recruitment and employment of individuals with disabilities for such positions.

**RENEWING THE FEDERAL GOVERNMENT'S COMMITMENT TO ENSURING THAT FEDERAL PROGRAMS ARE FREE FROM DISABILITY-BASED DISCRIMINATION.** You will direct all Federal agencies to engage in a plan to ensure that today's Federal programs are free from disability-based discrimination, using specific steps designed by the Department of Justice and the Equal Employment Opportunity Commission (EEOC) to reach this important goal.

**ACCESS AMERICA FOR PEOPLE WITH DISABILITIES WEBSITE.** You will announce a new website, *Access America for People with Disabilities* - [www.disAbility.gov](http://www.disAbility.gov). - that will serve as a "one-stop" electronic link to an enormous range of useful information to people with disabilities and their families. The website contains information relating to children and youth; employment, self employment and entrepreneurship; transportation; health care and long term services and supports; choice and self-determination; recreation and travel; civil rights and protections; college, adult and vocational education; housing; technology; income supports; tax credits and deductions; disability statistics; and emergency preparedness.

**SUPPORTING LEGISLATION TO INCREASE ACCESS TO MEDICAID FOR WORKING FAMILIES WITH DISABLED CHILDREN.** Today, you will applaud the bipartisan efforts by members of Congress to pass the Grassley- Kennedy- Sessions- Waxman Family Opportunity Act of 2000, sponsored by a bipartisan majority in the Senate and a growing coalition in the House. This bill, which is the next logical step beyond the Jeffords-Kennedy Work Incentives Improvement Act, creates a new Medicaid buy-in option and will help thousands of children with disabilities that lose their Medicaid coverage because of increased family income due to employment. It will also include a time-limited demonstration that extends Medicaid coverage to children who have a disabling condition that, without health care coverage, would cause them to become so severely disabled as to be eligible for SSI.

The First Lady will unveil several initiatives to address the barriers to employment for youth with disabilities, which include: 1) increasing the amount that students who receive SSI can earn while continuing to receive SSI benefits from \$400 to \$1,290, and the yearly exclusion from \$1,620 to \$5,200; 2) amending your Executive Order that established the Presidential Taskforce on Employment of Adults with Disabilities to create the Youth to Work Initiative to focus the mission on the important issue of helping young people make the transition from school to work; and 3) creating a public-private partnership with a variety of corporations to help ensure that youth with disabilities are afforded the employment opportunities needed to lead to meaningful careers.

**HELPING DISABLED INDIVIDUALS LIVE AND WORK IN THEIR COMMUNITIES.** Yesterday, Vice President Gore announced that your Administration would launch a series of major new initiatives designed to promote the delivery of home- and community-based care for people with disabilities of all ages. These initiatives include a new \$50 million investment in FY 2001 to help states more easily offer services to people with disabilities of all ages in the setting most appropriate to their needs; new guidance to state Medicaid directors to help them comply with the recent *Olmstead*

Supreme Court ruling requiring Medicaid coverage for home and community based services; and a new public-private partnership between the Administration and the Robert Wood Johnson Foundation to help individuals with disabilities in institutional settings transition into community-based care. In addition, the Vice President announced new action to increase home ownership; expand incentives for employment for individuals with disabilities to a broader range of housing assistance programs; and promote the development of new assistive technology for people with disabilities.

**URGING CONGRESS TO ACT NOW ON NATIONAL PRIORITIES FOR PEOPLE WITH DISABILITIES.** You will call on Congress to act now on national priorities that will address the unique needs of individuals with disabilities and are fully funded in your budget, including:

- **A new \$1,000 tax credit to offset the formal and informal employment related costs incurred by working people with disabilities.**
- **A new \$3,000 long-term care tax credit.**
- **Providing an affordable, accessible Medicare prescription drug benefit option for all beneficiaries.**
- **A strong, enforceable Patients' Bill of Rights.**
- **Establishing an Office of Disability Policy.** You will express support for the establishment of an Office of Disability Policy within the Department of Labor, and improving access for adults with disabilities to employment services offered through one-stop career center systems. Your budget includes \$21 million for the Office of Disability Policy, which was recommended by the Presidential Task Force on Employment of Adults with Disabilities.

### **III. PARTICIPANTS**

#### Pre-brief:

Mary Beth Cahill  
Bruce Reed  
Loretta Ucelli  
Terry Edmonds  
Eric Gould  
Kay Casstevens  
Samir Afridi

#### Event Participants:

#### **YOU**

Mrs. Clinton  
Senator Harkin  
Senator Hatch  
Justin Dart

## **V. SEQUENCE OF EVENTS**

- **YOU** to the FDR Memorial and will be greeted by Vikki Keys, Deputy Superintendent, National Park Service and Rachel Frantum, Park Ranger.
- Off-stage announcement of **YOU**, accompanied by Mrs. Clinton, Senator Harkin, Senator Hatch and Justin Dart.
- Beth Gray will perform the National Anthem
- Mrs. Clinton will open the program and introduce Senator Harkin.
- Senator Harkin will make brief remarks and Senator Hatch
- Senator Hatch will make brief remarks and introduce Justin Dart
- Justin Dart will make brief remarks, present you with the ADA Ceremonial torch and introduce you.
- You will deliver remarks and depart the FDR Memorial.

## **VI. MEDIA**

Open Press.

## **VII. REMARKS**

Provided by Speechwriting.

## **VIII. ATTACHMENTS**

Justin Dart bio

Beth Gray bio

Short bios of stage participants

### **Justin Dart – Community Activist**

Justin Dart, Jr., 1998 recipient of the Presidential Medal of Freedom, has recorded five decades of advocacy for human rights in U.S.A., Mexico, Japan and other nations. He has served five gubernatorial, one Congressional and five Presidential appointments in the area of disability policy. He has founded and acted as the CEO of two small businesses and one that started with four persons, and grew to 26,000 employees and sales representatives. During the past 20 years he has visited each of the fifty United States at least five times to advocate for the passage and implementation of the historic Americans with Disabilities Act, and the empowerment of people with and without disabilities. In 1993 he resigned as Chairman of the President's on Employment of People with Disabilities in order to be a full time advocate for a society that empowers all to live their God given potential. In 1999 the Smithsonian Institution asked for and received his trademark cowboy hat and boots, his pen that signed the ADA and his Freedom of Medal.

### **Beth Gray - Vocalist**

Beth Gray is a 19 year old vocalist from North Little Rock, Arkansas, who has Optic Nerve Hypoplasia. In high school, she was listed in Who's Who Among American High School Students, was named Most Talented Female, and was a member of the Tri-M Music Honor Society. As a sophomore at Ouachita Baptist University, in Arkadelphia, Arkansas, Beth is on a vocal scholarship and is majoring in Choral Music Education. An active member of the Ouachita Singers, Ouachita Concert Choir, EEE Women's Social Club, and the Baptist Student Union, she hopes to one day become a professional musician or an elementary music teacher. Beth is a 2000 Panasonic Young Soloist Award recipient, and has had opportunities to perform at the Kennedy Center and the Russian Embassy hosted by VSA arts. Earlier this year Beth was crowned Miss West Central Arkansas. Most recently she competed in the Miss Arkansas Pageant where, in addition to a top 10 finish, she won best newcomer talent and newcomer total points categories.

# Withdrawal/Redaction Marker

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE                | DATE | RESTRICTION |
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| 001. list                | re: Disabled Youth (2 pages) | n.d. | b(6)        |

### COLLECTION:

Clinton Presidential Records  
Domestic Policy Council  
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### FOLDER TITLE:

ADA [American's with Disabilities Act] [2]

2013-0436-S

rc1226

### RESTRICTION CODES

#### Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

#### Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

**July 25, 2000**

**Celebration Event for the 10<sup>th</sup> Anniversary of the Signing of the  
Americans with Disabilities Act**

**Date:** Wednesday, July 26, 2000  
**Time:** 10:30 AM  
**Location:** FDR Memorial  
**From:** Ann O'Leary  
Victoria Choitz (Kennedy School Fellow)

**I. PURPOSE**

To celebrate the 10<sup>th</sup> Anniversary of the ADA; to demonstrate the Administration's 8-year commitment to advancing the rights of persons with disabilities as full participants in all of society; and to announce several actions that preserve the spirit and the intent of the ADA, as well as build on its foundation by expanding employment opportunities and strengthening protections to ensure equality.

**II. BACKGROUND**

**Overview**

You will highlight Administration accomplishments on behalf of Americans with disabilities over the past eight years.

You will then announce three initiatives for youth with disabilities: 1) increased SSI earnings exclusion caps for students with disabilities who want to work; 2) a Youth to Work Initiative that amends the Executive Order which created the Presidential Taskforce on Adults with Disabilities and Employment to include a focus on increased education, training, and employment for youth with disabilities; and 3) an Able to Work public-private consortium made up of 10 charter companies which will lead by example and mentor other companies hiring young people with disabilities (see below for details on these initiatives).

The President will announce four items: 1) proposals to increase earnings exclusion caps for Social Security beneficiaries who work; 2) an Executive Order directing Federal Agencies to hire 100,000 people with disabilities over a five-year period, to provide reasonable accommodations for workers with disabilities, and to identify disabled-friendly work arrangements; 3) a directive to revisit and strengthen Federal agency plans to prevent disability-based discrimination; and 4) the new Access America for People with Disabilities website to provide quick access to services and resources.

## **Detailed Description of Initiatives YOU will announce to Addresses Barriers to Employment for Youth with Disabilities**

**SSI earned income exclusion caps for students.** You will announce the Administration's increase in the amount that students who receive SSI can earn while continuing to SSI benefits. The increase in the maximum monthly earned income exclusion for students who receive Supplemental Security Income is from \$400 to \$1,290 and the yearly exclusion from \$1,620 to \$5,200. The Administration is proposing to automatically adjust these amounts thereafter based on any annual increases in the cost-of-living index.

The Student Earned Income Exclusion (SEIE) has never been increased. The new level was set to approximate student earnings working full-time during the summer and sporadically during the rest of the year for 1.5 times the minimum wage. This increase reflects the fact that school expenses have increased since the SEIE levels were defined in 1974. These increases would assist SSI beneficiaries in financing their education (academic, vocational, or technical) and encourage them to work and become self-sufficient. Additionally, the cost-of-living adjustments will ensure that the amounts account for the price of inflation.

**The Youth to Work Initiative.** This Initiative would be created by amending the Executive Order that established the Presidential Taskforce on Employment of Adults with Disabilities to focus the mission on helping young people transition from school to work. Youth with disabilities who want to enter the workforce face many barriers to employment, including low educational attainment, as well as low educational and employment expectations. Under the structure of the Taskforce, the Youth to Work Initiative will strengthen interagency research, demonstration projects, and education and training activities for youth to work activities. It will create a public awareness campaign to focus on youth with disabilities and reduce the stigma of their entering the workforce. This Initiative will ensure that youth with disabilities are included in all youth programs in Federal agencies and will explore how to increase access to health care and postsecondary education and training for youth going to work.

**Able to Work Consortium.** The Presidential Taskforce has worked with 10 major corporations (Microsoft, IBM, Dell, Bristol-Meyers Squibb, Ford Motor Company, Booz Allen & Hamilton, Lucent Technologies, Caterpillar, Royal Bank of Canada, and Merrill Lynch) to begin a public-private partnership that will help ensure that youth with disabilities are afforded employment opportunities. These corporations have volunteered to lead by example in demonstrating to other major corporations the importance and viability of hiring young people with disabilities. These pioneering companies will actively serve as mentors to other companies hiring youth with disabilities.

### **III. PARTICIPANTS**

#### **Speakers**

HRC

Senator Harkin

Senator Hatch

Justin Dart

POTUS

### **On Stage**

Approximately 11 young people with disabilities

### **Audience**

1700 audience members

## **IV. SEQUENCE OF EVENTS**

Beth Gray\* - Very Special Arts Vocalist will perform the National Anthem acapella  
(She is a blind student from Little Rock, Arkansas)

FLOTUS makes remarks and introduces Senator Harkin

Senator Harkin makes remarks and introduces Senator Hatch

Senator Hatch makes remarks and introduces Justin Dart

Justin Dart makes remarks and introduces POTUS

POTUS makes remarks and concludes

### **\* BETH GRAY-VOCALIST**

Beth Gray is a 19 year old vocalist from North Little Rock, Arkansas, who has Optic Nerve Hypoplasia. In high school, she was listed in Who's Who Among American High School Students, was named Most Talented Female, and was a member of the Tri-M Music Honor Society. As a sophomore at Ouachita Baptist University, in Arkadelphia, Arkansas, Beth is on a vocal scholarship and is majoring in Choral Music Education. An active member of the Ouachita Singers, Ouachita Concert Choir, EEE Women's Social Club, and the Baptist Student Union, she hopes to one day become a professional musician or an elementary music teacher. Beth is a 2000 Panasonic Young Soloist Award recipient, and has had opportunities to perform at The Kennedy Center and the Russian Embassy hosted by VSA arts. Earlier this year Beth was crowned Miss West Central Arkansas. Most recently she competed in the Miss Arkansas Pageant where, in addition to a top 10 finish, she won best newcomer talent and newcomer total points categories.

## **V. PRESS PLAN**

Open press

## **VI. REMARKS**

- Provided by Laura Schiller

## **ATTACHMENTS**

- POTUS Briefing
- Administration Accomplishments
- Draft Press Paper
- Q & A's

LW:ADP



## FAX COVER SHEET

U.S. Department of Education  
Office for Civil Rights  
(202) 205-5526  
(202) 205-5381 Fax

## FAX TO:

|             |  |     |          |
|-------------|--|-----|----------|
| Ann O'Leary |  | DPC | 456-2878 |
|-------------|--|-----|----------|

**From:** Scott Palmer  
Deputy Assistant Secretary

**Date:** July 26, 2000

**Subject:** Disability Harassment Dear Colleague Letter

**Pages:** 8 (including cover sheet)

Attached is the final version of the disability harassment Dear Colleague letter. Thanks again for your help.

Also, I had breakfast with Wayne Upshaw of OMB last week, and he recommended that I speak with you regarding OCR budget issues. If you get a chance to give me a call, I would love to talk with you briefly. My direct line is 205-8162. If not, I will try you later this week.



## UNITED STATES DEPARTMENT OF EDUCATION

WASHINGTON, D.C. 20202-\_\_\_\_\_

JUL 25 2000

Dear Colleague:

On behalf of the Office for Civil Rights (OCR) and the Office of Special Education and Rehabilitative Services (OSERS) in the U.S. Department of Education, we are writing to you about a vital issue that affects students in school – harassment based on disability. Our purpose in writing is to develop greater awareness of this issue, to remind interested persons of the legal and educational responsibilities that institutions have to prevent and appropriately respond to disability harassment, and to suggest measures that school officials should take to address this very serious problem. This letter is not an exhaustive legal analysis. Rather, it is intended to provide a useful overview of the existing legal and educational principles related to this important issue.

### **Why Disability Harassment Is Such an Important Issue**

Through a variety of sources, both OCR and OSERS have become aware of concerns about disability harassment in elementary and secondary schools and colleges and universities. In a series of conference calls with OSERS staff, for example, parents, disabled persons, and advocates for students with disabilities raised disability harassment as an issue that was very important to them. OCR's complaint workload has reflected a steady pace of allegations regarding this issue, while the number of court cases involving allegations of disability harassment has risen. OCR and OSERS recently conducted a joint focus group where we heard about the often devastating effects on students of disability harassment that ranged from abusive jokes, crude name-calling, threats, and bullying, to sexual and physical assault by teachers and other students.

We take these concerns very seriously. Disability harassment can have a profound impact on students, raise safety concerns, and erode efforts to ensure that students with disabilities have equal access to the myriad benefits that an education offers. Indeed, harassment can seriously interfere with the ability of students with disabilities to receive the education critical to their advancement. We are committed to doing all that we can to help prevent and respond to disability harassment and lessen the harm of any harassing conduct that has occurred. We seek your support in a joint effort to address this critical issue and to promote such efforts among educators who deal with students daily.

### **What Laws Apply to Disability Harassment**

Schools, colleges, universities and other educational institutions have a responsibility to ensure equal educational opportunities for all students, including students with disabilities. This responsibility is based on Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II), which are enforced by OCR. Section 504 covers all schools, school districts, and colleges and



universities receiving federal funds.<sup>1</sup> Title II covers all state and local entities, including school districts and public institutions of higher education, whether or not they receive federal funds.<sup>2</sup> Disability harassment is a form of discrimination prohibited by Section 504 and Title II.<sup>3</sup> Both Section 504 and Title II provide parents and students with grievance procedures and due process remedies at the local level. Individuals and organizations also may file complaints with OCR.

States and school districts also have a responsibility under Section 504, Title II, and the Individuals with Disabilities Education Act (IDEA),<sup>4</sup> which is enforced by OSERS, to ensure that a free appropriate public education (FAPE) is made available to eligible students with disabilities. Disability harassment may result in a denial of FAPE under these statutes. Parents may initiate administrative due process procedures under IDEA, Section 504, or Title II to address a denial of FAPE, including a denial that results from disability harassment. Individuals and organizations also may file complaints with OCR, alleging a denial of FAPE that results from disability harassment. In addition, an individual or organization may file a complaint alleging a violation of IDEA under separate procedures with the state educational agency.<sup>5</sup> State compliance with IDEA, including compliance with FAPE requirements, is monitored by OSERS' Office of Special Education Programs (OSEP).

<sup>1</sup> Section 504 provides: "No otherwise qualified individual with a disability . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." 29 U.S.C. § 794(a). See 34 CFR Part 104 (Section 504 implementing regulations).

<sup>2</sup> Title II provides that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." 42 U.S.C. § 12132. See 28 CFR Part 35 (Title II implementing regulations).

<sup>3</sup> The Department of Education's Office for Civil Rights (OCR) has issued policy guidance on discriminatory harassment based on race (see 59 Fed. Reg. 11448 (Mar. 10, 1994), <http://www.ed.gov/offices/OCR/race394.html>) and sex (see 62 Fed. Reg. 12034 (Mar. 13, 1997), <http://www.ed.gov/offices/OCR/sex1ar00.html>). These policies make clear that school personnel who understand their legal obligations to address harassment are in the best position to recognize and prevent harassment, and to lessen the harm to students if, despite their best efforts, harassment occurs. In addition, OCR recently collaborated with the National Association of Attorneys General (NAAG) to produce a guide to raise awareness of, and provide examples of effective practices for dealing with, hate crimes and harassment in schools, including harassment based on disability. See "Protecting Students from Harassment and Hate Crime, A Guide for Schools," U.S. Department of Education, Office for Civil Rights, and the National Association of Attorneys General (Jan. 1999) (OCR/NAAG Harassment Guide), Appendix A: Sample School Policies. The OCR/NAAG Harassment Guide may be accessed on the internet at <http://www.ed.gov/pubs/Harassment>. These documents are a good resource for understanding the general principle of discriminatory harassment. The policy guidance on sexual harassment will be clarified to explain how OCR's longstanding regulatory requirements continue to apply in this area in light of recent Supreme Court decisions addressing the sexual harassment of students.

<sup>4</sup> 20 U.S.C. § 1400 et seq.

<sup>5</sup> 34 C.F.R. § 300.660 et seq.

Harassing conduct also may violate state and local civil rights, child abuse, and criminal laws. Some of these laws may impose obligations on educational institutions to contact or coordinate with state or local agencies or police with respect to disability harassment in some cases; failure to follow appropriate procedures under these laws could result in action against an educational institution. Many states and educational institutions also have addressed disability harassment in their general anti-harassment policies.<sup>6</sup>

Disability Harassment May Deny a Student an Equal Opportunity to Education under Section 504 or Title II

Disability harassment under Section 504 and Title II is intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the institution's program. Harassing conduct may take many forms, including verbal acts and name-calling, as well as nonverbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating.

When harassing conduct is sufficiently severe, persistent, or pervasive that it creates a hostile environment, it can violate a student's rights under the Section 504 and Title II regulations. A hostile environment may exist even if there are no tangible effects on the student where the harassment is serious enough to adversely affect the student's ability to participate in or benefit from the educational program. Examples of harassment that could create a hostile environment follow.

- Several students continually remark out loud to other students during class that a student with dyslexia is "retarded" or "deaf and dumb" and does not belong in the class; as a result, the harassed student has difficulty doing work in class and her grades decline.
- A student repeatedly places classroom furniture or other objects in the path of classmates who use wheelchairs, impeding the classmates' ability to enter the classroom.
- A teacher subjects a student to inappropriate physical restraint because of conduct related to his disability, with the result that the student tries to avoid school through increased absences.<sup>7</sup>
- A school administrator repeatedly denies a student with a disability access to lunch, field trips, assemblies, and extracurricular activities as

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<sup>6</sup> For more information regarding the requirements of state and local laws, consult the OCR/NAAG Harassment Guide, cited in footnote 3 above.

<sup>7</sup> Appropriate classroom discipline is permissible, generally, if it is of a type that is applied to all students or is consistent with the Individuals with Disabilities Education Act (IDEA) and Section 504, including the student's Individualized Education Program or Section 504 plan.

punishment for taking time off from school for required services related to the student's disability.

- A professor repeatedly belittles and criticizes a student with a disability for using accommodations in class, with the result that the student is so discouraged that she has great difficulty performing in class and learning.
- Students continually taunt or belittle a student with mental retardation by mocking and intimidating him so he does not participate in class.

When disability harassment limits or denies a student's ability to participate in or benefit from an educational institution's programs or activities, the institution must respond effectively. Where the institution learns that disability harassment may have occurred, the institution must investigate the incident(s) promptly and respond appropriately.

#### Disability Harassment Also May Deny a Free Appropriate Public Education

Disability harassment that adversely affects an elementary or secondary student's education may also be a denial of FAPE under the IDEA, as well as Section 504 and Title II. The IDEA was enacted to ensure that recipients of IDEA funds make available to students with disabilities the appropriate special education and related services that enable them to access and benefit from public education. The specific services to be provided a student with a disability are set forth in the student's individualized education program (IEP), which is developed by a team that includes the student's parents, teachers and, where appropriate, the student. Harassment of a student based on disability may decrease the student's ability to benefit from his or her education and amount to a denial of FAPE.

#### How to Prevent and Respond to Disability Harassment

Schools, school districts, colleges, and universities have a legal responsibility to prevent and respond to disability harassment. As a fundamental step, educational institutions must develop and disseminate an official policy statement prohibiting discrimination based on disability and must establish grievance procedures that can be used to address disability harassment.<sup>8</sup> A clear policy serves a preventive purpose by notifying students and staff that disability harassment is unacceptable, violates federal law, and will result in disciplinary action. The responsibility to respond to disability harassment, when it does occur, includes taking prompt and effective action to end the harassment and prevent it from recurring and, where appropriate, remedying the effects on the student who was harassed.

<sup>8</sup> Section 504 (at 34 CFR § 104.7) and Title II (at 28 CFR § 35.107(a)) require that institutions have published internal policies and grievance procedures to address issues of discrimination on the basis of disability, which includes disability harassment. While there need not be separate grievance procedures designed specifically for disability harassment, the grievance procedures that are available must be effective in resolving problems of this nature.

The following measures are ways to both prevent and eliminate harassment:

- Creating a campus environment that is aware of disability concerns and sensitive to disability harassment; weaving these issues into the curriculum or programs outside the classroom.
- Encouraging parents, students, employees, and community members to discuss disability harassment and to report it when they become aware of it.
- Widely publicizing anti-harassment statements and procedures for handling discrimination complaints, because this information makes students and employees aware of what constitutes harassment, that such conduct is prohibited, that the institution will not tolerate such behavior, and that effective action, including disciplinary action, where appropriate, will be taken.
- Providing appropriate, up-to-date, and timely training for staff and students to recognize and handle potential harassment.
- Counseling both person(s) who have been harmed by harassment and person(s) who have been responsible for the harassment of others.
- Implementing monitoring programs to follow up on resolved issues of disability harassment.
- Regularly assessing and, as appropriate, modifying existing disability harassment policies and procedures for addressing the issue, to ensure effectiveness.

#### **Technical Assistance Is Available**

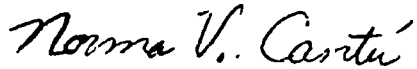
U.S. Secretary of Education Richard Riley has emphasized the importance of ensuring that schools are safe and free of harassment. Students can not learn in an atmosphere of fear, intimidation, or ridicule. For students with disabilities, harassment can inflict severe harm. Teachers and administrators must take emphatic action to ensure that these students are able to learn in an atmosphere free from harassment.

Disability harassment is preventable and can not be tolerated. Schools, colleges, and universities should address the issue of disability harassment not just when but before incidents occur. As noted above, awareness can be an important element in preventing harassment in the first place.

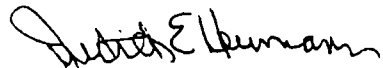
The Department of Education is committed to working with schools, parents, disability advocacy organizations, and other interested parties to ensure that no student is ever

subjected to such conduct, and that where such conduct occurs, prompt and effective action is taken. For more information, you may contact OCR or OSEP through 1-800-USA-LEARN or 1-800-437-0833 for TTY services. You also may directly contact one of the OCR enforcement offices listed on the enclosure or OSEP, by calling (202) 205-5507 or (202) 205-5465 for TTY services.

Thank you for your attention to this serious matter.



Norma V. Cantú,  
Assistant Secretary for  
Civil Rights



Judith E. Heumann,  
Assistant Secretary  
Office of Special Education  
and Rehabilitative Services

Enclosure - list of OCR enforcement offices

# Office for Civil Rights U.S. Department of Education

400 Maryland Avenue, S.W.  
Washington, D.C. 20202-1100

<http://www.ed.gov/offices/OCR>  
Customer Service #: 1-800-421-3481  
TTY: 1-877-521-2172

## EASTERN DIVISION

**Norma V. Cantú**  
Assistant Secretary  
(202) 205-5526

**Raymond Pierce**  
Deputy Assistant Secretary  
(202) 205-9556

**Scott Palmer**  
Deputy Assistant Secretary  
(202) 205-5526

**Lindsay Patterson**  
Chief of Staff  
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**John H. Jackson**  
Special Assistant  
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**Cathy H. Lewis**  
Enforcement Director for  
the Midwestern & Western  
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(202) 205-8217

**Susan Bowers**  
Enforcement Director for  
the Eastern & Southern  
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**Jeanette Lim**  
Program Legal Group  
Director  
(202) 205-8635

**Lester Slayton**  
Resource Management  
Group  
Director  
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**Thomas Hibino**, Director  
Connecticut, Maine, Massachusetts,  
New Hampshire, Rhode Island, Vermont  
Office for Civil Rights, Boston Office  
U.S. Department of Education  
J. W. McCormack Post Office and Courthouse  
Room 707, 01-0061  
Boston, MA 02109-4557 (617) 223-9662  
FAX (617) 223-9669; TDD (617) 223-9695

**Helen Whitney**, Director  
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Office for Civil Rights, New York Office  
U.S. Department of Education  
75 Park Place, 14th Floor  
New York, NY 10007-2146 (212) 637-6466  
FAX (212) 264-3803; TDD (212) 637-0478

**Wendella Fox**, Director  
Delaware, Maryland, Kentucky, Pennsylvania,  
West Virginia  
Office for Civil Rights, Philadelphia Office  
U.S. Department of Education  
The Wanamaker Building  
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## SOUTHERN DIVISION

**Gary Walker**, Director  
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U.S. Department of Education  
61 Forsyth Street, S.W., Suite 19T70  
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**Taylor August**, Director  
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Texas  
Office for Civil Rights, Dallas Office  
U.S. Department of Education  
1999 Bryan Street, Suite 2600, 06-5010  
Dallas, TX 75201 (214) 880-2459  
FAX (214) 880-3082; TDD (214) 880-2456

**Alice Wender**, Director  
North Carolina, Virginia, Washington, D.C.  
Office for Civil Rights, District of Columbia Office  
U.S. Department of Education  
P.O. Box 14620  
Washington, D.C. 20014-4620  
(202) 208-2545; FAX (202) 208-7797  
TDD (202) 208-7741

## MIDWESTERN DIVISION

**Linda McGovern**, Director  
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Office for Civil Rights, Chicago Office  
U.S. Department of Education  
111 North Canal Street, Suite 1053  
Chicago, IL 60606-7204 (312) 886-8434  
FAX (312) 353-4888; TDD (312) 353-2540

**Harry Orris**, Director  
Michigan, Ohio  
Office for Civil Rights, Cleveland Office  
U.S. Department of Education  
600 Superior Avenue East  
Bank One Center, Room 750  
Cleveland, OH 44114-2611 (216) 522-4970  
FAX (216) 522-2573; TDD (216) 522-4944

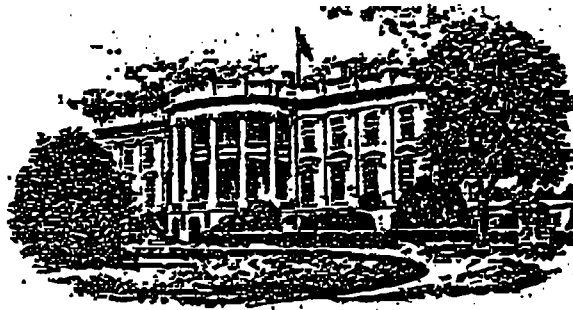
**Angela Bennett**, Director  
Iowa, Kansas, Missouri, Nebraska,  
North Dakota, South Dakota  
Office for Civil Rights, Kansas City Office  
U.S. Department of Education  
10220 North Executive Hills Boulevard  
8th Floor, 07-6010  
Kansas City, MO 64153-1367 (816) 880-4200  
FAX (816) 891-0644; TDD (816) 891-0582

## WESTERN DIVISION

**Lillian Gutierrez**, Director  
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Utah, Wyoming  
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U.S. Department of Education  
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Denver, CO 80204-3582 (303) 844-5695  
FAX (303) 844-4303; TDD (303) 844-3417

**Stefan Rosenzweig**, Director  
California  
Office for Civil Rights, San Francisco Office  
U.S. Department of Education  
Old Federal Building  
50 United Nations Plaza, Room 239  
San Francisco, CA 94102-4102 (415) 556-4275  
FAX (415) 437-7783 TDD (415) 437-7786

**Gary Jackson**, Director  
Alaska, Hawaii, Idaho, Nevada, Oregon,  
Washington, Pacific Region  
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U.S. Department of Education  
915 Second Avenue, Room 3310  
Seattle, WA 98174-1099 (206) 220-7900  
FAX (206) 220-7887; TDD (206) 220-7907



Full release  
ADP  
lmt

## 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

FAX: (202) 456-5426

NUMBER OF PAGES (INCLUDING COVER): 5DATE: 6/7TO: Ann O'Leary

VOICE: \_\_\_\_\_

FAX: 62878☐ FOR YOUR ACTION☒ INCOMING LETTER(S) FROM: Peter Yarrow <sup>draft response</sup>

RE: \_\_\_\_\_

☐ FOR YOUR REVIEW / APPROVAL☒ PER MY E-MAIL OR VOICE-MAIL MESSAGE TO YOU☐ PER YOUR REQUEST

ADDITIONAL COMMENTS:

6  
June 1, 2000

Mr. Peter Yarrow  
Mr. Rodger Popkin  
27 West 67th Street  
New York, New York 10023

Dear Peter and Rodger:

Thank you for your letter and the materials about the "Don't Laugh at Me" program. Although I don't yet know what my schedule will hold, I've forwarded your invitation to participate in the Children's Parade to my Scheduling Office for consideration.

I agree with you that we can prevent many senseless acts of violence if we teach children the importance of treating all their peers with respect. I'm grateful for your commitment to this important endeavor, and I'm glad to know I can count on your help.

Best wishes.

Sincerely,

BC/RMS/SH/pw (Corres. #7213778)  
(5.yarrow.p)

cc: John Wertman, 97  
cc w/inc Ann O'Leary, 2nd FL/WW  
cc w/cpy of inc Carrie Street, 184  
Xeroxed copy of personally signed original to NH  
through Lisel Loy

CLEAR THRU LISEL LOY

PRESIDENT TO SIGN

MA 6/5

JUN - 5 2000



PETER YARROW  
27 W. 67 ST.  
NEW YORK, N.Y. 10023

'00 MAY 15 PM 3:57

President William Jefferson Clinton  
The White House  
1600 Pennsylvania Avenue  
Washington, DC 20500

May 10, 2000

S-TS-00  
To Burkhardt for reply?  
Yes ☒ No ☐  
cc: ~~coord. of scheduling~~  
cc: ~~scheduling~~  
Yes ☒ No ☐  
B.  
~~coord. of~~

Dear Mr. President,

On July 26<sup>th</sup> or 27<sup>th</sup>, a Children's Parade of Summer Campers between the ages of six and sixteen will march to the White House singing "Puff The Magic Dragon" with me – as they proclaim their commitment to ending disrespect, intolerance, ridicule and bullying in their camps, schools, and communities. They will carry colorful, hand-made signs above their heads that say "No Dissing Here", "U Matter", "Ridicule Free Zone" and "Don't Laugh At Me" (see photo, attached).

Organized by the American Camping Association (ACA), this joyous parade will be the culmination of the "Don't Laugh At Me" Camp Program, involving some two million children from over 2,500 summer camps across the United States. From its inception the "Don't Laugh At Me" Program has received the encouragement and endorsement of many prominent advocates for children such as First Lady Hillary Rodham Clinton, Attorney General Janet Reno, the National Crime Prevention Council, Save the Children, Special Olympics, Children's Defense Fund and the Ad Council of America, among others (see attached letters and printed material).

Mr. President, this extraordinary launching of a program that provides a direct response to violence and disrespect among America's children includes a Children's Parade to the White House that will underscore, and unite with, your administration's powerful,

longstanding commitment to addressing the root causes of tragedies such as the one at  
Colombine and the recent painful occurrence at the National Zoo. We urge you, and the  
First Lady, to help us schedule this most meaningful celebrative event so that it can be  
put on your calendar for either July 26<sup>th</sup> or 27<sup>th</sup>. If you could greet the Children's Parade,  
and symbolically receive the two million plus Campers' "Constitution of Caring"  
Pledges, it would demonstrate your solidarity with the objectives of the "Don't Laugh At  
Me" Camp Program, honor the commitment of these children to put an end to violence,  
disrespect, and ridicule in their lives, and add a rich "note" to the powerful legacy of your  
Presidency.

I am contacting a number of prominent children's advocates to arrange for their possible  
participation in this celebratory march; among them are Secretaries Donna Shalala and  
Richard Riley, Attorney General Janet Reno, Dr. Marian Wright Edelman, Tim Shriver,  
the Hon. Max Cleland, the Hon. Tom Harkin, the Hon. Ted Kennedy, the Hon. John  
Kerry and the Hon. Harris Wofford.

The day's events will proceed as follows: first, we shall have a sing-in, perhaps on the  
steps of the Capitol, and then I shall lead the Children's Parade singing songs, such as  
"This Land Is Your Land," "If I Had a Hammer," and "Blowing in the Wind," all of  
which have been sung by Peter, Paul & Mary at events supporting your and the First  
Lady's causes over the last seven years.

The Parade participants, children of richly diverse backgrounds from the Washington,  
D.C., area, will deliver between one and two million campers' "Constitution of Caring"  
Pledges, hand-written and packaged in some 2,000 brightly colored boxes, stacked on  
hay wagons, as well as over 2,000 camp "Constitution of Caring" scrolls, signed by the  
campers, staff, and counselors of the participating camps of the American Camping  
Association. These pledges and "Constitutions of Caring" represent the culmination of a  
summer's work of sensitization, character education, and creative conflict resolution  
through experiential exercises and games. Each "Constitution of Caring" will list a  
particular camp's rules for declaring itself a "ridicule-free zone." It will describe the  
kinds of behavior and attitudes such as ridicule, "dissing", name-calling, and bullying  
that will no longer be allowed, as well as the kinds of behavior and attitudes that will be  
encouraged: respect, tolerance and compassion.

This "Don't Laugh At Me" Camp Program, involving almost half of the summer camps  
in our country, will precede a fall launch of a "Don't Laugh At Me" Program in

merica's elementary schools, where it will reach over 100,000 classes in its first semester.

The Camping Guide and Teacher's Guide have been developed by a gifted group of experts in the field of children's social and emotional learning, character education, and conflict resolution, and guided by Linda Lantieri of Educators for Social Responsibility, founder of the Resolving Conflict Creatively Program.

I am attaching additional information plus a few advance packets like those being sent to 2,500 American Camping Association camps that are launching the "Don't Laugh At Me" Program this summer.

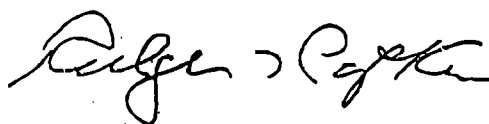
Thank you, again, Mr. President, for your attention to this issue. I am hoping that you will take time to personally review this material and ensure that the White House participates in the Children's Parade of Summer Campers, giving this noble effort your most meaningful and deeply appreciated Presidential "blessing." I, and Rodger Popkin, President of the American Camping Association, would like to meet with your staff as soon as possible to discuss the ways in which we might work together.

As always, I look forward to your help and participation in an effort that reemphasizes and links to the remarkable objectives and achievements of your presidency.

Sincerely,



Peter Yarrow



Rodger Popkin  
(President, American Camping Association)

PY/sb

(enclosures)



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

hve. ADA

GENERAL COUNSEL'S OFFICE  
FAX TRANSMITTAL SHEET

TO: Ann O'Leary  
AGENCY: DA  
TELEPHONE: 66275  
FAX NUMBER: 62878

FROM: TELEPHONE NUMBER:

|                                              |              |
|----------------------------------------------|--------------|
| <input type="checkbox"/> ROZ RETTMAN         | 202-395-4778 |
| <input type="checkbox"/> STEVE AITKEN        | 202-395-4728 |
| <input checked="" type="checkbox"/> MAC REED | 202-395-3563 |
| <input type="checkbox"/> BESS WEAVER         | 202-395-3556 |
| <input type="checkbox"/> CARLA STONE         | 202-395-9177 |

FAX NUMBER: (202) 395-7294

DATE: 10-24-2000 NO. OF PAGES (INCLUDING COVER): \_\_\_\_\_

COMMENTS:

Ann,  
Attached are Education's comments.  
Please review and advise  
Thank you Mary



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF THE GENERAL COUNSEL

Division of Legislative Counsel  
Telephone: (202) 401-8313  
Facsimile: (202) 401-5397

~~260-5093~~  
260-5093

# Fax

To: MAC REED From: RANDY HANSEN  
Fax: 395-7294 Pages: 3  
Phone: \_\_\_\_\_ Date: 10/24/00  
Re: \_\_\_\_\_ CC: \_\_\_\_\_

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

ED Comments ON DRAFT EO to  
amend EO 13078 - Employ. of  
Adults w/ Disabilities.

CONFIDENTIALITY NOTICE

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OCT-19-2000 10:48

WH/OMB GENERAL COUNSEL

## Executive Order

**AMENDMENT TO EXECUTIVE ORDER 13078, TO EXPAND THE ROLE  
OF THE NATIONAL TASK FORCE ON EMPLOYMENT OF ADULTS  
WITH DISABILITIES TO INCLUDE A FOCUS ON YOUTH**

By the authority vested in me as President by the Constitution and the laws of the United States, and in order to provide for improve<sup>d</sup> access to employment and training for youth with disabilities, it is hereby ordered that ~~the~~ Executive Order 13078 is amended by adding to Section

2 of that order the following new subsection to read as follows: "(h) To ensure improvement in the education, transition, employment, health and rehabilitation, and independent living

outcomes of young people with disabilities, Federal agencies will coordinate and cooperate with the Task Force to: (1) strengthen interagency research, demonstration, and training activities; (2)

create a public awareness campaign focused on access to equal opportunity for young people with disabilities; (3) ensure that young people with disabilities are included in the planning and

implementation of all youth programs <sup>established</sup> ~~mandated~~ under the Workforce Investment Act (4) <sup>of 1998</sup>

increase access to and utilization of health insurance and health care through the establishment of the Federal Healthy and Ready to Work Interagency Council; (5) increase <sup>access and</sup> participation in

postsecondary education and training; and (6) create a Youth Advisory Council to assist the Task Force in conducting these and other appropriate activities.

THE WHITE HOUSE,

*see explanatory  
note on this*

*(6) ensure an adequate  
safety net of ~~the~~ benefits,  
services, and supports for  
students with disabilities  
engaging in early work  
experiences;*

**Explanation for addition to the draft EO:**

**The age 18 redetermination process is a significant deterrent to early paid employment experiences for youth receiving SSI benefits. Cash benefits and Medicaid are often lost at age 18 when a youth works, even when earnings are far below the SGA level. And yet, research has consistently shown the importance of encouraging paid employment experiences that are connected to academic learning.**

\*\*\*\*\*  
 \*\*\* ACTIVITY REPORT \*\*\*  
 \*\*\*\*\*

| ST. TIME    | CONNECTION TEL/ID | SENDER NAME | NO.  | MODE         | PGS. | RESULT   |
|-------------|-------------------|-------------|------|--------------|------|----------|
| 10/23 15:32 |                   |             | 5984 | AUTO RX ECM  | 1    | OK 00'45 |
| 10/23 15:38 | 202 395 7294      |             | 5985 | AUTO RX ECM  | 2    | OK 00'45 |
| 10/23 16:12 |                   |             | 5986 | AUTO RX ECM  | 18   | OK 04'57 |
| 10/23 16:44 | 95300809          |             | 4919 | TRANSMIT ECM | 3    | OK 01'10 |
| 10/23 16:53 |                   |             | 5987 | AUTO RX ECM  | 2    | OK 01'08 |
| 10/23 17:48 |                   |             | 5988 | AUTO RX ECM  | 3    | OK 00'56 |
| 10/23 19:12 | 55730             |             | 4920 | TRANSMIT ECM | 1    | OK 03'24 |
| 10/23 19:15 | 55752             |             | 4921 | TRANSMIT     | 0    | NG 00'00 |
|             |                   |             |      |              | 0    | STOP     |
| 10/23 19:17 | 57752             |             | 4922 | TRANSMIT ECM | 1    | OK 00'55 |
| 10/23 19:56 | 310 385 0598      |             | 5989 | AUTO RX ECM  | 1    | OK 00'26 |
| 10/23 23:02 | 202 835 9066      |             | 5990 | AUTO RX G3   | 3    | OK 21'13 |
| 10/24 01:45 | 202 835 9066      |             | 5991 | AUTO RX G3   | 3    | OK 21'14 |
| 10/24 08:01 | US TREASURY DEPA  |             | 5992 | AUTO RX ECM  | 3    | OK 01'22 |
|             | 2026221829        |             |      |              |      |          |
| 10/24 08:36 | 2026462948        |             | 5993 | AUTO RX ECM  | 4    | OK 01'17 |
| 10/24 08:42 |                   |             | 5994 | AUTO RX ECM  | 1    | OK 00'40 |
| 10/24 08:46 |                   |             | 5995 | AUTO RX ECM  | 2    | OK 00'49 |
| 10/24 09:34 | 1 312 222 4328    |             | 5996 | AUTO RX ECM  | 3    | OK 01'17 |
| 10/24 09:36 |                   |             | 5997 | AUTO RX G3   | 1    | OK 00'40 |
| 10/24 09:39 | 96934929          |             | 4923 | TRANSMIT ECM | 1    | OK 00'20 |
| 10/24 10:00 | C.N.S. CEO        |             | 5998 | AUTO RX ECM  | 3    | OK 01'09 |
|             | 2025652783        |             |      |              |      |          |
| 10/24 10:03 | ADMIN             |             | 4924 | TRANSMIT ECM | 8    | OK 03'10 |
|             | 62889             |             |      |              |      |          |
| 10/24 10:18 | NEC WESCOTT       |             | 5999 | AUTO RX ECM  | 9    | OK 02'47 |
|             | 2024565812        |             |      |              |      |          |
| 10/24 10:23 | 62223             |             | 4925 | TRANSMIT ECM | 1    | OK 00'17 |
| 10/24 10:28 | 202 638 5335      |             | 6000 | AUTO RX ECM  | 2    | OK 01'08 |
| 10/24 10:31 |                   |             | 6001 | AUTO RX ECM  | 1    | OK 00'51 |
| 10/24 11:15 | 651 649 5472      |             | 6002 | AUTO RX ECM  | 9    | OK 02'50 |
| 10/24 11:19 |                   |             | 6003 | AUTO RX ECM  | 1    | OK 00'36 |
| 10/24 11:43 |                   |             | 6004 | AUTO RX G3   | 1    | NG 00'47 |
|             |                   |             |      |              | 1    |          |
| 10/24 11:58 | 202 395 4875      |             | 6005 | AUTO RX ECM  | 2    | OK 00'42 |
| 10/24 12:24 |                   |             | 6006 | AUTO RX ECM  | 2    | OK 00'56 |
| 10/24 12:32 | 703 749 0040      |             | 6007 | AUTO RX G3   | 7    | OK 05'26 |
| 10/24 13:24 | CHIEF OF STAFF    |             | 6008 | AUTO RX ECM  | 4    | OK 01'53 |
|             | 202 456 1121      |             |      |              |      |          |
| 10/24 13:43 | 212 585 4941      |             | 6009 | AUTO RX ECM  | 13   | OK 11'47 |
| 10/24 13:55 | 92260311          |             | 4926 | TRANSMIT ECM | 2    | OK 00'25 |
| 10/24 14:05 | DHHS/ASPA         |             | 6010 | AUTO RX ECM  | 2    | OK 00'39 |
|             | 202 690 5673      |             |      |              |      |          |
| 10/24 14:07 |                   |             | 6011 | AUTO RX ECM  | 1    | OK 00'30 |
| 10/24 14:15 | 5870337           |             | 6012 | AUTO RX ECM  | 2    | OK 01'15 |
| 10/24 14:57 | 202 622 0534      |             | 6013 | AUTO RX ECM  | 2    | OK 00'30 |
| 10/24 15:10 | 202 395 7294      |             | 6014 | AUTO RX ECM  | 3    | OK 01'06 |
| 10/24 15:14 | 202 395 7294      |             | 6015 | AUTO RX ECM  | 4    | OK 01'07 |



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

GENERAL COUNSEL'S OFFICE  
FAX TRANSMITTAL SHEET

TO:

Ann O'Leary

AGENCY:

DPC

TELEPHONE:

66275

FAX NUMBER:

62878

FROM:

TELEPHONE NUMBER:

[ ] ROZ RETTMAN

202-395-4778

[ ] STEVE AITKEN

202-395-4728

[✓] MAC REED

202-395-3563

[ ] BESS WEAVER

202-395-3556

[ ] CARLA STONE

202-395-9177

FAX NUMBER: (202) 395-7294

DATE: 10-24-2001

NO. OF PAGES (INCLUDING COVER): \_\_\_\_\_

COMMENTS:

Ann,  
Any changes to either document before I take  
them into field team. Please do please review and  
advise.  
Thank you. Mac

DRAFT

10-24-2000

4:15 p.m.

## Executive Order

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AMENDMENT TO EXECUTIVE ORDER 13078, TO EXPAND THE ROLE  
OF THE NATIONAL TASK FORCE ON EMPLOYMENT OF ADULTS  
WITH DISABILITIES TO INCLUDE A FOCUS ON YOUTH

By the authority vested in me as President by the Constitution and the laws of the United States, and in order to provide for improved access to employment and training for youth with disabilities, it is hereby ordered that Executive Order 13078 of March 13, 1998, is amended by adding to section 2 of that order the following new subsection to read as follows: "(h) To improve employment outcomes for persons with disabilities by addressing, among other things, the education, transition, employment, health and rehabilitation, and independent living issues affecting young people with disabilities, executive departments and agencies shall coordinate and cooperate with the Task Force to: (1) strengthen interagency research, demonstration, and training activities relating to young people with disabilities; (2) create a public awareness campaign focused on access to equal opportunity for young people with disabilities; (3) promote the views of young people with disabilities through collaboration with the Youth Councils authorized under the Workforce Investment Act of 1998; (4) increase access to and utilization of health insurance and health care for young people with disabilities through the formalization of the Federal Healthy and Ready to Work Interagency Council; (5) increase participation by young people with disabilities in postsecondary education and training programs; and (6) create a nationally representative Youth Advisory Council, to be funded and chaired by the Department of Labor, to advise the Task Force in conducting these and other appropriate activities.

THE WHITE HOUSE,



THE DIRECTOR

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

DRAFT

10-24-2000

4:15 p.m.

## MEMORANDUM FOR THE PRESIDENT

FROM: Jacob J. Lew  
Director

SUBJECT: Proposed Executive Order Entitled "Amendment to Executive Order 13078, in order to expand the role of the President's Task Force on Employment of Adults with Disabilities to include a focus on youth"

**SUMMARY:** This memorandum forwards for your consideration a proposed order that was prepared by the White House Domestic Policy Council. The proposed order would amend the Executive Order 13078 so that it includes a section that focuses Federal efforts on improving employment outcomes for young people with disabilities.

**BACKGROUND:** On March 13, 1998, you issued Executive Order 13078. That Executive Order established the "National Task Force on Employment of Adults with Disabilities" whose purpose was to create a coordinated national policy to bring adults with disabilities into employment at a rate as close as possible to that of the general population.

The First Lady's Office believes that it would be helpful if Federal agencies and the Task Force could also focus on improving employment outcomes for young people with disabilities. The First Lady announced a proposed amendment to that effect recently at the 10<sup>th</sup> anniversary of the Americans with Disabilities Act. The proposed Executive order, therefore, would provide the Task Force with the authority to focus on improving the opportunities for young people with disabilities to participate in the labor market and gain the necessary skills to successfully transition from school to work.

Specifically, the proposed order would direct Federal agencies to work with the Task Force to: (a) create a public awareness campaign focused on access to equal opportunity for young people with disabilities; (b) promote the views of young people with disabilities through collaboration with the Youth Councils authorized under the Workforce Investment Act of 1998; and (c) increase access to and utilization of health insurance and health care for young people with disabilities through the formalization of the Federal Healthy and Ready to Work Interagency Council.

None of the affected agencies objects to the proposed Executive order.

**RECOMMENDATION:** I recommend that you sign the proposed Executive order.

Attachments



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

GENERAL COUNSEL'S OFFICE  
FAX TRANSMITTAL SHEET

TO: Ann O'Leary  
AGENCY: DAC / OFL  
TELEPHONE: 456-6275  
FAX NUMBER: 456-2878

FROM: TELEPHONE NUMBER:

|                  |              |
|------------------|--------------|
| / / ROZ RETTMAN  | 202-395-4778 |
| / / STEVE AITKEN | 202-395-4728 |
| / / MAC REED     | 202-395-3563 |
| / / BESS WEAVER  | 202-395-3550 |
| / / CARLA STONE  | 202-395-9177 |

FAX NUMBER: (202) 395-7294

DATE: 10-23-2000 NO. OF PAGES (INCLUDING COVER): \_\_\_\_\_

COMMENTS:

Ann,

Attached to the most recent draft of the amendment to Executive Order 13078.

Please review and advise by COB Today Monday Oct 23rd.

Thank you, Mac

→ Kenneth H. H. H.  
4-10-01  
647-4920

## Executive Order

DRAFT  
10-23-2000  
4:45 p.m.

-----

AMENDMENT TO EXECUTIVE ORDER 13078, TO EXPAND THE ROLE  
OF THE NATIONAL TASK FORCE ON EMPLOYMENT OF ADULTS  
WITH DISABILITIES TO INCLUDE A FOCUS ON YOUTH

By the authority vested in me as President by the Constitution and the laws of the United States, and in order to provide for improved access to employment and training for youth with disabilities, it is hereby ordered that Executive Order 13078 of March 13, 1998, is amended by adding to section 2 of that order the following new subsection to read as follows: "(h) To improve employment outcomes for persons with disabilities by addressing, among other things, the education, transition, employment, health and rehabilitation, and independent living issues affecting young people with disabilities, executive departments and agencies shall coordinate and cooperate with the Task Force to: (1) strengthen interagency research, demonstration, and training activities relating to young people with disabilities; (2) create a public awareness campaign focused on access to equal opportunity for young people with disabilities; (3) promote the inclusion of young people with disabilities in the planning and implementation of all youth programs <sup>mandated</sup> under the Workforce Investment Act of 1998; (4) increase access to and utilization of health insurance and health care for young people with disabilities through the formalization of the Federal Healthy and Ready to Work Interagency Council; (5) increase participation by young people with disabilities in postsecondary education and training programs; and (6) create a nationally representative (balancing disability type, gender, regions, and cultural diversity factors) Youth Advisory Council to be funded and chaired by the Department of Labor, to advise the Task Force in conducting these and other appropriate activities. ✓

THE WHITE HOUSE,

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

|                |             |          |
|----------------|-------------|----------|
| TX/RX NO       | 4923        |          |
| CONNECTION TEL |             | 96934929 |
| SUBADDRESS     |             |          |
| CONNECTION ID  |             |          |
| ST. TIME       | 10/24 09:39 |          |
| USAGE T        | 00'20       |          |
| PGS. SENT      | 1           |          |
| RESULT         | OK          |          |



## DOMESTIC POLICY COUNCIL

Date: \_\_\_\_\_

To:

Richard Hon

Telephone:

Fax:

693-4929

From:

Ann O'Leary

Telephone: 456-6275

Fax: 456-2878

Subject:

EO - final draft

Pages:

(Including this cover sheet)

Comments:



## DOMESTIC POLICY COUNCIL

Date: \_\_\_\_\_

To: Richard Han

Telephone: \_\_\_\_\_ Fax: 693-4929

From: Ann O'Leary

Telephone: 456-6275 Fax: 456-2878

Subject: EO - final draft

Pages: \_\_\_\_\_ (Including this cover sheet)

Comments: PV. let me know ASAP if you have questions or concerns.

SECOND FLOOR WEST WING ♦ WASHINGTON, DC 20502  
TELEPHONE (202) 456-6275 ♦ FACSIMILE 456-2878

Lu: AOA

THE WHITE HOUSE  
WASHINGTON

October 18, 2000

**MEMORANDUM FOR JACK LEW**

**FROM:** BARBARA CHOW *bl*

**CC:** McGAVOCK REED

**SUBJECT: AMENDMENT TO EXECUTIVE ORDER 13708 IN ORDER TO EXPAND  
THE ROLE OF THE PRESIDENT'S TASK FORCE ON EMPLOYMENT  
OF ADULTS WITH DISABILITIES TO INCLUDE A FOCUS ON YOUTH**

I am writing to request that you put into expedited clearance the attached amendment to Executive Order 13708. The proposed amendment would provide the President's Task Force on Employment of Adults with Disabilities with the authority to focus on improving the opportunities for young people with disabilities to participate in the labor market and gain the necessary skills to successfully transition from school to work.

This proposed amendment was announced by the First Lady at the 10<sup>th</sup> anniversary of the Americans with Disabilities Act. At the ADA 10<sup>th</sup> anniversary, the First Lady recognized the work we need to continue to do to reach out to young people with disabilities to provide them with opportunities that will help them lead productive adult lives.

By issuing this proposed amendment the President would ensure that the President's Task Force on the Employment of Adults with Disabilities focused their efforts on starting early and reaching out to youth with disabilities. Specifically, the amendment would expand the order of the task force to focus Federal efforts on ensuring the improvement of education, transition, employment, health and rehabilitation, and independent living outcomes of young people with disabilities by: coordinating federal resources and research efforts; creating a public awareness campaign to focus on equal employment opportunities for youth with disabilities; ensuring the involvement of youth with disabilities in programs related to the Workforce Investment Act; improve access to health care for youth with disabilities; and, increase participation of youth with disabilities in postsecondary education and training programs.

Thank you for your assistance in clearing this amendment expeditiously, for release as early as October 25, 2000. The staff contact on the Domestic Policy Council is Ann O'Leary, who can be reached at 6-6275.

## **AMENDMENT TO EXECUTIVE ORDER 13708**

By the authority vested in me as President by the Constitution and the laws of the United States, and in order to provide for improve access to employment and training for youth with disabilities, it is hereby ordered that the Executive Order 13708 is amended as follows:

Insert subpart (i) to read:

To ensure improvement in the education, transition, employment, health and rehabilitation, and independent living outcomes of young people with disabilities, all Federal agencies will coordinate and cooperate with the Task Force to: (1) strengthen interagency research, demonstration, and training activities; (2) create a public awareness campaign focused on access to equal opportunity for young people with disabilities; (3) ensure that young people with disabilities are an included in the planning and implementation of all youth programs mandated under the Workforce Investment Act; (4) increase access to and utilization of health insurance and health care through the establishment of the Federal Healthy and Ready to Work Interagency Council; (5) increase participation in postsecondary education and training; and (6) create a Youth Advisory Council to assist the Task Force in conducting these and other appropriate activities.