

Memorandum

To: (List agency heads for the departments and agencies listed in Section 2 of the Order)

From: President Clinton

Subject: Executive Order Establishing a Goal for the Employment of People with Disabilities

Date: (mm/dd/97)

The Order accompanying this Memorandum establishes a national goal for the employment of people with disabilities and directs the key executive branch agencies charged therein to set in place the requisite policies and actions to achieve this goal.

People with disabilities are at least twice as likely as people without disabilities to be unemployed. At the end of 1994, 19.5 percent of the population aged 18-64, or 30.7 million people, had a disability. Of these, 14.5 million had a severe limitation and were employed at the rate of only 24.7 percent. The artificially low employment rate of people with disabilities poses a cost to society in excess of \$200 billion annually. This has been a long standing problem throughout the history of this country, and was a motivating factor in the enactment of the Americans with Disabilities Act in 1990. Additionally, the cost of many government subsidies is growing dramatically with the recent rapid expansion in the disability rolls, such as the Social Security disability benefit programs and workers' compensation insurance programs. More importantly, many individuals trapped in these programs seek to survive on poverty level subsistence and have little opportunity to contribute to and participate in our economy. We must work to change Federal policies and programs.

The Social Security Administration now pays more than \$36 billion a year in disability insurance benefits to 4.5 million disabled workers, and pays \$25 billion a year in Supplemental Security Income (SSI) to more than 5 million low-income people with disabilities. These costs reflect only monetary benefits. When the Medicare and Medicaid costs associated with disability-based cash assistance are factored in, the Federal and State expenditures associated with our income support programs more than double. We know that less than 1 percent of the over 8 million SSI and Social Security Disability Insurance beneficiaries return to work to become income earning, tax paying citizens, and that an alarming percentage of children on disability benefits never transition off the rolls into work as they become adults. High percentages of individuals with disabilities, both on these and other income maintenance rolls as well as others without any supports, can and want to work. However, to enable them to work, it is essential that government and industry work together to remove the remaining significant barriers to employment for people with disabilities, including lack of appropriate health insurance, transportation, long-term services and

• supports, and child care. Additionally, sufficient incentives and access to education, rehabilitation and job training services, job placement services, and fair and adequate wages must be available.

The Americans with Disabilities Act of 1990, along with other Federal, State and local civil rights laws which prohibit discrimination and mandate equal opportunity in the workforce, have set the framework for people with disabilities to compete effectively and fairly in our labor market. Recent statistics of the Census Bureau suggest a positive impact of the ADA on the employment rate of people with disabilities. Now we must eliminate the current policies and practices that do not encourage employment or actually deter employment and that conflict with the purposes of the ADA and other civil rights laws, and replace them with those which equip more of our people to work.

For example, innovative research and demonstration programs of the Department of Education and the Department of Health and Human Services show that individuals with disabilities who were previously thought incapable of substantial, gainful employment, including individuals with mental retardation and other serious cognitive, sensory, psychiatric and physical disabilities, can in fact work full-time with the availability of natural supports, medical breakthroughs, school to work programs, better vocational rehabilitation and training, and technological innovations. The approach of the 21st century is ushering in powerful changes in technology and telecommunications systems, which are opening up more entrepreneurial and telecommuting opportunities for individuals with disabilities. These programs must be further explored and expanded. However, all of this will only work if the severe economic disincentives, health care barriers, and other barriers to work are replaced with real access to jobs and careers.

The budget recently submitted to Congress contains initiatives that would begin to reverse the trend of increasing dependence on government benefits by increasing the availability of health care insurance and rehabilitation services for individuals with disabilities who want to leave the Social Security rolls to enter the workforce. This will be an important first step in the realigning of our Federal policies and programs to consistently support people with disabilities in working. Millions of unemployed and underemployed Americans with disabilities can become productive citizens if government programs and policies are designed to encourage their employment.

Executive Order
[number]
[month / day], 1997

**Goals 2006 for the Employment of People with Disabilities: A Renewed and Reinvigorated
Executive Branch Commitment**

This Order establishes a National goal for the employment of people with disabilities and directs the key executive branch agencies charged herein to set in place the requisite policies and actions to achieve this goal.

By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, and in order to address the enumerated facts in the accompanying Memorandum and to support the goals articulated in the findings and purpose section of the Americans with Disabilities Act of 1990, it is ordered as follows:

Section 1. Establishment of National Employment Goal for Individuals with Disabilities.

There is hereby established as a national goal the reaching of parity in the employment rate for all adult individuals with disabilities as compared to the employment rate of the general adult population. Consistent with this goal, and in accordance with Section 3 of this Order, there is hereby established an interim goal of a 3 percent annual increase in the employment rate of people with disabilities ages 18 to 64, between the date of this Order and July 26, 2006, the 16th anniversary of the enactment of the Americans with Disabilities Act. As defined herein, a person with a disability is a person with a physical or mental impairment that substantially limits at least one major life activity. This definition comes from, and is to be read consistent with, the first prong of the definition of "individual with a disability" that appears in the Americans with Disabilities Act of 1990.

Section 2. Achievement of National Employment Goal.

(a) The U.S. Department of Labor, Department of Education, Department of Health and Human Services, Social Security Administration, Department of Veterans Affairs, Department of Commerce, Department of Treasury, Department of Justice, Equal Employment Opportunity Commission, Department of Transportation, Department of Housing and Urban Development, Department of Defense, Federal Communications Commission, Office of Personnel Management, National Council on Disability, and President's Committee on Employment of People with Disabilities shall put policies and programs into place which achieve the national employment goal described in Section 1 of this Executive Order. Furthermore, under the direction of the Secretary of Labor, with the assistance of the Secretaries of Education and Health and Human Services and the Commissioner of the Social Security Administration, the above named departments and agencies shall coordinate their efforts and resources to eliminate employment barriers for persons with disabilities, such as discrimination and inadequate access to health care, transportation,

housing, education, vocational rehabilitation and training services. The above named departments and agencies shall also analyze all of their existing programs and policies to determine if changes, modifications and innovations of said programs and policies would encourage and provide incentives for the employment of people with disabilities.

(b) In achieving this National employment goal, the federal government shall become a model employer of people with disabilities. By July 26, 2006, 11 percent of the civilian workforce of each federal agency shall be people with disabilities as defined in this Order. The Office of Personnel Management and the Equal Employment Opportunity Commission shall review all federal government personnel laws, regulations and policies and, as appropriate, shall recommend or implement changes necessary to achieve this federal government goal. This review shall include personnel practices and actions including: hiring, promotion, benefits, retirement, workers' compensation, retention, and layoffs and reductions in force. Additionally, the Department of Defense's Computer/Electronics Accommodations Program is expanded to serve all government agencies, and appropriations shall be sought within the Department of Defense's budget to adequately fund the program.

(c) The Social Security Administration and the Department of Treasury, in cooperation with the National Council on Disability and the President's Committee on Employment of People with Disabilities, shall design and implement innovative programs that provide economic and other incentives to both employers and individuals with disabilities to encourage persons with disabilities to leave the Social Security and other income maintenance rolls or to avoid enrollment in those rolls altogether.

(d) The Department of Justice and the Department of Health and Human Services shall work with the States and others to ensure the Personal Responsibility and Work Opportunity Reconciliation Act is carried out as required by the Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act so that individuals with disabilities and their families can have equal opportunity to realize the full promise of Welfare Reform, i.e. the opportunity to work their way out of poverty while keeping their families healthy, safe and intact.

(e) The Departments of Education, Labor, and Health and Human Services, as well as the Small Business Administration, shall develop and carry out strategies for assisting low income individuals, including people with disabilities, to create small businesses and micro enterprises to provide consumer driven personal assistance and other work related supports. This effort shall use the full buying power of the Federal Government to achieve the twin vital aims of putting people on welfare and individuals with disabilities to work. Additionally, the Department of Commerce and Small Business Administration shall develop and implement small business and entrepreneurial opportunities for individuals with disabilities that have a significant effect on the ability of such individuals to develop and sustain successful small business and entrepreneurial activities.

(f) All efforts taken by federal departments and agencies under this Section 2 of this Executive Order shall further partnerships and cooperation with public and private sector employers, disability advocacy groups, 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. These efforts should also concentrate on the full array of employment opportunities; including benefits, types of jobs, job promotion, part-time and episodic work, and education and re-training programs.

Section 3. Measurement of Results.

(a) No more than one year after the effective date of this Executive Order, the Bureau of Labor Statistics of the Department of Labor and the Census Bureau of the Department of Commerce, in cooperation with the Department of Education, Department of Health and Human Services, National Council on Disability, and the President's Committee on Employment of People with Disabilities, shall design and implement a statistically reliable and accurate method to measure the employment rate of working age individuals with disabilities on a monthly basis.

(b) By January 1 of each year this Executive Order is in effect, the Secretary of Labor shall report to the President the steps taken by each department and agency listed in Section 2 to achieve this national goal on a biannual basis. The first report shall be due on July 26, 1998, and it shall articulate the government-wide plan to achieve the goal and the statistical data necessary to measure progress towards the goal. Subsequent biannual reports shall detail progress towards the goal and indicate any adjustments that may be necessary in the overall plan and strategy to achieve the goal by July 26, 2006.

Criticisms that Disability Appointees May Raise:

- **Welfare Reform** -- The group would have preferred that the President not sign the welfare bill. They are concerned that disabled recipients are not exempt from or given special assistance in meeting the work requirements. People with severe disabilities are not subject to welfare reform because they are eligible for SSI. Therefore, the group is more concerned about those with mild or moderate disabilities. Some estimate that a very high proportion of AFDC recipients have some form of disability. Also, the group is also concerned about parents of children with disabilities being forced to work even though they can't afford child care.

The Administration is working with states on these issues, and encouraging them to provide the more expensive child care disabled children often require. Also, the law prohibits states from cutting off assistance to parents of children under 6 who can't find appropriate child care.

- **Children's SSI** -- Because of tremendous growth in the children's SSI program and media reports that children were faking mental problems to get benefits, Congress proposed block granting and sweeping cuts to this program. The Administration successfully fought off these cuts, but eventually agreed to significant cuts. The Social Security Administration just issued regulations that will cut 135,000 children from the program. The appointees are disappointed in two things: that we did not fight these cuts harder, and that our regulations did not take a more liberal approach in issuing the regulations.

We can take credit for defeating Republican plans to block grant children's SSI. As to SSA's recent regulation, SSA did not believe that a more liberal interpretation was legally possible.

- **Medicaid** -- The appointees are concerned that our per capita cap proposal could disadvantage people with disabilities, especially people with severe developmental disabilities, because their costs are far higher than average. Our proposal does address this problem by including a separate cap for the disabled. However, it is possible that a per capita cap would lead states to be reluctant to add services for very expensive long term care needs.

In addition, the appointees are disappointed that we have not been able to move forward on a proposal for Medicaid "personal assistance" services. Many people with disabilities need assistance with activities of daily living, such as getting bathed and dressed, in order to work or live in the community, but health plans do not tend to pay for this service because it is not considered medical. (Many states have Medicaid "waiver" programs that provide these services, but the number of participants is capped.) The Administration's health care reform proposal (which was strongly supported by the disability community) would have partially addressed this issue by creating a new block grant. The appointees feel that it is time to move ahead on this issue again. However, OMB has major concerns about the cost implications. The President has made very sympathetic statements about

the need for this program in public forums.

A radical advocacy group called ADAPT is pushing this issue. The Administration has agreed to a meeting on this issue and others with the President and a range of external disability advocates, including ADAPT.

- Special Education/“Individuals with Disabilities Education Act” -- **Budget:** The appointees are disappointed that our FY1998 budget includes “only” a 4% increase for special education spending. However, IDEA funding increased by an astounding 25% in the FY1997 budget, so we felt that a 4% increase was appropriate for this year. (Members of Congress pushed through the 25% increase, not the Administration, but we can take credit for signing it.)

Reauthorization: IDEA is also up for reauthorization, and Senator Lott is leading an collaborative process that the Administration is participating in to come to an agreement on a bill. IDEA is extremely important to this community, especially to parents of children of disabilities. IDEA includes civil rights protections that ensure that children with disabilities have the right to attend school -- something they did not have before IDEA was passed 20 years ago. In fact, Judy Heumann, the Administration’s most prominent political appointee with a disability, was excluded from public schools for many years, prior to IDEA.

The Administration has been extremely supportive of the disability community’s position on IDEA. School boards and the unions view IDEA as an “unfunded mandate” that is a major drain on school budgets. They point out that federal funds support only 7-8% of the costs of special education, even though the original legislation foresaw federal payments covering 40% of costs. We have fought the “unfunded mandate” interpretation in a number of settings, instead stressing that IDEA is a civil rights law that shouldn’t be weakened or tampered with.

Discipline: The most contentious current IDEA issue is when and how schools can discipline students with disabilities. Critics charge that IDEA allows a double standard for students with disabilities by making it almost impossible for schools to remove them from the classroom or school, even if they are disruptive or violent. Parents respond that schools have long used the discipline issue as a smokescreen to try to remove these children just because they are different or harder to educate.

The Administration supports modest and sensible measures to ensure that schools can maintain order, but we have totally supported the disability community on this issue -- even to the point of allowing Secretary Riley to oppose a measure to expel disabled students who bring guns to school.

- Immigrants -- Disabled legal immigrants lose SSI benefits under welfare reform. We have proposed to ameliorate this, as part of our welfare “fix” package, by allowing legal immigrants who become disabled after entering the country to continue to receive SSI.

The appointees are concerned about whether we are committed to this proposal. They may also be concerned that we left out those who were disabled upon entry to the U.S.

Appointees may also be concerned about a regulation that the INS will issue shortly to waive the English and civics testing requirements of the naturalization process for legal immigrants with certain severe disabilities. They are concerned both that it has taken the INS over two years to issue these regulations, and that the final regs will not waive the oath of citizenship. An advocacy group is suing us over this regulation.

We can point out that our proposed welfare fix package would address much of this problem by exempting legal immigrants disabled after entering the U.S. from the SSI cuts. However, the INS says the law does not allow them to waive the oath of citizenship. (We have not commented on whether we would waive it if we could.)

- Employment -- Estimates are that half to two-thirds of people with disabilities are unemployed. The community argues that many unemployed people with disabilities want to work, but they face many barriers. The ADA is starting to improve this picture marginally, but there is a long way to go.

The appointees have two concerns. First, as reflected in their draft executive order, they believe this problem is not viewed as a national priority by the Administration. They point to the fact that the Bureau of Labor Statistics collects this unemployment statistic on a very occasional basis. Second, they believe that the current federal Social Security system often acts as a disincentive to work. People on SSI or SSDI benefits who want to work face the loss of Medicaid or Medicare, as well as cash benefits.

We should point to our new initiative in the President's 1998 budget that addresses the second issue (see attached description). We can also agree to consider the draft executive order. However, potential solutions to the "disincentives" of the current Social Security system could be very expensive. (Note this week's GAO report and House hearing alleging that the SSI program is out of control because, among other concerns, SSA fails to drop people from the program quickly enough when they go back to work.)

- Housing -- The appointees may be concerned that the Administration has not been more proactive in enforcing housing civil rights laws. Also, they oppose past HUD efforts to segregate people with disabilities or require them to accept services as a condition for housing assistance (i.e., residential programs for the mentally ill or drug addicted). An advocacy group is suing HUD on all these issues.

Secretary Cisneros reached out to groups very extensively on these issues and recently established an Office of Disability Policy in the Secretary's office that is staffed by a trusted appointee with a disability. He gets a lot of credit for this, but Secretary Cuomo is more of an unknown quantity to them.

- Transportation -- The concern here is probably that we should not weaken or delay the

requirements of the ADA for accessible transit systems, and that we should make funds available to assist transit systems with compliance. We have been pretty strong on this issue. State and local governments tend to view these requirements as unfunded mandates, but we have argued that as a civil rights law the ADA can't be defined as an unfunded mandate. The appointees give us credit for eliminating problematic "unfunded mandate" language in a report by the Advisory Commission on Intergovernmental Relations last year.

Information about the Appointees:

As the Chief of Staff knows, the appointees with disabilities have a number of sensitivities about language and behavior pertaining to people with disabilities. They are leaders in the emerging civil rights movement for this community, and see this movement as being perhaps 20 years behind African Americans or women in terms of the degree of understanding and sensitivity of the non-disabled community. They believe that denigrating language and behavior is still widely tolerated in our society. In their view, disability is a natural part of life and people with disabilities should be viewed positively, rather than as victims, courageous, or pitied.

The term "people with disabilities" is preferred to "handicapped" or even "the disabled." They often say that, in the spirit of "putting people first," you should look first at the person rather than the disability. People "use" a wheelchair rather than "are in" a wheelchair -- or worse yet, "are confined to" a wheelchair. In general, you should not offer assistance with a basic task such as opening a door or getting seated unless the person appears unable to do so on his or her own.

The Administration's most prominent appointee with a disability is probably Judy Heumann, who is Assistant Secretary at Education in charge of special education and vocational rehabilitation. She played a major role in the development of the independent living movement, which champions people with disabilities living in the community and with their families, and has helped many people leave nursing homes. (The community is very much opposed to nursing homes, viewing them as rarely or never appropriate for people with disabilities.) She is a very constructive internal advocate.

Bob Williams, who is Commissioner of the Administration on Developmental Disabilities (ADD), part of HHS, speaks with a voice machine. When he wishes to speak, he often makes a noise and begins punching into the machine. The etiquette is that other conversations should continue until the artificial voice begins to speak, and then wait until the thought is expressed. Bob is a very thoughtful individual who has also been a leader in the disability movement.

The Americans with Disabilities Act (ADA) and the Individuals with Disabilities Education Act (IDEA, which governs special education) are viewed as virtually sacred by the community. The Administration has been extremely strong in supporting these laws. In 1994, the community was very fearful that the Republican takeover of Congress would lead to attempts to weaken these laws. The threat never materialized into proposed legislation, but the community believes it must be ever-vigilant in defending these laws.

AMERICANS WITH DISABILITIES

"Opportunity is critical to what we have to do as a nation to meet the great challenges we face and to move forward into the next century...We will not allow Americans with disabilities to be kept from realizing their dreams by closed doors or narrow minds."

President Bill Clinton
July 26, 1995

President Clinton came to Washington with a plan to put people first by making the government more accountable and accessible to all Americans, including those with disabilities. From the White House to every federal agency, this Administration has demonstrated an unprecedented commitment to address the concerns of Americans with disabilities. The President is committed to supporting the 49 million Americans with disabilities in their efforts to exercise their full rights and responsibilities, to live as independently as possible and to be productive throughout their lives.

A RECORD OF ACCOMPLISHMENTS:

- **Fighting Discrimination:** Under President Clinton, federal agencies have vigorously enforced the Americans with Disabilities Act, the Individuals with Disabilities Education Act and other critical civil rights laws that prohibit discrimination against people with disabilities in schools, workplaces and public areas across the nation. President Clinton strongly opposes attempts to weaken these laws.
- **Protecting Health Care:** The Clinton Administration refuses to go backwards on health care coverage for Americans with disabilities and has rejected proposals to end the Medicaid guarantee to meaningful health benefits for people with disabilities. President Clinton has preserved Medicaid coverage for 6 million persons with disabilities, including 1 million children. Without Medicaid, many families would have to impoverish themselves to pay for a child's medical care, give up their jobs to stay home to care for a child or seek placement in an institution. Medicaid is often the only form of health care available to people with disabilities and allows many children and adults to receive services at home rather than in institutions.

The President also pushed for and signed the Kennedy-Kassebaum legislation, to prohibit insurance companies from denying coverage because of pre-existing conditions, as well as legislation giving parity to mental health services.

- **Improving Education for Children with Disabilities:** President Clinton opposes weakening the guarantee of a right to education for children with disabilities. The Administration is increasing the Individuals with Disabilities Education Act's focus on educational results for children and cutting unnecessary paperwork so that more time can be spent on teaching and learning. The President signed legislation increasing funding for IDEA by 25% in the FY1997 budget.

- **Employment of People with Disabilities:** The President's 1998 budget proposes to remove barriers to employment for people with disabilities by making it possible for people to retain health care coverage when they go to work, and creating incentives for rehabilitation services.
- **Increasing Home and Community-Based Programs:** The Clinton Administration's flexibility in granting state waivers has spurred an increase in home and community-based services. As a result, the number of people with developmental or cognitive disabilities served in home and community waiver programs more than doubled to 149,000 in 1995.
- **Support for Families:** President Clinton fought for and enacted the Family and Medical Leave Act making workplaces more accommodating for many families that include a child or adult with a disability.
- **Increasing Access:** By enacting the National Voter Registration Act and the Telecommunications Reform Act, President Clinton has made voting easier and communications technology more accessible for Americans with disabilities.
- **Transportation and Housing:** The Clinton Administration is helping to connect people with disabilities to employment, educational opportunities and a full range of public activities by implementing requirements for accessible bus and rail transit systems, paratransit services and housing.
- **Appointees with Disabilities:** The President has appointed an impressive group of people with disabilities to high-level policy-making positions, including many people prominent in the disability community. Many of these appointments are to key positions that are not directly related to disability issues.

THE CHALLENGES AHEAD:

- Under President Clinton, federal agencies will continue to vigorously enforce the Americans with Disabilities Act with a balanced approach that emphasizes voluntary compliance wherever possible.
- The President has proposed a balanced budget that maintains meaningful health benefits for people with disabilities.
- President Clinton is committed to expanding employment options for people with disabilities and challenging all Americans to understand that people with disabilities can contribute to this country when given access to the workplace, health care, community services and technology.
- The Clinton Administration will work to maintain a strong Individuals with Disabilities Education Act for children with disabilities and to improve educational results for students with disabilities.

REMOVING BARRIERS TO WORK FOR PEOPLE WITH DISABILITIES

The President's budget includes important steps to make it possible for more people with disabilities to work. A large and growing number of people with disabilities can work, and want to work. With the ADA, changes in societal attitudes, and advances in technology, it is clearer than ever that being disabled does not mean that you can't contribute to our nation's economy. However, people with disabilities face a variety of complex barriers to work.

Therefore, the President's budget addresses this critical problem with the following three initiatives designed to assist people with disabilities who are eligible for Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI):

- **New State Option on Medicaid:** The budget proposes to help people with disabilities work without losing their health care coverage. Today, people on Supplemental Security Income (SSI) who go to work lose Medicaid if their earnings exceed caps that vary by state. Yet, it is often especially difficult for people with disabilities to get private insurance, especially coverage for any preexisting conditions. As a result, many people who are eligible for SSI "manage" their income to ensure that they keep Medicaid -- by stopping work when they hit the caps, or even turning down promotions. The President's proposal would create a new state option that would allow SSI beneficiaries with disabilities who earn more than these caps to keep Medicaid by contributing to the cost of their coverage as their income rises.
- **Medicare:** The President's budget authorizes a four-year demonstration to encourage Social Security Disability Insurance (SSDI) beneficiaries to return to work. Under the demonstration, certain SSDI beneficiaries who have exhausted their coverage would be eligible for up to four additional years of premium-free Part A coverage.
- **Pay for Results for Rehabilitation Services:** The Administration is proposing a new strategy to encourage more SSDI and SSI beneficiaries to return to work. Currently, the Social Security Administration refers some SSDI and SSI beneficiaries to state vocational rehabilitation agencies. Under this pilot proposal, SSDI and SSI beneficiaries could choose their own public or private rehabilitation providers. Providers who successfully assist beneficiaries in leaving the rolls and returning to work would be paid a percentage of the disability benefits saved. These payments would continue only as long as the person remained off the rolls, up to a maximum of five years. Because providers would be rewarded for results rather than for their costs, this should encourage more providers to have a continuing interest in their clients' long term success, which in turn may lead to more beneficiaries returning to work.

This plan creates new ways to help people find work and achieve their goals. The Administration looks forward to working with the Hill to enact these proposals. Since there are members of Congress from both sides of the aisle who are also working to solve this problem, we are hopeful that we will have a constructive dialogue that will lead to the enactment of legislation.

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the term able-bodied,

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- Get Cabinet to know mgd

- Bob raises mgd care waivers

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- report!

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DOL/BLS → stats since ADA

→ want yearly

End: EB % pop disabled 20%; severe 15m
< 7% → 11%

severe 1% - mostly DOD

Mar-04-97 04:27P Marie Strahan

301-855-4771

P.02

**MEETING AGENDA
WHITE HOUSE OFFICIALS**

I. Introductions (3 min)

Tony Coelho

II. Background (5 min)

Achieving Independence Report
Advancing the President's Agenda
Widespread Support (Tony)

Marca Bristo

III. Concerns (5 min)

Integrating Disability Policy into Broader Agenda
State of the Union Address
Budget/Implementation Issues
-Special Education
-Welfare Reform and SSI
-Children's SSI Benefits
-Immigrant's SSI Benefits
-Health Care - Medicaid and Medicare
-Housing
-Transportation

Judy Heumann

IV. Top Priorities

White House Policy Appointment
Employment Initiatives/Executive Order
Key Appointments in the Administration
(SSA, ED, HHS, DOT, DOL, HUD, etc.)
Follow-Up on Current Policy Concerns

Marca Bristo, John Lancaster, Tony Coelho

V. Discussion

OMB? John,
This is the
latest draft
Speed is the
only other
person who
has a
copy
EL

DRAFT #6 -- 2/28/97

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NEC

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By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, and in order to address the enumerated facts in the accompanying Memorandum and to support the goals articulated in the findings and purpose section of the Americans with Disabilities Act of 1990, it is ordered as follows:

Section 1. Establishment of National Employment Goal for Individuals with Disabilities.

There is hereby established as a national goal the reaching of parity in the employment rate for all adult individuals with disabilities as compared to the employment rate of the general adult population. Consistent with this goal, and in accordance with Section 3 of this Order, there is hereby established an interim goal of a 3 percent annual increase in the employment rate of people with disabilities ages 18 to 64, between the date of this Order and July 26, 2006, the 16th anniversary of the enactment of the Americans with Disabilities Act. As defined herein, a person with a disability is a person with a physical or mental impairment that substantially limits at least one major life activity. This definition comes from, and is to be read consistent with, the first prong of the definition of "individual with a disability" that appears in the Americans with Disabilities Act of 1990.

Section 2. Achievement of National Employment Goal.

(a) The U.S. Department of Labor, Department of Education, Department of Health and Human Services, Social Security Administration, Department of Veterans Affairs, Department of Commerce, Department of Treasury, Department of Justice, Equal Employment Opportunity Commission, Department of Transportation, Department of Housing and Urban Development, Department of Defense, Federal Communications Commission, Office of Personnel Management, National Council on Disability, and President's Committee on Employment of People with Disabilities shall put policies and programs into place which achieve the national employment goal described in Section 1 of this Executive Order. Furthermore, under the direction of the Secretary of Labor, with the assistance of the Secretaries of Education and Health and Human Services and the Commissioner of the Social Security Administration, the above named departments and agencies shall coordinate their efforts and resources to eliminate employment barriers for persons with disabilities, such as discrimination and inadequate access to health care, transportation,

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housing, education, vocational rehabilitation and training services. The above named departments and agencies shall also analyze all of their existing programs and policies to determine if changes, modifications and innovations of said programs and policies would encourage and provide incentives for the employment of people with disabilities.

off action
(b) In achieving this National employment goal, the federal government shall become a model employer of people with disabilities. By July 26, 2006, 11 percent of the civilian workforce of each federal agency shall be people with disabilities as defined in this Order. The Office of Personnel Management and the Equal Employment Opportunity Commission shall review all federal government personnel laws, regulations and policies and, as appropriate, shall recommend or implement changes necessary to achieve this federal government goal. This review shall include personnel practices and actions including: hiring, promotion, benefits, retirement, workers' compensation, retention, and layoffs and reductions in force. Additionally, the Department of Defense's Computer/Electronics Accommodations Program is expanded to serve all government agencies, and appropriations shall be sought within the Department of Defense's budget to adequately fund the program. *OM*

(c) The Social Security Administration and the Department of Treasury, in cooperation with the National Council on Disability and the President's Committee on Employment of People with Disabilities, shall design and implement innovative programs that provide economic and other incentives to both employers and individuals with disabilities to encourage persons with disabilities to leave the Social Security and other income maintenance rolls or to avoid enrollment in those rolls altogether.

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(d) The Departments of Education, Labor, and Health and Human Services, as well as the Small Business Administration, shall develop and carry out strategies for assisting low income individuals, including people with disabilities, to create small businesses and micro enterprises to provide consumer driven personal assistance and other work related supports. This effort shall use the full buying power of the Federal Government to achieve the twin vital aims of putting people on welfare and individuals with disabilities to work. ✓

(e) The Department of Commerce and Small Business Administration shall develop and implement small business and entrepreneurial opportunities for individuals with disabilities that have a significant effect on the ability of such individuals to develop and sustain successful small business and entrepreneurial activities.

(f) All efforts taken by federal departments and agencies under this Section 2 of this Executive Order shall further partnerships and cooperation with public and private sector employers, disability advocacy groups, 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. These efforts should also concentrate on the full array of employment opportunities; including benefits, types of jobs, job promotion, part-time and episodic work, and education and re-training programs.

Section 3. Measurement of Results.

(a) No more than one year after the effective date of this Executive Order, the Bureau of Labor Statistics of the Department of Labor and the Census Bureau of the Department of Commerce, in cooperation with the Department of Education, Department of Health and Human Services, National Council on Disability, and the President's Committee on Employment of People with Disabilities, shall design and implement a statistically reliable and accurate method to measure the employment rate of working age individuals with disabilities on a monthly basis.

(b) By January 1 of each year this Executive Order is in effect, the Secretary of Labor shall report to the President the steps taken by each department and agency listed in Section 2 to achieve this national goal on a biannual basis. The first report shall be due on July 26, 1998, and it shall articulate the government-wide plan to achieve the goal and the statistical data necessary to measure progress towards the goal. Subsequent biannual reports shall detail progress towards the goal and indicate any adjustments that may be necessary in the overall plan and strategy to achieve the goal by July 26, 2006.



NATIONAL COUNCIL ON DISABILITY

An independent federal agency working with the President and the Congress to increase the inclusion, independence, and empowerment of all Americans with disabilities.

January 31, 1997

Vicki Radd
Chief of Staff-Chief of Staff
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

cc Elena
- Diana

Dear Vicki:

It was a pleasure meeting with you last Tuesday to discuss the further involvement of persons with disabilities in the President's agenda. We would like to recapitulate some of the important points of that meeting.

As we explained, we wanted to meet with you as part of the follow-up to work being done under the leadership of the National Council on Disability (NCD). In July of 1996, the NCD published a report, Achieving Independence: The Challenge for the 21st Century, containing over 120 recommendations for improving the lives of persons with disabilities. The recommendations were generated by over 300 grassroots persons with disabilities gathered in Dallas, Texas, in April, 1996. The report was presented to President Clinton in the Oval Office on the Sixth Anniversary of the signing of the Americans with Disabilities Act on July 25, 1996. Upon receipt of the report, the President reiterated his commitment to furthering the goals of independence, inclusion and empowerment for persons with disabilities.

Following the publication of Achieving Independence, NCD has been facilitating a series of meetings of administration appointees with disabilities to review those recommendations, and to prioritize them into a few key action agendas that will further the President's goals. Further, these meetings have focused on the appointment of persons with disabilities to key positions within the administration to facilitate the achievement of those goals.

As a group, the appointees have given the highest priority to the issue of employment and economic empowerment for persons with disabilities. The appointees feel strongly that a Presidential directive calling for the establishment of a national employment goal for persons with disabilities and related initiatives are imperative to meet the President's stated goals for persons with disabilities. The unemployment statistics for persons with disabilities show that we, as a society, have a long way to go toward enabling access for them to the world of work. The government sends confusing messages to persons with disabilities about work by sponsoring programs intended to promote work, while at the same time, setting up both legal and practical barriers which impede efforts to return to work. NEC?

To achieve the President's goals, it is critical that a person with a disability be placed in a key policy position within the White House. Even though the President has appointed many persons

with disabilities to high level positions in the various departments, many key decisions are made at the highest levels within the White House where there is currently no person with a disability who is knowledgeable about issues of the disability community. As a result, the interests of persons with disabilities are either missing in the policy discussions or are inserted almost as an afterthought--sometimes too late to be effective. The President thereby misses valuable opportunities to incorporate into his programs the goals he has established for persons with disabilities.

It is also essential to the achievement of these goals for a commitment to be made by the President and the Cabinet that all agencies look like America including the appointment to high level policy and management positions of persons who understand disability issues. Your help in securing this commitment will be appreciated. The Administration should be a model employer in its outreach and recruitment practices for all minorities, including persons with disabilities.

We are prepared to work cooperatively with you to accomplish these three tasks. There are several steps that can be taken to move us toward our goals.

We believe that meetings between the appointees with disabilities and Erskine Bowles and Bruce Reed are critical to our success. Any help you can give to facilitate those meetings will be appreciated.

We want to work with you on language for the State of the Union speech demonstrating the President's commitment to identifying initiatives supportive of increased employment opportunities and economic empowerment for persons with disabilities. We understand that Judy Heumann, an Assistant Secretary in the Department of Education, has been working with Secretary Riley's office on this. You will find attached the language they are proposing.

We stand ready to work with you to identify one or more initiatives supporting employment and economic empowerment for persons with disabilities that could be part of an Executive Order issued as a follow up to the speech.

Marca is making Speed Davis, a member of the NCD staff, available to work with the Presidential Personnel Office to coordinate the recruitment of persons with disabilities. Although he is not yet physically over there, he has already begun collecting resumes and identifying open positions.

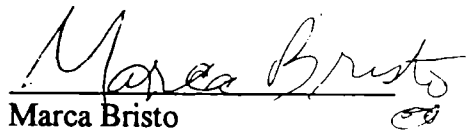
Finally, we would like to pursue your suggestion about meeting with Elaine Kamarck in Vice-President Gore's office.

It is vital that the above items be addressed quickly. Important policy and personnel decisions are being made every day and the sooner we are able to ensure the voice of persons with disabilities in those discussions, the more likely we are to be able to effectively integrate them into the President's agenda.

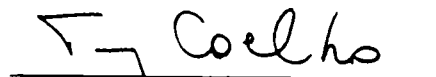
We are committed to working with you and other members of the President's staff in the spirit of support and collaboration. We feel that the disability community is ready for constructive change through the Reinventing Government initiative or other mechanisms. We offer our assistance to ensure that decisions are made with information and insight.

Thank you for meeting with us. We look forward to working with you in the second Clinton administration.

Sincerely,

A handwritten signature in cursive script, reading "Marca Bristo", written over a horizontal line.

Marca Bristo
Chairperson
National Council on Disability

A handwritten signature in cursive script, reading "Tony Coelho", written over a horizontal line.

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

JUSTIN AND YOSHIKO DART

907 6TH STREET, S.W., APT. 516C

WASHINGTON, D.C. 20024

202-488-7684

COPY

March 1, 1997

Bob Nash
The White House
Washington, D.C. 20500

Dear Mr. Nash:

I write to convey my 100% support for the appointment of Becky Ogle to a significant position in the administration. She is a hall of fame leader of the disability community – known to and loved by thousands on the local and national levels. She is a great executive, an 18 hour a day, seven days a week army of one. She was instrumental in the passage of the ADA. She went all out to support the President and the First Lady during the campaigns for universal health care and to battle the Contract with America. She campaigned vigorously for supporters of the President in the elections of '94. She gave up a good job to work at the Clinton-Gore '96 campaign and on the Inaugural. She took a lot of personal abuse from the Dole people.

The bottom line. Harris Poll: In '92 the President carried the disability community by 24 points. In '96 by 46 points – 69% – 23%!

Ideally, Becky would have a position in the White House in public liaison, policy, legislation or politics. It would be a landmark appointment. People with disabilities feel strongly that they should, like other major minorities, have credible representatives among the White house staff. Becky is also well qualified to fill similar roles in appropriate Federal agencies.

In appointing Becky Ogle to a visible position the President will make a great investment for the taxpayers, and gain increased respect from the disability community.

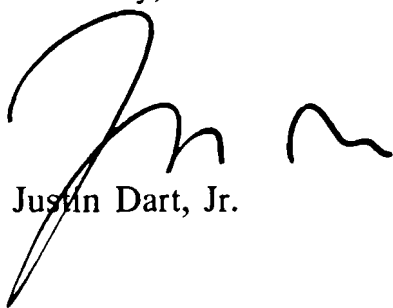
EQUAL ACCESS TO THE AMERICAN DREAM

I have worked closely with Becky for several years. I would be happy to provide further information.

I deeply appreciate the unprecedented support given to the disability community by the President, the First Lady, the Vice President, Mrs. Gore, Carol Rasco, Alexis Herman, Alan Wheat, Debbie Fine, Diana Fortuna, Don Fowler, Steve Grossman, Ari Swiller, Jonathan Grossman and many others on the Clinton team. Bill White, with whom I have worked very closely, has been absolutely magnificent. I am extremely proud to be a Republican for Clinton.

I appreciate your service to the nation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Justin Dart, Jr.', with a stylized, cursive script.

Justin Dart, Jr.



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

THE ASSISTANT SECRETARY

(O) 202-205-5465 (F) 202-205-9252

DATE: 1-30-97NUMBER OF PAGES: 3
(including cover)TO: DIANA FORTUNAAGENCY: WHITE HOUSEPHONE: 456-5570FAX: 456-7028

FROM:

☐ VERONICA HOGAN☐ PRUDENCE LEZY☐ CINDY MARZONIE☐ JOYCE BROWN-MOORE☒ JUDY HEUMANN☐ HOWARD MOSES☐ CATHY DAWKINS☐ DIANNE HARDYCOMMENTS: LANGUAGE RE STATE OF UNION

Diana - please give Bruce Reed a copy.
We are also giving one to him. Thanks!



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

January 30, 1997

To : Bruce Reed, Director
Domestic Policy Council

Mike Cohen
White House

Diana Fortuna
Domestic Policy Council

Frank Holleman, Chief of Staff
Department of Education

FROM : Judith E. Heumann, Assistant Secretary
Department of Education

Bob Williams, Commissioner
Administration on Developmental Disabilities

Susan Daniels, Associate Commissioner
Social Security Administration

Attached is suggested language for the State of the Union Address that puts forth a positive agenda of work for Americans with disabilities.

Should you have any questions, please contact me at (202) 205-5465(W) or (202) 332-5497(H), or Howard Moses at (202) 205-5465(W) or (202) 362-6745(H).

Suggestion for State of the Union Address:

We know that most disabled Americans can work and want to work. They would be proud to contribute their fair share of taxes.

Let's increase the number of disabled people in our workforce -- it's vital to the health and well being of our nation's economy.

We can work together to take three steps:

One: Let's give states the option of extending Medicaid to disabled workers who need it to pay for ~~personal~~ assistance and other supports that are necessary for them to find and keep meaningful jobs.

Two: Let's set a national ten year goal for employment of people with disabilities and then let's develop strategies to achieve them.

And Three: Let's track the job prospects for disabled people each month through the Bureau of Labor Statistics.