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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Briefing	Domestic Policy Briefing - To: POTUS - From: Margaret La Montagne	1	02/22/2001	P5;
002	Speech Draft	National Urban League Conference Speech Draft	1	07/31/2001	P6/b6;
003	Agenda	Meeting with Muslim- and Arab-American Leaders - To: POTUS - From: Karl Rove	3	09/11/2001	P5;
004	Memorandum	Meeting with Leaders of the Muslim Community - To: POTUS - From: Diana Schacht	5	09/10/2001	P5;
005	Information Sheet	Muslim- and Arab-American Leadership Meeting Participant Background Information	6	N.D.	P5;
006	Agenda	Roundtable with Arab- and Muslim-American Leaders and Remarks at the Embassy of Afghanistan - To: POTUS - From: Karl Rove / Condoleezza Rice	3	09/10/2002	P5;
007	Speech Draft	Remarks at the Embassy of Afghanistan	2	09/10/2002	P5; P6/b6;

COLLECTION TITLE:

Staff Secretary, White House Office of the

SERIES:

Von Der Heydt, Thomas (Tommy) - Bush Record Policy Memos

FOLDER TITLE:

Civil Rights Legacy: A Timeline (2001 - 2008) [1]

FRC ID:

14346

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 advise 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]

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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
008	Information Sheet	Arab- and Muslim-American Concerns	1	N.D.	P5;
009	Memorandum	Ending Racial Profiling - To: POTUS - From: Jay Lefkowitz, Diana Schacht	3	05/07/2003	P5;
010	Memorandum	[Racial Profiling Memorandum from the Office of the Attorney General] - To: POTUS - From: John Ashcroft	2	06/06/2003	P5;
011	Draft	Radio Address	1	07/24/2003	P6/b6;

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CIVIL RIGHTS LEGACY

A TIMELINE (2001–2008)

DOMESTIC POLICY COUNCIL

THE WHITE HOUSE

WASHINGTON

DECEMBER 28, 2008

INFORMATION

MEMORANDUM FOR THE PRESIDENT

THROUGH: Karl Zinsmeister
FROM: Ryan Bounds
SUBJECT: Civil Rights Legacy

President Bush has consistently sought to vindicate Americans' civil rights by ensuring equality of opportunity. To that end, his signature civil rights initiative during his first campaign for the presidency was public education reform. Both on the campaign trail and in the White House, President Bush focused on the need to enhance the accountability, competitiveness, and quality of public schools as a means of combating "the soft bigotry of low expectations" and the academic achievement gap between white students and students belonging to racial or ethnic minorities. Speaking to the NAACP National Convention as a candidate for President in July 2000, he observed that "[e]ducation is the essential beginning" in a plan he laid out to "remove obstacles on the road to the Middle Class" for all Americans. But he emphasized that there was still a need to combat discrimination—lamenting the reliance of law enforcement personnel on racial profiling to identify suspects—and thus still a need to enforce the civil rights laws vigilantly. As a candidate, President Bush also focused on the need to tear down lingering barriers to disabled Americans' full participation in the economy and in their communities. In June 2000, he unveiled his New Freedom Initiative "to ensure that all Americans with disabilities, whether young or old, have every chance to pursue the American dream."

In his first inaugural address, President Bush denounced a state of affairs in which "[t]he ambitions of some Americans are limited by failing schools and hidden prejudice and the circumstances of their birth," and he pledged to work "to build a single nation of justice and opportunity" in its stead. Over the course of his two terms in the White House, the President would score significant bipartisan victories in pursuit of that goal.

2001—Delivering on Promises To Confront Discrimination and Expand Opportunities

President Bush devoted much of his first weeks in office to launching education reform and the New Freedom Initiative. Just three days after his inauguration, the President held an East Room event with Education Secretary Rod Paige to present the Administration's blueprint for the national education reform entitled "No Child Left Behind." Noting that "[w]e must have the data to know how poor and minority children are doing, to see if we're closing the achievement gap in America," the President proposed annual testing of elementary and middle school students, the reporting of test results not only by State or school district but by ethnic and economic subgroups

within States, districts, and schools, opportunities for parents to opt out of schools that persistently failed to meet State standards, and enhanced education funding for States. The reforms would induce school administrators to identify achievement gaps early, provide that information to parents, and then use additional federal resources to remedy those gaps or allow parents to choose another, higher-performing school or tutoring before the students' disadvantages became irreversible. The President expressed his hope that Congress would enact reforms by the summer in order to permit public school districts to implement the reforms in time for the next school year.

Just over one week later, the President returned to the East Room to launch formally his New Freedom Initiative. Noting that he had earlier that day transmitted a number of funding proposals to Congress, the President exhorted the audience—and Congress—to “speed up the day when the last barrier has been removed to full and independent lives for every American with or without disability.” The President called upon Congress to increase funding for low-interest loans for the purchase of assistive equipment (such as computers adapted for the blind), to fund innovative and pilot programs for disability-friendly transportation, and to provide tax incentives for employers who invest in technology allowing disabled employees to telecommute. At the end of February, the President transmitted the proposed budget for FY 2002, which duly included requests for \$60 million to fund low-interest loans for the purchase of assistive technologies, \$145 million for grants and matching funds for disability-friendly transportation projects and services, \$20 million in competitive grants for voluntary retrofitting undertaken by organizations (such as churches and private clubs) that are exempt from the Americans with Disabilities Act (ADA), and tax deductions for employer-provided telework equipment to disabled employees.

Less than three months later, on June 19, the President followed his funding proposals with an Executive Order directing key federal agencies to assist States in complying with the Supreme Court's decision in the case of *Olmstead v. L.C.* The *Olmstead* Court had construed Title II of the ADA in 1999 to require States to place mentally disabled individuals in community settings rather than institutions. Declaring it the policy of the United States “to ensure that community-based programs effectively foster independence and participation in the community for Americans with disabilities,” the President directed the Attorney General, the Secretaries of Health and Human Services, Education, Labor, and Housing and Urban Development, and the Commissioner of Social Security to offer guidance and technical assistance to States in following the Court's order and to review their own departments' programs for potential modifications “to improve the availability of community-based services for [disabled] individuals.” The Executive Order went further than the *Olmstead* decision, which spoke to the community-based treatment only of the mentally disabled, by requiring community-based services for all disabled Americans served by federal programs if they were otherwise qualified. Moreover, the Executive Order accompanied an announcement that the Administration would also be implementing new rules for greater federal investments in disabled Americans' access to digital information and computer networks under section 508 of the Rehabilitation Act Amendments of 1998.

The President's civil rights agenda in the early days of his term also focused on the longstanding concern with racial discrimination. On February 27, the President issued a memorandum to Attorney General John Ashcroft, directing him to review the use by Federal law enforcement

authorities of race as a factor in conducting stops, searches, and other investigative procedures and to work with State and local law enforcement agencies to determine the scope of their reliance on race for such purposes. The President requested a report detailing the Attorney General's findings and recommendations. Although the directive to the Attorney General did not take any explicit position on the existence or appropriateness of such reliance on race, the President's own position was well known. He had decried both the placement of suspicion on "groups, instead of individuals" before a joint session of Congress on the same day he issued the directive as well as the use of racial profiling in his July 2000 speech to the NAACP. Moreover, the President did not await the Attorney General's report before calling for the end of racial profiling in July 2001 remarks to the National Organization of Black Law Enforcement Executives. Declaring the practice "wrong in America," he observed unequivocally that "we've got to get rid of it." The President would ultimately act to do so upon the Attorney General's formal recommendation.

The President's criticism of racial profiling was his most explicit assault on racial discrimination in America, but he continued to emphasize that his public education reforms were targeted largely at the practical consequences of a far more pervasive form of discrimination against minorities. On August 1, the President addressed the National Urban League's Annual Conference, where he forcefully articulated his view.

[E]arlier this year, we found that almost two-thirds of African American children in the 4th grade cannot read at basic grade level. For white children, that figure is 27 percent. The gap is wide and troubling, and it's not getting any better. That gap leads to personal tragedy and social injustice. . . .

For too long, many schools have been content to blame their failure on parents, on poverty, on circumstances beyond their control. Year after year, children without skills are passed along in schools without standards. Some see this social promotion as an act of compassion. It is, in fact, a form of discrimination, the soft bigotry of low expectations. That bigotry has young casualties, and that bigotry must end.

Despite the President's call for the Congress to act on his No Child Left Behind program before summer, the House and Senate had so far failed to reconcile competing reform bills. In his speech to the National Urban League, the President underscored the urgency of passing legislation. Noting that there were only 26 days before the school year began in Kansas City, Missouri, he insisted that time was running short and that the Congress had "to get the job done." The Congress ultimately passed compromise legislation with overwhelming bipartisan majorities, but not until December 18.

Much of the delay in the Congress's action was attributable to tragic events that would not only sideline domestic priorities for a time but also test public support for the President's principled stance against racial profiling. On September 11, 2001—the very day that the President was scheduled to meet with Muslim and Arab-American leaders at the White House to discuss, among other issues, education reform and racial profiling—19 men hijacked four passenger airliners and used them in a series of terrorist attacks that took the lives of nearly three thousand

civilians in New York City, on a field in rural Pennsylvania, and at the Pentagon. Though they hailed from different countries, every one of the terrorists was of Arab descent. Acting quickly to prevent any sort of backlash against Arab and Muslim Americans, the President launched a sustained effort to ensure that Americans did not rush to undue inferences from the shared ethnicity or religion of the September 11 terrorists. Two days after the attacks, the President held a news conference in the Oval Office, where he underscored the importance of regarding Arab and Muslim Americans with respect even as emotions throughout the country ran high:

I know I don't need to tell you all this, but our Nation must be mindful that there are thousands of Arab Americans who live in New York City who love their flag just as much as the three of us do. And we must be mindful that as we seek to win the war that we treat Arab Americans and Muslims with the respect they deserve. I know that is your attitudes, as well; it's certainly the attitude of this government, that we should not hold one who is a Muslim responsible for an act of terror. We will hold those who are responsible for the terrorist acts accountable, and those who harbor them.

On September 17, the President visited the Islamic Center of Washington with a similar objective. On September 26, the President met in the Roosevelt Room of the White House with Arab and Muslim American leaders to demonstrate his continuing resolve to avoid any backlash. Speaking to reporters, the President declared that the meeting was expressly to discuss "the aftermath of the incident[] and what our country is going to do to make sure that every . . . American is respected." To further deter bias crimes and discrimination against Muslim and Arab Americans, the Department of Justice's Civil Rights Division launched the Initiative To Combat Post-9/11 Discriminatory Backlash. The first conviction secured under the initiative, in January 2002, was for the attempted arson of a Pakistani restaurant in Salt Lake City on September 13.

2002—Implementing and Building on the First-Term Anti-Discrimination Agenda

The President kicked off the second year of his Administration by traveling to Hamilton, Ohio, to sign the No Child Left Behind Act, which had been the subject of difficult House-Senate negotiations for much of his first year in office. The Act as ultimately passed preserved the key elements of the plan the President had unveiled the previous January, including accountability for all students, enhanced federal resources for reading education, expanded testing of reading and math skills, and choices for the parents of students in chronically underperforming schools.

The next month, President Bush shifted his sights to enhancing the capacity of higher education institutions to serve the African American community. With the aim of "advanc[ing] equal opportunity in higher education" and "strengthen[ing] the capacity of historically black colleges and universities to provide the highest quality education," the President signed Executive Order 13256 on February 12. The Order elevated the profile of the White House Initiative on Historically Black Colleges and Universities, which had been established by President Reagan in a 1981 Executive Order, by transferring the management of the Initiative from the Education Department's Office of Postsecondary Education to the Office of the Secretary. The President

would continue to focus on reinforcing historically black colleges and universities throughout his time in the White House.

In April, the President expanded his New Freedom Initiative with the establishment of the New Freedom Commission on Mental Health. Decrying the “stigma caused by a history of misunderstanding, fear, and embarrassment” that obstructed efforts to improve health care for Americans suffering from mental illnesses, the President declared his aim that mental illness would soon be treated with the urgency of physical illness. To that end, he announced his support for mental-health parity legislation (as Governor of Texas, he had signed similar legislation requiring insurers to provide fair coverage for severe mental disabilities) and signed Executive Order 13263, establishing a commission of medical and insurance industry experts and consumers to study and recommend improvements to the nation’s mental health care delivery system.

On August 28, the President returned his focus to removing barriers to access for disabled Americans generally. He issued a memorandum to the heads of all Executive departments and agencies, directing them to collaborate with the Secretary of Labor in the creation of a common interagency website to serve people with disabilities. The website would collect and make accessible government-wide information on disability programs and the work of the New Freedom Initiative. The website, DisabilityInfo.gov, was launched on October 16 and would be used by more than 1.6 million visitors in its first year alone. Over the next several years, the website would garner numerous awards from industry and user groups for its content and accessibility.

On September 10, the eve of the anniversary of the 2001 terror attacks, with American troops deployed in Afghanistan, the President met at the Afghan Embassy in Washington with Arab and Muslim American leaders. At the event, a roundtable with nearly two dozen representatives of Arab and Muslim American businesses and academic, religious, and political groups, the President reiterated the participants’ shared belief “that no American should be judged by appearance, by ethnic background, or by religious faith.”

2003—Seeking To End Reliance on Race in Both Law Enforcement and Academia

In April 2003, the Supreme Court heard arguments in two cases brought by white students challenging the University of Michigan’s reliance on race-based admissions policies at its college and law school. Although the University maintained that its admissions policies were implemented in pursuit of diversity and broader access (and this assertion was not seriously disputed), the consideration of race in a government program struck many as little better than unlawful discrimination in a subtler and more socially acceptable form. On January 15, the President held a press conference in the Roosevelt Room of the White House to make his opposition, and the basis for it, clear: “Racial prejudice is a reality in America. It hurts many of our citizens. As a nation, as a government, as individuals, we must be vigilant in responding to prejudice wherever we find it. Yet, as we work to address the wrong of racial prejudice, we must not use means that create another wrong, and thus perpetuate our divisions.” That day, the Justice Department filed briefs with the Court, acknowledging that the pursuit of diversity can be an appropriate government objective but arguing that the University’s policies relied to an

unconstitutional degree on race alone. In June, the Court split the difference, invalidating the undergraduate admission policy and holding that the law school policy—though it did take race into account in a normally impermissible manner—was narrowly tailored and justified by a compelling interest in a “critical mass” of interracial diversity.

Before the Court ruled in the Michigan cases, President Bush had turned his attention to a form of racial discrimination that he had long since publicly committed to ending. In May, the President received a briefing on the findings and recommendations on racial profiling that the Attorney General would be transmitting as a result of the President’s February 2001 directive. The Attorney General concluded that, although most federal law enforcement agencies did not have policies on racial profiling, they did prohibit discrimination on the basis of race or ethnicity and conducted “diversity” training for law enforcement officers to prevent the invidious treatment of minorities. There was strong support for making the policy against racial profiling explicit in most circumstances. Exceptions relating to border enforcement, national security, and aviation security, however, were recommended in light of the terror attacks of September 11, 2001. As a result, the policy barred the use of race or ethnicity “to any degree” in making routine or spontaneous law enforcement decisions (except in cases with reliable physical descriptions of suspects) but barred the consideration of race and ethnicity in circumstances involving border, aviation, and national security only to the extent required by the Constitution. The Assistant Attorney General for Civil Rights released the guidance on June 17, making this Administration the first to ban racial profiling explicitly.

Returning to the treatment of Americans with disabilities in July, the President received the final report from his New Freedom Commission on Mental Health on July 22. The report called for a systemic transformation in the delivery of mental health care, and the Department of Health and Human Services assumed responsibility for spearheading the next steps in that transformation. On July 25, the President recorded his weekly radio address for the following day, the thirteenth anniversary of his father’s signing the ADA into law, in the Oval Office before the members of the President’s Committee on Mental Retardation. On July 25, the President amended Executive Order 12994 to add the Secretaries of the Interior, Commerce, Transportation, and Homeland Security to the panel and to rename it the President’s Committee for People with Intellectual Disabilities. The President used the radio address to announce the change as his latest step “to assure that Americans with disabilities are treated with dignity and respect” and to remind listeners of the Administration’s “good progress toward ensuring that persons with disabilities know the American dream is meant for them” and the government’s “firm commitment to equality.”

2004—Progress for Disabled Americans and Celebrating *Brown v. Board of Education*

In January 2004, the Supreme Court heard arguments in the case of *Tennessee v. Lane*, which challenged the ADA’s proscription of discrimination against disabled individuals by State governments in public programs and services as an overextension of Congress’s Fourteenth Amendment authority to vindicate constitutional guarantees of due process and equal protection. The Administration filed a brief defending the ADA, arguing that Congress could constitutionally require State governments to make courts and other public services accessible to the disabled or be liable for damages. The Supreme Court agreed, holding that the plaintiff in

the case, a wheelchair-bound paraplegic who could not climb the stairs to a second-story courtroom to defend against criminal charges, could sue the State of Tennessee for failing to provide a wheelchair-accessible courtroom.

The President followed the victory in the *Lane* case with Executive Order 13347, with which he established the Interagency Coordinating Council on Emergency Preparedness and Individuals with Disabilities under the leadership of the Department of Homeland Security. The President charged the Council, which comprises the heads of the executive departments, with formulating policies to ensure that the Federal Government appropriately supports the safety and security of individuals with disabilities in situations involving disasters and to encourage and assist State, tribal, and local governments and private organizations in emergency planning relating to the care and safety of disabled individuals. The President signed the Order on July 22 in celebration of the ADA's 14th anniversary.

In October, the President signed another Executive Order specifically to assist veterans who are disabled as a result of their military service. With Executive Order 13360, the President honored "the extraordinary service rendered . . . by veterans with disabilities" and directed the executive departments to act aggressively under the Small Business Act by not only setting aside contracts for such veterans but encouraging and helping them to compete for the whole array of federal contracts. The Order further required the designation of a senior-level official in each agency to oversee the effort.

The 50th anniversary of the landmark Supreme Court decision in *Brown v. Board of Education*, which led to the desegregation of public schools throughout America, dominated the attention of much of the Nation's civil rights community in 2004. The President enthusiastically participated in celebrating that historic turning point. On March 24, the President conferred the Congressional Gold Medal on renowned civil rights activist Dorothy Height, whom he lauded for setting up freedom schools in the South in the 1960s, for integrating the YWCA, and for helping to organize the historic March on Washington in 1963. On May 17, the President traveled to Topeka, Kansas, to mark the actual anniversary of the *Brown* decision at the opening of the Brown v. Board of Education National Historic Site. Celebrating the new chapter in American history heralded by the decision, the President observed that "[s]egregation dulled the conscience of people who knew better. It fed the violence of people with malice in their hearts. And however it was defended, segregation could never be squared with the ideals of America."

As the 2004 presidential campaign was heating up, the President addressed the National Urban League Annual Conference in Detroit and the UNITY: Journalists of Color Convention in Washington. At both events, the President took the opportunity to underscore his belief that "government must take an active role in helping improve the lives of citizens" and to reiterate his commitment to building a "single nation of justice and opportunity." He urged the audiences to consider his Administration's agenda for helping minority Americans, starting at the UNITY Convention with No Child Left Behind, under which African American and Hispanic fourth-graders in most urban schools (73 percent and 60 percent, respectively) had narrowed the gap in reading skills separating them from their white classmates. The President also trumpeted increases in funding for historically black colleges and universities, which was at an all-time high, increases in Small Business Administration loans to minorities—by 40 percent overall (and

75 percent with respect to African Americans) in 2003—and the Administration’s small-business-friendly contracting and tax policies. The President made clear that he knew Republicans had work to do to earn more votes among minority Americans, and he made equally clear that he was determined to push ahead with the effort.

2005—Launching a New Term and Mourning the Loss of a Civil Rights Leader

The President began his second term by naming Condoleezza Rice to be the first African-American woman to serve as Secretary of State (following Colin Powell, the first African American ever to hold the post) and Alberto Gonzales to be the first Latino Attorney General in U.S. history. With these appointments and others, the President’s cabinet would be more diverse than that of any previous administration.

Nevertheless, the President formally began his second term with an acknowledgment of continuing racial divisions in America, noting in his second inaugural address on January 20 that “our country must abandon all the habits of racism, because we cannot carry the message of freedom and the baggage of bigotry at the same time.” In his State of the Union address on February 2, he pledged to continue the project he had described at his inauguration as making “our society more prosperous and just and equal” by seeking improvements in criminal justice and disease prevention that were of particular interest to minorities, including increased reliance on DNA technology and better training for publicly funded capital counsel as well as the reauthorization of the Ryan White Act with special regard for reducing higher rates of infection among African Americans.

The President had unveiled an ambitious DNA Initiative to expand the use of DNA technology in law enforcement in 2003 and signed the Justice for All Act, which authorized millions for the President’s goals, in October 2004. In February 2005, the President sought to make good on his pledge in the State of the Union address by calling for appropriations to fund his DNA Initiative and for appropriations of \$50 million over three years to enhance training for defense counsel in State capital cases. These efforts were targeted at “clear[ing] suspects and exonerat[ing] persons mistakenly accused or convicted of crimes” and demonstrating the President’s ongoing commitment to ensuring the fair and reliable treatment of minorities—and all Americans—in the State and Federal criminal justice systems.

The President’s continued focus on civil rights would come amid reminders of the great gains Americans had already seen in just a single lifetime. On October 24, the civil rights heroine Rosa Parks passed away in her adopted city of Detroit. Parks had risen to national prominence in December 1955 when she refused to yield her seat on a city bus to a white passenger as required by a local ordinance, triggering the Montgomery Bus Boycott. On October 30, 2005, the President issued a proclamation lamenting her passing and ordering American flags on all federal buildings and naval vessels worldwide to be flown at half mast on the day of her interment. The President and the First Lady also participated that day in a memorial ceremony for Ms. Parks in the Rotunda of the U.S. Capitol, where she was the first woman in American history to lay in honor. In November, the President signed legislation renaming the Federal building on Mt. Elliott Street in Detroit the “Rosa Parks Federal Building” and, on December 1, the 50th anniversary of Ms. Parks’s famous protest, the President hosted a ceremony in the Eisenhower

Executive Office Building to sign legislation authorizing the erection of a statue of her in the U.S. Capitol. At the event, the President noted that Ms Parks helped “inspire a nationwide effort for equal justice under the law” and called on Congress to honor her contribution by reauthorizing the Voting Rights Act of 1965, due to sunset in 2007.

2006—Enhancing HBCUs and Reauthorizing the Voting Rights Act

In February, the White House transmitted the President’s proposed budget for FY 2007 with a request for nearly \$300 million to support historically black colleges and universities (HBCUs). This amount represented a record level of funding, and the Administration requested it in order to make good on the President’s 2000 campaign pledge to increase funding for HBCUs by 30 percent. The President would remain focused on civil rights matters for much of the year.

On June 13, the Administration reiterated its strong commitment to the reauthorization of the Voting Rights Act and affirmed its support for H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Reauthorization and Amendments Act of 2006. President Bush had celebrated the 40th anniversary of the original Voting Rights Act of 1965 with the signing of a proclamation marking the date on August 5, 2005. At the time, he described the original landmark legislation as “great step forward in the history of our Nation,” and noted that “it remains essential as we continue our progress toward a society in which every person of every background can realize the American Dream,” a sentiment he echoed in December. The bill ultimately passed in July—by an overwhelming majority in the House and unanimously in the Senate—and the President signed it on July 27 in a major event on the South Lawn of the White House. In his remarks at the bill signing, the President noted that, “since the Voting Rights Act was first passed, we’ve made progress toward equality, yet the work for a more perfect union is never ending.” The President made clear that he was up to the task, promising to “continue to build on the legal equality won by the civil rights movement to help ensure that every person enjoys the opportunity that this great land of liberty offers.”

Before H.R. 9 made it to his desk, the President addressed the NAACP in person for the first time as President on July 20. He used the opportunity to address the challenges that persisted in the wake of Hurricane Katrina’s September 2005 destruction of large swaths of New Orleans and the Gulf Coast, admitting that the “road to recovery is long and difficult.” He renewed the Administration’s commitment to helping the region recover, however, and “thank[ed] the United States Congress for joining with the [A]dministration . . . [to] commit[] over \$110 billion to help the people in the Gulf Coast. That’s money to go to build new homes [and] good schools.” The President went on to speak more generally about one of his signature civil rights initiatives: expanding educational opportunities for African Americans. He noted that a “decent education is the gateway to a life of opportunity. It is a fundamental civil right. And I look forward to working with the NAACP to enhance educational excellence all across the United States.”

The next month, the White House Counsel, Harriet Miers, raised with the President the possibility of the Administration’s taking a position in two Supreme Court cases in which the parents of public school students in Seattle, Washington, and Jefferson County, Kentucky, were challenging their districts’ race-based school-assignment plans. The Solicitor General had recommended that the United States support the parents’ challenges to the plans (which assigned

students to schools based in part on whether students were “white” or “nonwhite” in Seattle and “black” or “nonblack” in Jefferson County) based on the same arguments the President had articulated before the filing of the government’s briefs in the University of Michigan cases. On August 21, the Justice Department filed briefs opposing the plans on those grounds. (The Supreme Court would agree that the school districts lacked justification for the race-based assignments the following June in a decision authored by the President’s first appointment to the Court: Chief Justice Roberts.)

On November 13, the President spoke at the groundbreaking ceremony for the Martin Luther King, Jr., National Memorial on the Mall. There, the President once again reiterated the themes of progress and of work yet to be done:

[W]e recognize our duty to continue the unfinished work of American freedom. America has come a long way since Dr. King’s day; yet our journey to justice is not complete. There are still people in our society who hurt, neighborhoods are too poor. There are still children who do not get the education they need to fulfill their God-given potential. There’s still prejudice that holds citizens back. And there’s still a need for all Americans to hear the words of Dr. King so we can hasten the day when his message of hope takes hold in every community across our country.

On December 19, the President celebrated another bipartisan legislative victory in the 109th Congress when he signed the Ryan White HIV/AIDS Treatment Modernization Act of 2006. The President had called for passage of the bill in his State of the Union at the outset of the Congress’s first session as means of addressing high rates of infection in the African American community. Among other things, the Act codified the Minority AIDS Initiative for the funding of efforts to evaluate and address the disproportionate impact of HIV/AIDS on racial and ethnic minorities and their relatively limited access to treatment for the disease. With the midterm elections giving Democrats control of both houses of Congress in 2007, however, the legislative civil rights agenda for the remainder of his presidency would focus less on the President’s goal of expanding opportunities for all Americans and to a greater degree on more controversial measures.

2007-2008—Congress Pursues a New Agenda as the President Contemplates Sentencing

In May 2007, the Congress took up legislation on hate crimes. As a candidate in 2000, the President had expressed support for proposed hate crimes legislation then championed by Senator Hatch that would have imposed federal criminal sanctions specifically on violence motivated by a victim’s race, color, religion or national origin and occurring in connection with interstate commerce. At the time, the President pointedly opposed more expansive federal definitions of hate crimes. The House bill brought to the floor in May 2007, H.R. 1592, was a broader proposal: It would have criminalized motivations arising from a victim’s gender, sexual orientation, gender identity, and disability as well as race, color, religion, and national origin. On May 3, the Administration issued a Statement of Administration Policy objecting to H.R. 1592 on policy and constitutional grounds and threatening a veto of the bill. The Administration pointed out that, despite extending special protections to a relatively broad and ill-defined class

of potential victims, H.R. 1592 would not protect other vulnerable and deserving victims, such as the elderly and law enforcement officers. In addition, the Administration pointed out that the bill purported to federalize significant numbers of violent crimes that generally fall under the exclusive jurisdiction of the States, despite the lack of any manifest need or clear constitutional authority for federal intervention. Notwithstanding the Administration's objections, the House passed the bill. It was forwarded to the Senate but never taken up in that chamber.

The President's efforts to advance the equal treatment of minorities and the disabled continued as Congress pursued more controversial measures. In June 2007, the President considered evidence of racial disparities in sentencing, seeking information on whether minorities received systematically harsher sentences. The Domestic Policy Advisor, Karl Zinsmeister, reported in a June 6 memorandum that, although statistical disparities were evident, those disparities were not significantly adverse to minorities. In death penalty cases, the memorandum advised, the Justice Department under President Clinton had examined sentencing decisions at multiple stages of the prosecutorial process and determined that federal prosecutors were *less* likely to seek the death penalty for black and Hispanic defendants than for white defendants at every stage. A review of the literature by RAND reached a similar conclusion but found that controlling for legally relevant factors (such as the heinousness of the crime) wiped out most of the observed disparities altogether. The memorandum also reported that studies of noncapital sentencing, including the U.S. Sentencing Commission, had concluded that observable disparities in noncapital cases (where minorities did tend to receive longer sentences) were similarly justified by legally relevant considerations.

The President continued to consider whether sentencing policy was unfairly skewed to the disadvantage of minority defendants over the coming months. In January 2008, the President reviewed policy options for addressing the longstanding disparity in penalties, by weight, between crack cocaine (which is largely consumed by predominantly poor and urban blacks) and powder cocaine (which is largely favored by wealthier whites and Hispanics). It was often noted that it took far more grams of powder cocaine than of crack cocaine to suffer a five-year mandatory minimum sentence under federal law. The disparity was a continuing subject of racially charged controversy in the Congress, with a number of tough-on-crime Republicans starting to agitate for reduction in the disparity (over the Justice Department's continuing opposition). The U.S. Sentencing Commission forced the issue when it voted to reduce the crack/powder disparity in the Sentencing Guidelines and to apply the reduced sentences retroactively to convicts who were already incarcerated. The Commission's decision would stand unless revisited by Congress. Although the Justice Department advocated legislation overruling the Commission particularly on the issue of retroactive application, there was no movement of a Republican-sponsored bill to do so. The Sentencing Commission's reduction of the crack/powder disparity—an objective with which the President was sympathetic—thus took full effect.

Meanwhile, controversial bills continued to move through Congress. In October 2007, the House of Representatives passed the Employment Non-Discrimination Act (ENDA) of 2007, which would extend the remedies in Title VII of the Civil Rights Act and other statutes to protect both public and private workers from discrimination based on either their "actual or perceived sexual orientation" or that of their associates. In anticipation of the House's action on the bill,

the Administration issued a statement on October 23 expressing doubt as to Congress's authority to override State sovereign immunity in order to redress discrimination on the basis of sexual orientation, criticizing the bill's inconsistency with the Religious Freedom Restoration Act, and objecting to the vagueness of "perceived sexual orientation" as a criterion for redress. The Administration indicated that the President's advisors would recommend a veto if the legislation were presented to him, but the House passed the bill by a 51-vote margin on November 7. Despite suggestions in the waning days of the 110th Congress that the Senate would act on the bill, the measure stalled in the upper chamber without a vote.

In April 2008, the Senate took up H.R. 2831, which the House had passed the previous July to overrule the Supreme Court's interpretation of Title VII of the Civil Rights Act (barring sex discrimination in employment) in the May 2007 case of *Ledbetter v. Goodyear Tire and Rubber Co.* The *Ledbetter* Court held that the plaintiff in the case, who alleged a Title VII violation because she was paid less than her male coworkers based on sexually discriminatory performance evaluations during her long career with Goodyear, had brought suit too late to recover under the Act's 180-day statute of limitations. The House bill, titled the Lilly Ledbetter Fair Pay Act of 2007, would have allowed plaintiffs in such circumstances to sue years after the employer's discriminatory decision regarding payment had occurred. Citing the importance of having claims of discrimination expeditiously resolved—particularly before the relevant facts are forgotten and evidence lost—the Administration issued a statement threatening to veto the bill on the eve of a cloture vote in the Senate. In the wake of the veto threat, the cloture vote failed, and the bill was not revisited in the 110th Congress.

Just two months later, the House took up another bill that was putatively aimed at pay discrimination. The Paycheck Fairness Act was reported out of the House Committee on Health, Education, and Labor on July 28. The bill would have allowed claims for discriminatory pay to rest on compensation paid to other employees of the company in different locations (even in more expensive labor markets) and would have permitted punitive damages without a demonstration of intentional discrimination. On July 30, the Administration issued a statement noting its ongoing commitment to aggressively enforcing the antidiscrimination laws on the books (including the Fair Labor Standards Act that the bill would amend) but opposing the bill's dramatic expansion of grounds for claiming discrimination and of liability for punitive damages. Despite a veto threat, the House passed the bill by a 69-vote margin. The Senate, which the Democrats only narrowly controlled, never took up the bill.

On September 9, 2008, the President met in the Oval Office with members of the President's Committee for People with Intellectual Disabilities, which he had renamed and reconstituted by Executive Order in July 2003. In anticipation of the meeting, the President reviewed a bill to amend the ADA that the Senate would take up later in the month. The bill, the Americans with Disabilities Amendments Act of 2008 (ADAAA), was a compromise version of a bill that the House had passed in June by a vote of 402 to 17. The Administration had issued a statement prior to the House vote, raising concerns with some aspects of the proposal but expressing strong support for the legislation's effort to overturn a series of Supreme Court decisions that had excluded individuals with certain types of diseases or disabilities from the ADA's antidiscrimination protections. The Senate compromise version of the ADAAA resolved one of three concerns that had been raised by the Administration but did not go as far as desired to

preclude litigation over minor or short-term illnesses or injuries. Given the overwhelming support in the House for the more aggressive proposal, the widespread support for such legislation in the disability-rights and business communities, and his own longstanding commitment to vindicating the rights of the disabled, the President acceded to the Senate compromise, however, and it went on to pass both chambers without controversy. The President signed the bill on September 25.

On October 3, the President signed the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 as part of a broader bill that was passed in the waning days of the 110th Congress. Consistent with the President's call in 2002 for a mental health care system that treats mental illness as urgently as physical illness, the law requires group health plans with both medical and surgical benefits and mental health and substance use disorder benefits to ensure that the financial requirements, treatment limitations, and out-of-network coverage limitations applicable to mental health benefits and substance use disorder benefits are no more restrictive than the applicable requirements and limitations for most other medical and surgical benefits under those plans. The President's success in securing this mental health parity legislation came only a few months after the culmination of his longstanding support for the prevention of discrimination on the basis of individuals' private genetic information. The President had signed the Genetic Information Nondiscrimination Act of 2008—which prohibits such discrimination by health insurers and employers—on May 21.

His signatures on the ADAAA, the mental health parity bill, and the Genetic Information Nondiscrimination Act constituted a fitting final chapter for President Bush's civil rights agenda over his two terms in the White House. The laws had broad support and built on his father's legacy of protecting the rights of disabled Americans. They reflected not only the President's own zeal for protecting the disabled (the aim of at least five executive orders) but his consistent pursuit of equal opportunity for all—be it through educational reform, the disavowal of race as a legitimate basis for government action, or efforts to facilitate the inclusion of disabled Americans in their communities and the economy—over more controversial and divisive measures.

Civil Rights Documents

Date

Tab

2001

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| Feb. 1 | <p><u>New Freedom Initiative: Fulfilling America's Promise to Americans with Disabilities</u></p> <p><i>The blueprint document outlines problems facing Americans with disabilities and presents the Administration's proposal to overcome those problems.</i></p> |
| Feb. 1 | <p><u>Remarks by the President in Announcement of New Freedom Initiative</u></p> <p><i>President Bush announces the New Freedom Initiative to ensure that all Americans with disabilities, whether young or old, can participate more fully in the life of their communities and the economy.</i></p> |
| Feb. 1 | <p><u>A Blueprint For New Beginnings Chapter 8: Assist Americans with Disabilities</u></p> <p><i>The President's first proposed budget directs substantial resources to assisting Americans with disabilities to Congress.</i></p> |
| Feb. 21 | <p><u>Event Briefing Memo: Domestic Policy Briefing on Racial Profiling</u></p> <p><i>The memorandum from Domestic Policy Advisor Margaret La Montagne advises that the President's February 22 domestic policy briefing with senior White House staff will involve a short briefing on the President's objective of ending racial profiling.</i></p> |
| Feb. 28 | <p><u>Memorandum For the Attorney General: Racial Profiling</u></p> <p><i>The President directs the Attorney General to review the use by Federal law enforcement authorities of race as a factor in conducting stops and searches.</i></p> |
| Jun. 19 | <p><u>Executive Order: Community-based Alternatives for Individuals with Disabilities</u></p> <p><i>This Executive Order places qualified individuals with disabilities in community settings whenever appropriate.</i></p> |
| Jun. 19 | <p><u>President Bush Discusses His Commitment to Americans with Disabilities</u></p> <p><u>Fact Sheet: President Bush Highlights Commitment to Americans with Disabilities</u></p> <p><i>President Bush outlines new programs to allow people with disabilities to tap a computer's full potential.</i></p> |
| Jul. 26 | <p><u>President Bush Recognizes 11th Anniversary of Americans with Disabilities Act</u></p> <p><i>On the 11th anniversary of the Americans with Disabilities Act, the President remains committed to tearing down the remaining barriers to equality that face Americans with disabilities.</i></p> |
| Jul. 28 | <p><u>President's Radio Address</u></p> <p><i>The President Commemorates Americans with Disabilities Act in his weekly radio address and recounts his Administration's ongoing efforts under the New Freedom Initiative.</i></p> |
| Jul. 30 | <p><u>President Reemphasizes Call to End Racial Profiling</u></p> <p><i>In his remarks to the National Organization of Black Law Enforcement, the President states that racial profiling is wrong in America, and we have to</i></p> |

get rid of it.

Aug. 1 Event Briefing Memo: National Urban League's Annual Convention
The memorandum from Karl Rove advises the President of the Urban League's mission and notes that education is one of the organization's "key policy issues." The President is scheduled to speak to the Urban League on this date to discuss education in anticipation of congressional action on No Child Left Behind legislation.

Sept. 11 Event Briefing Memo: Meeting with Muslim and Arab American Leaders
The memorandum from Karl Rove advises the President that there are more than seven million Muslim-Americans in the United States and that they constitute one of the fastest growing demographic groups in the country. The President is scheduled to meet on this date with representatives of the Nation's top 12 key Muslim- and Arab-American public policy and political organizations. (The event is deferred after the terror attacks earlier in the day.)

Sept. 19 President Signs H.R. 2133 to establish the Brown v. Board of Education Anniversary Commission
The President creates the "Brown v. Board of Education 50th Anniversary Commission," which will advise the Secretary of Education on activities to help celebrate the U.S. Supreme Court's decision invalidating racial segregation in public schools.

Sept. 26 President Meets with Muslim Leaders
The President explains that the Nation is at war against evil and extremists and that the faithful teachings of Islam, by contrast, are the teachings of peace.

2002

Jan. 21 President Honors Dr. Martin Luther King, Jr.
President Bush honors Dr. Martin Luther King, Jr., a man who brought much good into the world by the power of his voice and the truth of his words.

Feb. 12 Executive Order-Advisors for Historically Black Colleges and Universities
In this Executive Order, the President establishes the "President's Board of Advisors on Historically Black Colleges and Universities" in the Office of the Secretary of Education.

Apr. 29 Executive Order: President's New Freedom Commission on Mental Health
In this Executive Order, the President establishes the President's New Freedom Commission on Mental Health in order to improve America's mental health service delivery system for individuals with serious mental illness and children with serious emotional disturbances.

Apr. 29 President Says U.S. Must Make Commitment to Mental Health Care
Fact Sheet: Improving Access to Quality Mental Health Care
The President states that we must give all Americans who suffer from mental illness the treatment and respect they deserve.

May A Progress Report on Fulfilling America's Promise to Americans with Disabilities
This report outlines the progress of the President's New Freedom Initiative

which was announced on February 1, 2001.

- Aug. 28 Memorandum for the Heads of Executive Departments and Agencies: Directive to Develop Interagency Disability Web Site
The President directs Federal agencies to work together to develop a comprehensive Federal web site that serves people with disabilities.
- Sept. 10 Event Briefing Memo: Roundtable with Arab- and Muslim-American Leaders and Remarks at the Embassy of Afghanistan
The memorandum from Karl Rove and National Security Advisor Condoleezza Rice prepares the President for a meeting at the Embassy of Afghanistan on this date with key leaders of the Muslim- and Arab-American communities to highlight the Administration's support for religious freedom and racial tolerance. The memorandum alerts the President to growing concerns in these communities about the effects of the Administration's foreign and domestic anti-terror policies on Arabs and Muslims.
- Sept. 10 President Bush Holds Roundtable with Arab- and Muslim-American Leaders
On the eve of the anniversary of the 9/11 terror attacks, the President speaks about the war on terror, emphasizing that the Nation's enemy is a radical network of terrorists and not the Muslim faith.
- Dec. 11 Event Briefing Memo: Policy Time—Domestic
The memorandum from Domestic Policy Advisor Margaret Spellings prepares the President for a briefing by senior White House staff on domestic policy goals to advance his agenda of compassionate conservatism in 2003. The memorandum recounts accomplishments and focuses consideration for future efforts on the President's faith-based initiative and potential efforts focusing on at-risk youth, the chronically homeless, and drug addicts.
- 2003**
- Jan. 15 President Bush Discusses Michigan Affirmative Action Case
The President argues that the method used by the University of Michigan to achieve diversity is fundamentally flawed and argues that the University's admissions policies, which award students a significant number of extra points based solely on race and establishes numerical targets for incoming minority students, are unconstitutional.
- Feb. 12 Memorandum for the Secretary of Education, Health and Human Services, Labor, and the Commissioner of Social Security: Interagency Working Group on Assistive Technology Mobility Devices
The President establishes the "Interagency Working Group on Assistive Technology Mobility Devices" (a) to identify existing Federal Government programs and resources that are designed to help individuals with disabilities obtain the assistive technology mobility devices that they need for education and employment; and (b) to work with State, local, and tribal governments, as appropriate, to identify State, local, and tribal programs that are designed to help individuals with disabilities obtain assistive technology mobility devices for education and employment.

- May 8 Event Briefing Memo: Policy Time—Domestic
This memorandum from Domestic Policy Advisor Margaret Spellings prepares the President for a briefing by Attorney General John Ashcroft and White House staff on the Attorney General's report and recommendations with respect to the use of racial profiling by federal law enforcement agents. The memorandum attaches a discussion of policy options concluding with a recommendation for a categorical ban on the use of racial profiling to identify suspects, except with respect to law enforcement activities relating to national and border security (which were carved out in light of the needs underscored by the 9/11 attacks).
- Jun. 6 Letter to the President from the Attorney General Formally Transmitting His Report and Recommendations with Respect to Racial Profiling in Federal Agencies
The Attorney General recommends that the President approve the proposed policy guidance and direct the Assistant Attorney General for Civil Rights to instruct all federal law enforcement agencies to disseminate it and review policies to ensure conformity with the guidance within 60 days.
- Jul. 25 Executive Order on Intellectual Disabilities
In this Executive Order, the President changes the name of the "President's Committee on Mental Retardation" to the "President's Committee for People with Intellectual Disabilities" and expands the membership of the Committee.
- Jul. 25 Event Briefing Memo: Radio Address With Members of the President's Committee for People with Intellectual Disabilities and Signing of Executive Order
The memorandum from Counselor Dan Bartlett advises the President that he will record his weekly radio address, which notes the thirteenth anniversary of the enactment of the ADA and recounts the Administration's ongoing efforts under the New Freedom Initiative, before the President's Committee on Mental Retardation, which the President will contemporaneously rename the President's Committee for People with Intellectual Disabilities by executive order.
- Jul. 26 President's Radio Address
The President discusses the Americans With Disabilities Act on its 13th anniversary.
- 2004**
- Mar. The President's New Freedom Initiative for People with Disabilities: The 2004 Progress Report
This report outlines the progress of the President's New Freedom Initiative, which he announced on February 1, 2001.
- Mar. 24 President Commends Civil Rights Hero Dorothy Height
The President awards Dorothy Height a Gold Medal and states that few Americans have done more than Dorothy Height to help their fellow citizens discover and exercise their own life-changing power.
- May 10 Memorandum for the President re: Civil Rights Briefing
This memorandum from Domestic Policy Advisor Margaret Spellings

- updates the President on the accomplishments of his Administration with respect to civil rights, noting that the President has committed his Administration to working to ensure equal opportunity and equal rights. The memorandum notes the President's ban on racial profiling, work on public education reform, increases in loans from the SBA to minority borrowers, implementation of disability rights, and the Justice Department's Post-9/11 Backlash Initiative to prevent bias crimes against individuals perceived to be of Middle Eastern descent among other steps taken to improve the well-being and fair treatment minorities and the disabled.*
- May 17 President Speaks at Brown v Board of Education National Historic Site
The President commemorates the decision of Brown v. Board of Education and marks the contributions of the plaintiffs and their lawyers in that case.
- Jul. 1 President Commemorates 40th Anniversary of Civil Rights Act
The President commemorates the Civil Rights act of 1964 and states that it gives all Americans another reason to be proud of our country.
- Jul. 22 Event Briefing Memo: Executive Order Signing for Individuals with Disabilities in Emergency Preparedness
This memorandum from Domestic Policy Advisor Margaret Spellings recommends that the President sign a proposed executive order to establish the Interagency Council on Emergency Preparedness and Individuals with Disabilities to highlight the importance of preparing to assist disabled Americans in emergencies and to celebrate the fourteenth anniversary of the ADA.
- Jul. 22 Executive Order: Individuals with Disabilities in Emergency Preparedness
In this Executive Order, the President establishes a Coordinating Council on Emergency Preparedness and Individuals with Disabilities in order to strengthen emergency preparedness with respect to individuals with disabilities.
- Jul. 23 President Emphasizes Minority Entrepreneurship at Urban League
- Aug. 6 Event Briefing Memo: Remarks at the UNITY: Journalists of Color Convention
This memorandum from Counselor Dan Bartlett prepares the President to address a coalition of organizations of minority journalists and to underscore the importance of No Child Left Behind to the President's civil rights agenda.
- Oct. 15 Memorandum for the President re: Proposed Executive Order Entitled "Providing Opportunities for Service-Disabled Veteran Businesses to Increase their Federal contracting and subcontracting"
This memorandum from OMB Director Josh Bolten recommends that the President sign Executive Order 13360 to direct agency heads to take certain actions to enhance opportunities for service-disabled veterans to increase their participation in federal contracting.
- Oct. 21 Executive Order: Service-Disabled Veterans Executive Order
In this Executive Order, the President directs the Administration to increase opportunities in Federal contracting for service-disabled veteran.

2005

- Jan. 20 2005 Inaugural Address
In his Inaugural Address, President Bush states that our country must abandon all the habits of racism, arguing that the United States cannot carry the message of freedom and the baggage of bigotry at the same time.
- Feb. 2 Fact Sheet: Ensuring Justice and Fairness for All Americans
This Fact Sheet outlines how DNA technology can be used to ensure accuracy and fairness in the criminal justice system.
- Jul. 13 Memorandum for the President re: Update on Increasing Opportunity for African Americans
This memorandum from Special Assistant for Domestic Policy Allyson Ho updates the President on the Administration's efforts to enhance the quality of life for African Americans, touching on positive results from education reform, the enhanced availability of social services from faith-based organizations, and resources directed to promoting healthy marriages and helping at-risk youth.
- Jul. 26 Event Briefing Memo: Signing of the Presidential Proclamation to Commemorate the 15th Anniversary of the Americans with Disabilities Act
This memorandum from Karl Rove and Domestic Policy Advisor Claude Allen prepares the President for an Oval Office ceremony to sign a presidential proclamation marking the anniversary of the ADA.
- Aug. 1 Memorandum for the President re: Transforming Mental Health Care in America Report
This memorandum from Susan Buckland transmits a copy of and summarizes the report entitled Transforming Mental Health Care in America in response to a request from the President during the oval office event for the ADA's 15th anniversary.
- Aug. 5 40th Anniversary of the Voting Rights Act of 1965
The President proclaims August 6, 2005, as a day of celebration in honor of the 40th Anniversary of the Voting Rights Act of 1965 and calls upon all Americans to observe this day with appropriate programs, ceremonies, and activities.
- Oct. 30 Proclamation by the President: Death of Rosa Parks
As a mark of respect for the memory of Rosa Parks, President Bush orders that the flag of the United States be flown at half-staff at all government and public buildings.
- Nov. 11 President Signs H.R. 2967, Designates Rosa Parks Federal Building
The President designates the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building."
- Dec. 1 President Signs H.R. 4145 to Place Statue of Rosa Parks in U.S. Capitol

2006

- Jan. 16 President Honors Dr. Martin Luther King, Jr. and Rosa Parks at "Let Freedom Ring" Celebration
In honoring civil rights leaders, President Bush observes that "Martin Luther King did not live to celebrate his 40th birthday. Yet in the short time he walked upon this Earth, he preached that all the powers of evil are

- ultimately no match for one individual armed with eternal truths. And one evening, on a bus ride home from work, a tired but brave woman named Rosa Parks proved that Dr. King was right."*
- Jan. 31 President and Mrs. Bush Saddened by Death of Coretta Scott King
Mrs. King's lasting contributions to freedom and equality have made America a better and more compassionate nation.
- Feb. 7 President Honors Coretta Scott King at Homegoing Celebration
Coretta Scott King showed that a person of conviction and strength could also be a beautiful soul.
- Jul. 13 Statement of Administration Policy--H.R. 9 - Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006
The statement notes the Administration's support for passage of H.R. 9 to extend the Voting Rights Act and to overturn the Supreme Court's 2003 decision in Georgia v. Ashcroft and the Court's 2000 decision in Reno v. Bossier Parish School Board.
- Jul. 17 Memorandum for the President re: The Administration's Civil Rights Record
This memorandum from Domestic Policy Advisor Karl Zinsmeister advises the President on a number of the Administration's accomplishments in improving the quality of life of African Americans in preparation for the President's anticipated address to the NAACP on July 20. The memorandum noted decreased unemployment, increased funding for historically black colleges and universities, education reform, the ban on racial profiling, the diversity of the Cabinet, increased focus on fighting HIV/AIDS, and support for the reauthorization of the Voting Rights Act.
- Jul. 19 Memorandum for the President re: Civil Rights Follow-Up
This memorandum from Deputy Domestic Policy Advisor Tevi Troy reports that the Administration has not fully attained its objectives of enhancing African Americans' participation in government contracting and mentoring children of prisoners but that DOJ's efforts to reduce recidivism through reentry programs are showing initial results.
- Jul. 20 President Pleased with Senate Passage of Voting Rights Act
The President will be pleased to sign the Voting Rights Act into law, and will continue to work with Congress to ensure that our country lives up to our guiding principle that all men and women are created equal.
- Jul. 20 President Bush Addresses NAACP Annual Convention
The President celebrates the heroism of the civil rights movement and the accomplishments of the NAACP.
- Jul. 27 President Bush Signs Voting Rights Act Reauthorization and Amendments Act of 2006
Fact Sheet: Voting Rights Act Reauthorization and Amendments Act of 2006
In signing this bill, President Bush honored the memory of three women who devoted their lives to the struggle for civil rights - Fannie Lou Hamer, Rosa Parks, and Coretta Scott King and reauthorizes measures to ensure

- equal voting rights.*
- Aug. 17 Memorandum for the President re: Solicitor General Recommendation for the Position of the United States in Supreme Court Affirmative Action Cases
This memorandum from White House Counsel Harriet Miers conveys the Solicitor General's recommendation that the United States file amicus briefs in the Seattle and Jefferson County cases, arguing that the race-based school-assignment policies of those public school districts are constitutionally infirm for the reasons put forth by the Administration in the University of Michigan cases.
- Nov. 13 President Bush Attends Ceremonial Groundbreaking of the Martin Luther King, Jr. National Memorial
President Bush dedicates the ground on which the Martin Luther King, Jr., National Memorial will stand and preserve his legacy for the ages.
- Dec. 9 President Thanks House and Senate for Reauthorizing the Ryan White CARE Act
Fact Sheet: The Ryan White HIV/AIDS Treatment Modernization Act of 2006
The President is pleased with the House and Senate reauthorization of the Ryan White CARE Act which provides Americans in need with better access to medical care, antiretroviral treatments, and counseling to help them live longer lives.
- 2007**
- May 2 Memorandum for the President re: Hate Crimes
Memorandum from Domestic Policy Advisor Karl Zinsmeister notes that bill pending in Congress is broader than hate crimes legislation supported by the President during the 2000 campaign and that policy justifications for the broader bill are lacking.
- May 3 Statement of Administration Policy-- H.R. 1592 - Local Law Enforcement Hate Crimes Prevention Act 2007
Statement notes that the Administration favors strong penalties for violent crime, including crime based on personal characteristics, such as race, color, religion, or national origin but objects that H.R. 1592 is unnecessary and constitutionally questionable and threatens veto.
- Jun. 6 Memorandum for the President re: Racial Disparities in Sentencing
Memorandum from Domestic Policy Advisor Karl Zinsmeister reports that rates at which DOJ seeks capital punishment for minorities are lower than rate at which it seeks capital punishment for white defendants and that research literature suggests that disparities between non-capital sentences for white defendants and minority defendants are "small to nonexistent" when legally relevant variables are accounted for.
- Jul. 23 Foreword by President George W. Bush: Fulfilling America's Promise to Individuals with Disabilities
- Jul. 27 Fact Sheet: Six Years of Progress Under the President's New Freedom Initiative
- Oct. 27 Statement of Administration Policy: ENDA

Statement notes the Employment Non-Discrimination Act's vague standards for employers, its potential incompatibility with the Eleventh Amendment, and its conflict with religious freedoms guaranteed by Congress in the Religious Freedom Restoration Act and threatens a veto if the bill is presented to the President.

2008

- Jan. 27 Memorandum for the President re: Cocaine Sentencing
Memorandum from Domestic Policy Advisor Karl Zinsmeister reports that sentences for drug offenses involving crack cocaine are three to six times longer than sentences for offenses involving equivalent amounts of powder cocaine and that the U.S. Sentencing Commission has voted to retroactively reduce sentences for convicts incarcerated for offenses involving crack cocaine. Raises possibility of trading Administration support for reduction of disparity in exchange for congressional disapproval of the Commission's retroactive implementation for the benefit of convicts already sentenced.
- Apr. 22 Statement of Administration Policy-- H.R. 2831 – Lilly Ledbetter Fair Pay Act of 2007
The Statement notes the Administration's strong opposition to the Ledbetter Fair Pay Act of 2007 and threatens a veto. The Statement asserts that the bill would impede justice, undermine the important goal of having allegations of discrimination expeditiously resolved and deviate from the centuries-old notion of a limitations period for all lawsuits.
- Jul. 30 Statement of Administration Policy-- H.R. 1338 – Paycheck Fairness Act
The Statement notes the Administration's strong support for and aggressive enforcement of the Nation's anti-discrimination laws and the Administration's firm commitment to the principle of equal pay for equal work but objects that the bill would make enforcement more difficult and error-prone as well as invite a surge of litigation and so threatens a veto.
- Sept. 9 Memorandum for the President re: Possible question on legislation to amend the ADA
The memorandum from Domestic Policy Advisor Karl Zinsmeister alerts the President to some advisors' continuing reservations about the ADA Amendments Act of 2008 (particularly the prospect that it will induce wasteful litigation) and indicates that the President may be asked about it during an Oval Office meeting with the President's Committee for People with Intellectual Disabilities in light of anticipated Senate action on the bill later in the month.
- Sept. 17 Statement on the ADA Amendments Act of 2008
The statement notes the Administration's believe that the ADA Amendments Act of 2008, which has just passed Congress, will be instrumental in allowing individuals with disabilities to fully participate in the Nation's economy and society and indicates that the President looks forward to signing the ADAAA into law.
- Sept. 25 President Bush Signs S. 3406, the "ADA Amendments Act of 2008," Into Law

INITIATIVE



PRESIDENT GEORGE W. BUSH
FEBRUARY 2001

Foreword by President George W. Bush

My Administration is committed to tearing down the barriers to equality that face many of the 54 million Americans with disabilities.

Eleven years ago the Americans with Disabilities Act (ADA) made it a violation of federal law to discriminate against a person with a disability.

But there is much more to do. Though progress has been made in the last decade, too many Americans with disabilities remain trapped in bureaucracies of dependence, denied the tools they need to fully access their communities.

The unemployment rate for Americans with disabilities hovers at 70 percent. Home ownership rates are in the single digits. And Internet access for Americans with disabilities is half that of people without disabilities.

I am committed to tearing down the remaining barriers to equality that face Americans with disabilities today. My New Freedom Initiative will help Americans with disabilities by increasing access to assistive technologies, expanding educational opportunities, increasing the ability of Americans with disabilities to integrate into the workforce, and promoting increased access into daily community life.

I look forward to working with Congress to see these proposals become law.

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Executive Summary

Fulfilling America's Promise to Americans with Disabilities

Disability is not the experience of a minority of Americans. Rather, it is an experience that will touch most Americans at some point during their lives.

Today, there are over 54 million Americans with disabilities, a full 20 percent of the U.S. population. Almost half of these individuals have a severe disability, affecting their ability to see, hear, walk, or perform other basic functions of life. In addition, there are over 25 million family caregivers and millions more who provide aid and assistance to people with disabilities.

Eleven years ago, Congress passed and President George Bush signed one of the most significant civil rights laws since the Civil Rights Act of 1964 – the Americans with Disabilities Act (ADA). In doing so, America opened its door to a new age for people with disabilities. Two and a half years ago, amendments to Section 508 of the Rehabilitation Act of 1973 were enacted ensuring that the Federal Government would purchase electronic and information technology which is open and accessible for people with disabilities.

Although progress has been made over the years to improve access to employment, public accommodations, commercial facilities, information technology, telecommunications services, housing, schools, and polling places, significant challenges remain for Americans with disabilities in realizing the dream of equal access to full participation in American society. Indeed, the Harris surveys by the National Organization on Disability and numerous other studies have highlighted these persistent obstacles.

Americans with disabilities have a lower level of educational attainment than those without disabilities:

- One out of five adults with disabilities has not graduated from high school, compared to less than one of ten adults without disabilities.
- National graduation rates for students who receive special education and related services have stagnated at 27 percent for the past three years, while rates are 75 percent for students who do not rely on special education.

Americans with disabilities are poorer and more likely to be unemployed than those without disabilities:

- In 1997, over 33% of adults with disabilities lived in a household with an annual income of less than \$15,000, compared to only 12 percent of those without disabilities.
- Unemployment rates for working-age adults with disabilities have hovered at the 70 percent level for at least the past 12 years, while rates are significantly lower for working-age adults without disabilities.

Too many Americans with disabilities remain outside the economic and social mainstream of American life:

- 71% of people without disabilities own homes, but fewer than 10% of those with disabilities do.
- Computer usage and Internet access for people with disabilities is half that of people without disabilities.
- People with disabilities vote at a rate that is 20 percent below voters without disabilities. In local areas, disability issues seldom surface in election campaigns, and inaccessible polling places often discourage citizens with disabilities from voting.

People with disabilities want to be employed, educated, and participating, citizens living in the community. In today's global new economy, America must be able to draw on the talents and creativity of all its citizens.

The Administration will work to ensure that all Americans have the opportunity to learn and develop skills, engage in productive work, choose where to live and participate in community life. The President's "New Freedom Initiative" represents an important step in achieving these goals. It will expand research in and access to assistive and universally designed technologies, further integrate Americans with disabilities into the workforce and help remove barriers to participation in community life.

The Policy

The "New Freedom Initiative" is composed of the following key components:

Increasing Access to Assistive and Universally Designed Technologies:

- **Federal Investment in Assistive Technology Research and Development.** The Administration will provide a major increase in the Rehabilitative Engineering Research Centers' budget for assistive technologies, create a new fund to help bring assistive technologies to market, and better coordinate the Federal effort in prioritizing immediate assistive and universally designed technology needs in the disability community.
- **Access to Assistive Technology.** Assistive technology is often prohibitively expensive. In order to increase access, funding for low-interest loan programs to purchase assistive technologies will increase significantly.

Expanding Educational Opportunities for Americans with Disabilities:

- **Increase Funding for the Individuals with Disabilities Education Act (IDEA).** In return for participating in a new system of flexibility and accountability in the use of Federal education funds, states will receive an increase in IDEA funds for education at the local level and help in meeting the special needs of students with disabilities.
- **Focus on Reading in Early Grades.** States that establish a comprehensive reading program for students, including those with disabilities, from preschool through second grade will be eligible for grants under President Bush's Reading First and Early Reading First Initiatives.

Integrating Americans with Disabilities into the Workforce:

- **Expanding Telecommuting.** The Administration will provide Federal matching funds to states to guarantee low-interest loans for individuals with disabilities to purchase computers and other equipment necessary to telework from home. In addition, legislation will be proposed to make a company's contribution of computer and Internet access for home use by employees with disabilities a tax-free benefit.
- **Swift Implementation of "Ticket to Work."** President Bush has committed to sign an order that directs the federal agency to swiftly implement the law giving Americans with disabilities the ability to choose their own support services and maintain their health benefits when they return to work.
- **Full Enforcement of the Americans with Disabilities Act (ADA).** Technical assistance will be provided to promote ADA compliance and to help small businesses hire more people with disabilities. The Administration will also promote the Disabled Access Credit, an incentive program created in 1990 to assist small businesses comply with the Act.
- **Innovative Transportation Solutions.** Accessible transportation can be a particularly difficult barrier for Americans with disabilities entering the workforce. Funding will be provided for 10 pilot programs that use innovative approaches to developing transportation plans that serve people with disabilities. The Administration will also establish a competitive matching grant program to promote access to alternative methods of transportation through community-based and other providers.

Promoting Full Access to Community Life:

- **Promote Homeownership for People with Disabilities.** Congress recently passed the "American Homeownership and Economic Opportunity Act of 2000," which will permit recipients with disabilities to use up to a year's worth of vouchers to finance the down payment on a home. The Administration will work to swiftly implement the recently enacted law.
- **Swift Implementation of the *Olmstead* Decision.** President Bush has committed to sign an order supporting the most integrated community-

based settings for individuals with disabilities, in accordance with the *Olmstead* decision.

- **National Commission on Mental Health.** President Bush has committed to create a National Commission on Mental Health, which will study and make recommendations for improving America's mental health service delivery system, including making recommendations on the availability and delivery of new treatments and technologies for individuals with severe mental illness.
- **Improving Access.** Federal matching funds will be provided annually to increase the accessibility of organizations that are currently exempt from Title III of the ADA, such as churches, mosques, synagogues, and civic organizations. The Administration also supports improving access to polling places and ballot secrecy for people with disabilities.

Increasing Access to Assistive and Universally Designed Technologies

(Title I)

Overview

The Administration's commitment to increase access to assistive and universally designed technologies is based upon the principle that every American must have the opportunity to participate fully in society. In the global new economy, America must draw on the talents and creativity of all its citizens.

Assistive and universally designed technologies can be a powerful tool for millions of Americans with disabilities, dramatically improving one's quality of life and ability to engage in productive work. New technologies are opening opportunities for even those with the most severe disabilities. For example, some individuals with quadriplegia can now operate computers by the glance of an eye. As the National Council on Disability (NCD) has stated, "for Americans without disabilities, technology makes things easier. For Americans with disabilities, technology makes things possible."

Unfortunately, assistive and universally designed technologies are often prohibitively expensive. In addition, innovation is being hampered by insufficient Federal funding for and coordination of assistive technology research and development programs.

The New Freedom Initiative will help ensure that Americans with disabilities can access the best technologies of today and that even better technologies will be available in the future. At the core of this effort are proposals that reinvigorate the Federal investment in assistive technologies; improve Federal collaboration and promote private-public partnerships; and increase access to this technology for people with disabilities.

Summary of Proposals

Increases Federal Investment in Assistive Technology Research and Development:

Rehabilitative Engineering Research Centers (RERCs) are recognized as conducting some of the most innovative and high impact assistive technology research in the Federal Government. The 15 RERCs are housed in universities and other non-profit institutions around the country and focus on a specific area of research – for example, information technology access, prosthetics and orthotics, and technology for children with orthopedic disabilities. To advance research specifically targeted to the disabilities community, the Administration will significantly increase funding for the RERCs.

Improves Coordination of the Federal Assistive Technology Research and Development Program:

There is no effective coordinating body for assistive technology research and development within the Federal Government. While the Interagency Committee on Disabilities Research (ICDR) was designed to coordinate the Federal effort, it has no real authority and has no budget. The Administration will provide new funding to the ICDR so that it can prioritize the immediate assistive and universally designed technology needs in the disability community, as well as foster collaborative projects between the Federal laboratories and the private sector.

Promotes Private-Public Partnerships:

There are nearly 2,500 companies working to bring new assistive technologies to market. Many small businesses, however, cannot make the necessary capital investments until they have information concerning the market for a particular assistive technology. To help these businesses bring assistive technologies to market, the Administration will establish an "Assistive Technology Development Fund." Housed under the ICDR, the fund will help underwrite technology demonstration, testing, validation and market assessment to meet specific needs of small businesses so that they can better serve the needs of people with disabilities.

Increases Access to Assistive Technology:

Assistive technology is often prohibitively expensive. For example, personal computers configured with assistive technology can cost anywhere from \$2,000 to \$20,000. The Administration will significantly increase Federal funding for low-interest loans to purchase assistive technology. These grants will go to a state agency in collaboration with banks or non-profit groups to guarantee loans and lower interest rates.

Expanding Educational Opportunities for Americans with Disabilities

(Title II)

Overview

Education is the key to independent living and a high quality of life. Unfortunately, one in five adults with disabilities has not graduated from high school, compared to less than one of ten adults without disabilities. The Administration will expand access to quality education for Americans with disabilities.

Originally passed by Congress in 1975, the *Individuals with Disabilities Act*, or IDEA, ensures that children with disabilities would have a free public education that would meet their unique needs.

The Administration will increase educational opportunity for children with disabilities by working with Congress to give states increased IDEA funds. This will help meet the needs of students with disabilities and free up additional resources for education at the local level.

Summary of Proposals

Increases Funding for Special Education. In return for participating in a new system of flexibility and accountability in the use of Federal education funds, states will receive an increase in IDEA funds for education at the local level and help in meeting the special needs of students with disabilities.

Establishes the "Reading First" Program. President Bush will increase Federal funding to students, including those with disabilities, by creating an incentive fund for states to teach every child to read by third grade. States that choose to draw from this fund will be required to initiate, among other requirements: a reading diagnostic test for students in K-2 to determine where students need help; a research-based reading curriculum; training for K-2 teachers in reading preparation; and intervention for students who are not reading at grade level in K-2.

Supplements Reading First with an Early Childhood Reading Initiative. States participating in the Reading First program will have the option to receive "Early Reading First" funding to implement research-based reading programs in existing pre-school programs and Head Start programs that feed into participating elementary schools. The purpose of this program is to illustrate on a larger scale recent research findings that children taught pre-reading and math skills in pre-school enter school ready to learn reading and mathematics.

Promoting Homeownership for Americans with Disabilities

(Title III)

Overview

Homeownership has always been at the heart of the "American dream." This past year, Congress passed the "American Homeownership and Economic Opportunity Act of 2000," which reforms Federal rental assistance to give individuals who qualify the opportunity to purchase a home.

Rental assistance for low-income Americans, including those with disabilities, is provided by a program known as Section 8 of the Housing Act of 1937, administered by the U.S. Department of Housing and Urban Development (HUD). Residents are provided Section 8 vouchers so that they can afford rental payments for public housing. And many of those Section 8 vouchers go to individuals with disabilities.

In addition to increasing independence, homeownership also promotes savings. Mortgage payments, unlike rental payments, help build net worth because a portion of the payment goes toward building equity. In turn, as one's home equity increases, it becomes easier to finance other purchases such as a computer or further education.

Summary of Action

Implementation of the Section 8 Program to Allow Recipients to Apply Their Rental Vouchers to Homeownership:

The Administration will implement Public Law 106-569, which allows local Public Housing Authorities to provide recipients of Section 8 vouchers who have disabilities with up to a year's worth of vouchers in a lump-sum payment to finance the down payment on a home.

Integrating Americans with Disabilities into the Workforce

Title IV (Part A: Promoting Telework)

Overview

Americans with disabilities should have every freedom to pursue careers, integrate into the workforce, and participate as full members in the economic marketplace.

The New Freedom Initiative will help tear down barriers to the workplace, and help promote full access and integration.

Computer technology and the Internet have tremendous potential to broaden the lives and increase the independence of people with disabilities. Nearly half of people with disabilities say the Internet has significantly improved their quality of life, compared to 27 percent of people without disabilities.

The computer and Internet revolution has not reached as many people with disabilities as the population without disabilities. Only 25% of people with disabilities own a computer, compared with 66% of U.S. adults. And only 20% of people with disabilities have access to the Internet, compared to over 40% of U.S. adults.

The primary barrier to wider access is cost. Computers with adaptive technology can cost as much as \$20,000, which is prohibitively expensive for many individuals. And the median income of Americans with disabilities is far below the national average.

The New Freedom Initiative will expand the avenue of teleworking, so that individuals with mobility impairments can work from their homes if they choose.

Summary of Proposals

Creates the "Access to Telework" Fund. Federal matching funds will be provided annually to states to guarantee low-income loans for people with disabilities to purchase equipment to telecommute from home.

Makes a Company's Contribution of Computer and Internet Access for Home Use by Employees with Disabilities a Tax-Free Benefit. The Administration will encourage businesses to give computers and Internet access to employees with disabilities by making it explicit that this provision is a tax-free benefit. By making this benefit tax free to employees, the proposal will encourage more employers to provide computer equipment and Internet access, and employees will have greater options to take advantage of this flexibility for teleworking. For individuals with disabilities, this flexibility will expand the universe of potential and accessible employment.

Prohibits OSHA from Regulating "Home Office" Standards. In November 1999, the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) issued an 8-page response to an employer inquiry asserting that it had the power to regulate home office standards and hold employers responsible if those standards were not met. This proposal would have had a chilling effect on teleworking, as employers would seek to avoid potential liabilities. Although OSHA has since withdrawn the response, it has not yet foreclosed future action. The proposal will amend the Occupational Safety and Health Act of 1970 to prohibit OSHA from being applied to the home worksites of employees who work at home through the use of "telephone, computer or electronic device."

Integrating Americans with Disabilities into the Workforce

(Part B: Ticket-to-Work)

Overview

In 1999, Congress passed the "Ticket-to-Work and Work Incentives Improvement Act," which will give Americans with disabilities both the incentive and the means to seek employment.

As part of the New Freedom Initiative, the Administration will ensure the Act's swift implementation.

Today, there are more than 7.5 million Americans with disabilities receiving benefits under Federal disability programs. According to a recent Harris Survey, conducted by the National Organization of Disability, 72 percent of the Americans with disabilities want to work. However, in part because of disincentives in Federal law, less than 1 percent of those receiving disability benefits fully enter the workforce.

Prior to the "Ticket to Work" law, in order to continue to receive disability payments and health coverage, recipients could not engage in any substantial work. The Ticket to Work law, however, provides incentives for people with disabilities to return to work by:

- Providing Americans with disabilities with a voucher-like "ticket" that allows them to choose their own support services, including vocational education programs and rehabilitation services.
- Extending Medicare coverage for SSDI beneficiaries so they can return to work without the fear of losing health benefits.
- Expanding Medicaid eligibility categories for certain working people with severe disabilities so that they can continue to receive benefits after their income or condition improves.

Summary of Action

President Bush Has Committed to Sign an Order to Support Effective and Swift Implementation of "Ticket to Work". The order will direct the federal agency to continue to swiftly implement the law giving Americans with disabilities the ability to choose their own support services and to maintain their health benefits when they return to work.

Integrating Americans with Disabilities into the Workforce

(Part C: Compliance with Americans with Disabilities Act)

Overview

When the Americans with Disabilities Act (ADA) was signed into law on July 26, 1990, it was the most far reaching law advancing access of individuals with disabilities, workforce integration, and independence. The law, signed by President George Bush, gives civil rights protections to individuals with disabilities that are like those provided to individuals on the basis of race, sex, national origin, and religion.

In the eleven years since it was signed, the ADA has worked to guarantee equal opportunity for individuals with disabilities in employment, public accommodations, transportation, State and local government services, and telecommunications. The law has been especially helpful in providing access to jobs, especially in the small business sector, which has created two-thirds of all net new jobs since the early 1970s.

To encourage small businesses to comply with the ADA, legislation was signed into law in 1990 to provide a credit for 50 percent of eligible expenses up to \$5,000 a year. Such eligible expenses include assistive technologies. Unfortunately, many small businesses are not aware of this credit.

President George W. Bush believes that the Americans with Disabilities Act has been an integral component of the movement toward full integration of individuals with disabilities but recognizes that there is still much more to be done. He also recognizes that to further integrate individuals with disabilities into the workforce, more needs to be done to promote ADA compliance.

Summary of Proposals

Supports the ADA and Provides Technical Assistance to Small Businesses. The President and the Attorney General will ensure full enforcement of the Americans with Disabilities Act by the Civil Rights

New Freedom Initiative

Division of the Department of Justice. In addition, the New Freedom Initiative will provide resources annually for technical assistance to help small businesses comply with the Act, serve customers, and hire more people with disabilities.

Promotes the Awareness and Utilization of Disabled Access Credit (DAC). The DAC, created in 1990, is an incentive program to assist small businesses in complying with the ADA. DAC provides a credit for 50 percent of eligible expenses up to \$5,000 a year, including expenses associated with making their facilities accessible and with purchasing assistive technologies. Utilization of the credit has been limited because small businesses are often not aware of it.

Expanding Transportation Options

(Title V)

Overview

Every American should have the opportunity to participate fully in society and engage in productive work. Unfortunately, millions of Americans with disabilities are locked out of the workplace because they are denied the tools and access necessary for success.

Transportation can be a particularly difficult barrier to work for Americans with disabilities. In 1997, the Director of *Project Action* stated that "access to transportation is often the critical factor in obtaining employment for the nation's 25 million transit dependent people with disabilities." Today, the lack of adequate transportation remains a primary barrier to work for people with disabilities: one-third of people with disabilities report that inadequate transportation is a significant problem.

Through formula grant programs and the enforcement of the ADA, the Federal Government has helped make our mass transit systems more accessible. More must be done, however, to test new transportation ideas and to increase access to alternate means of transportation, such as vans with specialty lifts, modified automobiles, and ride-share programs for those who cannot get to buses or other forms of mass transit.

On a daily basis, many non-profit groups and businesses are working hard to help people with disabilities live and work independently. These organizations often lack the funds to get people with disabilities to job interviews, to job training, and to work.

The Federal Government should support the development of innovative transportation initiatives and partner with local organizations to promote access to alternate methods of transportation.

Summary of Proposals

Promotes innovative transportation solutions for people with disabilities by funding pilot programs. The proposal provides funding

New Freedom Initiative

for 10 pilot programs run by state or local governments in regional, urban, and rural areas. Pilot programs will be selected on the basis of the use of innovative approaches to developing transportation plans that serve people with disabilities. The Administration will work with Congress to evaluate the effectiveness of these pilot programs and encourage the expansion of successful initiatives.

Helps create a network of alternate transportation through community-based and other providers. The proposal will establish a competitive matching grant program to promote access to alternative methods of transportation. This dollar-for-dollar matching program will be open to community-based organizations that seek to integrate Americans with disabilities into the workforce. The funds will go toward the purchase and operation of specialty vans, assisting people with down payments or costs associated with accessible vehicles, and extending the use of existing transportation resources.

Promoting Full Access to Community Life

Title VI (Part A: Commitment to Community-Based Care)

Overview

On June 22, 1999, the Supreme Court decided *Olmstead v. L.C.*, ruling that, in appropriate circumstances, the ADA requires the placement of persons with disabilities in a community-integrated setting whenever possible. The Court concluded that "unjustified isolation," e.g., institutionalization when a doctor deems community treatment equally beneficial, "is properly regarded as discrimination based on disability."

Olmstead has yet to be fully implemented. President Bush believes that community-based care is critically important to promoting maximum independence and to integrating individuals with disabilities into community life.

Summary of Action

President Bush has Committed to Sign an Order Supporting Swift Implementation of the *Olmstead* Decision. The order will support the most integrated community-based settings for individuals with disabilities, in accordance with the *Olmstead* decision. The Administration will pursue swift implementation in a manner that respects the proper roles of the Federal Government and the several states.

Promoting Full Access to Community Life

(Part B: Better Coordination of Federal Resources to Address Mental Health Problems)

Overview

Currently, there are numerous Federal agencies that oversee mental health policies, funding, laws and programs including: the Substance Abuse and Mental Health Services Administration, the National Institutes of Health, the Health Care Financing Administration, the Office of Personnel Management, the Social Security Administration, the Health Resources and Services Administration, the Department of Housing and Urban Development, the Department of Education, the Department of Justice, and the Department of Labor.

These Federal agencies are doing valuable work, but they would be much more effective, efficient, and less duplicative if they were better coordinated.

With coordination, the competitive advantage of each agency could be leveraged to provide the most needed and suitable service in the framework of federal efforts to address mental health.

Summary of Action

President Bush Has Committed to Create a National Commission on Mental Health. The National Commission will study and make recommendations for improving America's mental health service delivery system, including making recommendations on the availability and delivery of new treatments and technologies for individuals with severe mental illness.

Promoting Full Access to Community Life

(Part C: Access to the Political Process)

Overview

There are over 35 million voting-age persons with disabilities, but currently people with disabilities register to vote at a rate that is 16 percentage points less than the rest of the population and vote at a rate that is 20 percent voters who have no disabilities.

According to the National Organization on Disability, low voter turnout among people who are disabled is due to both accessibility problems at voting locations and the lack of secrecy and independence when voting. The most recent Federal Election Commission (FEC) report states that at least 20,000 of the Nation's more than 120,000 polling places are inaccessible to people with disabilities.

President Bush recognizes that full integration into society must include access to and participation in the political process.

Summary of Proposal

Supports Improving Accessibility to Voting for Americans with Disabilities. President Bush will support improved access to polling places and ballot secrecy. He will work with Congress to address the barriers to voting for Americans with disabilities and to expanding suffrage for all Americans.

Promoting Full Access to Community Life

(Part D: Access to ADA-Exempt Organizations)

Overview

Title III of the Americans with Disabilities Act of 1990 opened countless businesses and public accommodations to people with disabilities by mandating that they be made accessible. For constitutional and other concerns, however, Title III exempts many civic organizations (such as Rotary and Lions Clubs) and religious organizations from its requirements of full access.

Americans with disabilities should be fully integrated into their communities, and civic and religious organizations are vital parts of those communities. Too many private clubs, churches, synagogues, and mosques are inaccessible or unwelcoming to people with disabilities. As a result, people with disabilities are often unable to participate as fully in community or religious events.

The National Organization on Disability has led a national effort to make places of worship accessible and welcoming to all Americans. Many organizations and congregations want to be open to all but have limited resources to ensure accessibility.

Every effort should be made to ensure that Americans with disabilities have the opportunity to be integrated into their communities and welcomed into communities of faith.

Summary of Proposal

Establishes a National Fund to Provide Matching Grants for Accessibility Renovations for ADA-Exempt Organizations: To assist private clubs and religious organizations in making sure that their facilities are fully accessible and to expand access for all, the proposal provides annual Federal matching grants to ADA-exempt organizations making renovations or accommodations to improve accessibility. Because all ADA-exempt organizations will be eligible for the grants, irrespective of whether

they are religious or secular, they would comport with the Supreme Court's test for constitutional neutrality.

Remarks by the President in Announcement of New Freedom Initiative

The East Room

THE PRESIDENT: Steven, you were brilliant in your introduction. Little did we know -- we kind of thought we'd be sitting here during the California race, didn't we? But here we are, and thank you so much for being here.

I'm so honored that you all are here. I appreciate the folks who served on my coalition for people with disabilities. There's one hero here that I got to know during the campaign -- his name is Jim Mullen. Jim is from Chicago. He's a police officer, wounded in the course of duty, who is a courageous, fine American. And, Jim, thank you so very much for coming today. (Applause.)

I'm glad the First Lady is here. It's an unusual job where all you've got to do is walk down from your living room and come to work. (Laughter.) I'm really proud of Laura.

It's good to see members of the Congress who are here. Thank you all for coming as well. I'm especially pleased that people from all around the country have taken time to help kick off this important initiative.

One of the things I enjoy most about my new job is the walk I get to take every single morning, up the colonnade from the residence to the Oval Office. I say "up," because the path rises just slightly. It's been that way since they took out the steps, so that Franklin Roosevelt could make it to his place of work.

This house is among the first places in America to accommodate people with disabilities. And we have come a long way since the days when only a President could hope for that consideration. We are more mindful now of the hardships that come with disability, more generous in responding to the needs of our citizens, more grateful for the contributions you make to our society.

Old misconceptions about physical and mental disability are being discredited. Old barriers are falling away. Our task is now clear: We must speed up the day when the last barrier has been removed to full and independent lives for every American with or without disability. (Applause.)

I am proud that the last great reform in this cause, the Americans With Disability Act, bears the signature of my dad. (Applause.) I see many in this audience who helped him get this important legislation through Congress, and I want to thank you for coming. Because of that law, millions of Americans can now compete for jobs once denied them; enter buildings once closed to them; travel on buses and trains once unequipped for them.

For those who have hearing or visual impairments, for those who use walkers and wheelchairs or have mental retardation and mental illnesses, your own country now seems a more welcoming place as a result of that law. Eleven years after the ADA, we are a better country for it.

But there is more to do, and today I propose we move forward. This morning I sent to Congress a set of proposals called the New Freedom Initiative. It is an important step in ensuring that all Americans with disabilities, whether young or old, can participate more fully in the life of their communities and of our country.

Wherever a door is closed to anyone because of a disability, we must work to open it. Wherever any job or home, or means of transportation is unfairly denied because of a disability, we must work to change it. Wherever any barrier stands between you and the full rights and dignity of citizenship, we must work to remove it, in the name of simple decency and simple justice.

Often, as you know, such barriers are unintentional. One is the high cost of assistive technologies. For many people with disabilities, new technologies are helping to defeat dependence and frustration and isolation: Text telephones for those with hearing impairments. Computer monitors for those with visual impairments. Infrared pointers for people who cannot use their hands, allowing them to operate computers by pointing at functions on the monitor or the keyboard. Lighter wheelchairs. Lighter artificial limbs. These modern wonders make the world more accessible; yet, they are often inaccessible to people who need, but cannot afford them. These technologies were once beyond the dreams of Americans with disabilities. Today, they're only beyond their means; and we can help.

In our New Freedom Initiative, we're asking Congress to significantly increase federal funding for low-interest loans so that more Americans with disabilities can purchase assistive technology. And to ensure that even better technologies are available in the future, we're asking Congress to increase federal investment in assistive technology research and development.

My administration will also work with businesses to bring more assisting technologies to the marketplace. Once available, these technologies will allow Americans with disabilities to use more of their own gifts, make more of their own choices and lead lives of greater independence.

Many Americans with disabilities work, or would like to have more freedom to do so. And you know that the greatest challenges are often not in the job itself, but in the distance between your job and your home. For some people with disabilities, this challenge means no job at all; no opportunity to work and to contribute and to use their talents.

This is changing as more Americans work at home. Yet here, too, the cost of computers and telecommuting are sometimes beyond the means of those with disabilities. And we can help. In our New Freedom Initiative, we are asking Congress to create a fund to help people with disabilities to buy the equipment they need to telecommute. We will provide tax incentives to encourage employers to provide such equipment. And we will protect home offices from needless OSHA regulations.

Some 40 million Americans today work out of their homes. For most, it is a convenience. For workers with disabilities, it is a revolution. And we want as many Americans as possible to share in this revolution of independence. (Applause.)

Our plans also include transportation solutions and we want as many Americans as possible to share in this revolution of independence. (Applause.) Our plans also include transportation solutions for people with disabilities. Specifically, we're asking Congress to fund pilot programs for innovative transportation plans that serve people with disabilities. And we'll provide federal matching grants to community groups to provide alternative methods of transportation.

There are several additional proposals in this package, but let me just mention one more. We will provide additional funding each year to help churches, synagogues, mosques and other civic groups become more fully accessible to all Americans. (Applause.) In many houses of worship and civic centers, Intentions are good, but resources are scarce. We can help make these community places open to all.

I've often talked about the goal of a welcoming society, a nation where no one is dismissed or forgotten. Our progress toward that goal is really the great American story. It is a story of inclusion and protection extending across our history to more and more Americans.

And that story's not over. There is still work to do. We must all do our duty and play our part. And I hope today we have made a good beginning. (Applause.)

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8. ASSIST AMERICANS WITH DISABILITIES

Disability is not the experience of a minority of Americans. Rather, it is an experience that will touch most Americans at some point during their lives. Today, there are more than 54 million Americans with disabilities, a full 20 percent of the U.S. population. About half of these individuals have a severe disability, affecting their ability to see, hear, walk, or perform other basic functions of life.

Eleven years ago, then-President George Bush signed the Americans with Disabilities Act (ADA), one of the most significant civil rights laws since the Civil Rights Act of 1964. In doing so, America opened its door to a new age for people with disabilities. The ADA gives civil rights protections to individuals with disabilities that are like those provided to individuals on the basis of race, sex, national origin, and religion. Two and a half years ago, amendments to Section 508 of the Rehabilitation Act of 1973 were enacted, ensuring that the Federal Government would purchase electronic and information technology that is open and accessible to people with disabilities.

However, significant barriers still exist to individuals with disabilities who try to fully participate in American society. People with disabilities want to be employed, educated, and active citizens in the community. Unfortunately, on average, Americans with disabilities have a lower level of educational attainment, and are poorer and more likely to be unemployed than those without disabilities. In today's global new economy, America must be able to draw on the talents and creativity of all its citizens.

On February 1, 2001, the President announced his New Freedom Initiative to help individuals with disabilities by increasing access to assistive technologies, expanding educational opportunities, increasing the ability of individuals with disabilities to integrate into the work force, and promoting increased access into the community.

Increasing Access to Assistive and Universally Designed Technologies

Assistive and universally designed technologies can dramatically improve the lives of individuals with disabilities, and make it possible for them to engage in productive work and more fully participate in society. The President's Budget will help ensure that Americans with disabilities can access the best technologies of today and that even better technologies will be available in the future.

Investing in Assistive Technology Research and Development: The budget requests \$20 million for the Rehabilitation Engineering Research Centers (RERCs), which are recognized for conducting some of the most innovative assistive technology research in the Nation. These RERCs, housed in universities and nonprofit institutions across the country, also help bring new assistive technologies to market, and provide valuable training opportunities to individuals to become researchers and practitioners of rehabilitation technology. The budget also provides \$3 million for the Inter-agency Committee on Disability Research to better coordinate Federal assistive technology research and development and foster collaborative projects with the private sector.

Promoting Small Business Innovation: While there are nearly 2,500 companies working to bring new assistive technologies to market, many small businesses cannot make the necessary capital investments until they have information concerning the market for a particular technology. To help these businesses bring assistive technologies to market, the budget requests \$5 million for a new Assistive Technology Development Fund to help underwrite assistive technology demonstration, testing, validation, and market assessment to meet the special needs of small businesses.

Making Assistive Technology More Affordable: Assistive technology can be expensive—for instance, personal computers configured with assistive technology can cost up to \$20,000. Too often, people with disabilities do

not have the financial resources to purchase the assistive technology they need. To help make these technologies more readily available, the budget includes \$40 million for States to establish or expand low-interest loan programs to help individuals with disabilities purchase assistive technology.

Expanding Educational Opportunities for Americans with Disabilities

One of the President's first actions was to release his education reform plan to ensure that no child is left behind. Recognizing that a quality education is the key to future success, the budget helps expand educational opportunities for children with disabilities and support early reading instruction for children, including those at risk of being identified as having learning disabilities.

Increasing Individuals with Disabilities Education Act (IDEA) Funding: Originally passed by Congress in 1975, IDEA ensures that children with disabilities will have access to a free appropriate public education. The budget provides increased funding for grants to States to help them meet their obligations under the IDEA. In addition, the budget proposes to give States flexibility to redirect funds for school renovation to support special education needs.

Focusing on Reading in Early Grades: Too often, children fall behind because they do not receive proper reading instruction in the crucial early years. To address this problem, the budget provides \$900 million to establish the Reading First initiative for States to implement research-based reading programs to teach every child to read by the third grade. The budget also creates a new \$75 million early reading program to prepare young children to read in pre-school.

Integrating Americans with Disabilities into the Work force

Americans with disabilities should have every freedom to meet their full potential and participate as full members in the economic marketplace. The budget will help eliminate barriers to employment and promote full access and integration into the community.

Expanding Telecommuting Options: The budget provides \$20 million for a new Access

to Telework Fund, for States to provide low-interest loans to help people with disabilities purchase equipment to telecommute from home. The budget also explicitly makes a company's contributions of computers and Internet access for home use by employees with disabilities a tax-free benefit, which should expand the universe of potential and accessible employment. In addition, the Administration will work to ensure that the Occupational Safety and Health Act does not apply to employees working in home offices.

Facilitating ADA Compliance: The budget provides \$5 million for the Small Business Administration (SBA) to provide technical assistance to help small businesses comply with the ADA, serve customers with disabilities, and hire more people with disabilities. This funding will also help SBA increase awareness and promote use of the Disabled Access Credit, which provides a 50 percent tax credit on up to \$5,000 of eligible expenses annually to help small businesses make their facilities ADA compliant.

Supporting Innovative Transportation Solutions: Transportation can be a particularly difficult barrier to work for individuals with disabilities. The President's Budget supports two new initiatives in the Department of Transportation to expand transportation options for people with disabilities.

- The budget provides \$45 million to fund pilot programs to promote innovative transportation solutions for people with disabilities. The selected programs will be run by State or local governments in regional, urban, and rural areas. These pilots will be evaluated after three years and if they are successful, the Administration will encourage expansion of these initiatives to other areas.
- The budget also provides \$100 million in competitive matching grants to promote access to alternative methods of transportation. The funds will aid community-based organizations that seek to integrate Americans with disabilities into the work force. The funds will go towards the purchase and operation of specialty vans, assisting people with down payments or costs associated with accessible vehicles,

and extending the use of existing transportation resources.

Implementing the Ticket to Work and Work Incentives Improvement Act: In 1999, Congress passed the Ticket to Work and Work Incentives Improvement Act to reduce barriers and improve incentives for individuals with disabilities to participate in the work force. This law increases vocational rehabilitation and employment service options for Social Security Disability Insurance (DI) and Supplemental Security Income disability beneficiaries who want to return to work; extends Medicare coverage for DI beneficiaries who return to work for an additional four and one-half years; and creates a new State option to expand Medicaid eligibility categories for certain people with severe disabilities so they can receive health coverage even if they are not eligible for disability benefits. Through Executive action, the Administration is committed to supporting agencies in the continued swift implementation of this law.

Promoting Full Access to Community Life

In many other areas, individuals with disabilities are impeded from full participation in American society. Barriers remain, for instance, in homeownership, accessing polling places and private facilities, and community integration. The President is committed to removing these obstacles, and helping individuals with disabilities realize the American dream.

Promoting Accessibility Renovations for ADA-Exempt Organizations: The budget requests \$20 million in competitive grants for an Improving Access Initiative, housed within the Community Development Block Grant program. This initiative will help ADA-exempt organizations that have limited resources, including private clubs and religiously affiliated service providers, make their facilities accessible to the disabled.

Improving Accessibility to Voting for Americans with Disabilities: Currently people with disabilities vote at a rate that is 20 percent lower than voters who do not have disabilities. The President recognizes that full integration into society must include access to and participation in the political process, and his Administration will work with Congress to address the barriers to voting for Americans with disabilities.

Encouraging Homeownership for People With Disabilities: The Administration will quickly implement the American Homeownership and Economic Opportunity Act to allow disabled recipients of Section 8 vouchers to use up to a year's worth of assistance in a lump-sum payment to finance the down payment on a home. Reforming Federal rental assistance to give individuals who qualify the opportunity to purchase a home will help recipients build equity and more easily finance other purchases such as a computer or further education.

Implementing the Olmstead Decision: In 1999, the Supreme Court decided in *Olmstead v. L.C.* that the ADA requires the placement of persons with disabilities in a community-integrated setting whenever possible. The Court concluded that "unjustified isolation" is discrimination based on disability and a violation of the ADA. The Administration believes that community-based care is critically important and will work with the States to swiftly implement the *Olmstead* decision.

Establishing a National Commission on Mental Health: The President has committed to create a National Commission on Mental Health, which will study and make recommendations for improving America's mental health service delivery system, including making recommendations on the availability and delivery of new treatments and technologies for people with severe mental illness.

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Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Briefing	Domestic Policy Briefing - To: POTUS - From: Margaret La Montagne	1	02/22/2001	P5;

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COLLECTION:

Staff Secretary, White House Office of the

SERIES:

Von Der Heydt, Thomas (Tommy) - Bush Record Policy Memos

FOLDER TITLE:

Civil Rights Legacy: A Timeline (2001 - 2008) [1]

FRC ID:

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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]

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- 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]

Memorandum

February 27, 2001

MEMORANDUM FOR THE ATTORNEY GENERAL

SUBJECT: Racial Profiling

I hereby direct you to review the use by Federal law enforcement authorities of race as a factor in conducting stops, searches, and other investigative procedures. In particular, I ask that you work with the Congress to develop methods or mechanisms to collect any relevant data from Federal law enforcement agencies and work in cooperation with State and local law enforcement in order to assess the extent and nature of any such practices.

I further direct that you report back to me with your findings and recommendations for the improvement of the just and equal administration of our Nation's laws.

GEORGE W. BUSH

#

Executive Order

Community-based Alternatives for Individuals 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 place qualified individuals with disabilities in community settings whenever appropriate, it is hereby ordered as follows:

Section 1. Policy. This order is issued consistent with the following findings and principles:

- (a) The United States is committed to community-based alternatives for individuals with disabilities and recognizes that such services advance the best interests of Americans.
- (b) The United States seeks to ensure that America's community-based programs effectively foster independence and participation in the community for Americans with disabilities.
- (c) Unjustified isolation or segregation of qualified individuals with disabilities through institutionalization is a form of disability-based discrimination prohibited by Title II of the Americans With Disabilities Act of 1990 (ADA), 42 U.S.C. 12101 et. seq. States must avoid disability-based discrimination unless doing so would fundamentally alter the nature of the service, program, or activity provided by the State.
- (d) In *Olmstead v. L.C.*, 527 U.S. 581 (1999) (the "Olmstead decision"), the Supreme Court construed Title II of the ADA to require States to place qualified individuals with mental disabilities in community settings, rather than in institutions, whenever treatment professionals determine that such placement is appropriate, the affected persons do not oppose such placement, and the State can reasonably accommodate the placement, taking into account the resources available to the State and the needs of others with disabilities.
- (e) The Federal Government must assist States and localities to implement swiftly the Olmstead decision, so as to help ensure that all Americans have the opportunity to live close to their families and friends, to live more independently, to engage in productive employment, and to participate in community life.

Sec. 2. Swift Implementation of the Olmstead Decision: Agency Responsibilities. (a) The Attorney General, the Secretaries of Health and Human Services, Education, Labor, and Housing and Urban Development, and the Commissioner of the Social Security Administration shall work cooperatively to ensure that the Olmstead decision is implemented in a timely manner. Specifically, the designated agencies should work with States to help them assess their compliance with the Olmstead decision and the ADA in providing services to qualified individuals with disabilities in community-based settings, as long as such services are appropriate to the needs of those individuals. These agencies should provide technical guidance and work cooperatively with States to achieve the goals of Title II of the ADA, particularly where States have chosen to develop comprehensive, effectively working plans to provide services to qualified individuals with disabilities in the most integrated settings. These agencies should also ensure that existing Federal resources are used in the most effective manner to support the goals of the ADA. The Secretary of Health and Human Services shall take the lead in coordinating these efforts.

(b) The Attorney General, the Secretaries of Health and Human Services, Education, Labor, and Housing and Urban Development, and the Commissioner of the Social Security Administration shall evaluate the policies, programs, statutes, and regulations of their respective agencies to determine whether any should be revised or modified to improve the availability of community-based services for qualified individuals with disabilities. The review shall focus on identifying affected populations, improving the flow of information about supports in the community, and removing barriers that impede opportunities for community placement. The review should ensure the involvement of consumers, advocacy organizations, providers, and relevant agency representatives. Each agency head should report to the President, through the Secretary of Health and Human Services, with the results of their evaluation within 120 days.

(c) The Attorney General and the Secretary of Health and Human Services shall fully enforce Title II of the ADA, including investigating and resolving complaints filed on behalf of individuals who allege that they have been the victims of unjustified institutionalization. Whenever possible, the Department of Justice and the Department of

Health and Human Services should work cooperatively with States to resolve these complaints, and should use alternative dispute resolution to bring these complaints to a quick and constructive resolution.

(d) The agency actions directed by this order shall be done consistent with this Administration's budget.

Sec. 3. Judicial Review. Nothing in this order shall affect any otherwise available judicial review of agency action. This order is intended only to improve the internal management of the Federal Government and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

GEORGE W. BUSH

THE WHITE HOUSE,
June 18, 2001.

#

President Bush Discusses His Commitment to Americans with Disabilities

Captec Assistive Technology Center
U.S. Department of Defense

June 19, 2001

THE PRESIDENT: Thank you all. Mr. Secretary, thank you very much for your hospitality and your leadership. Senator Jeffords, Congressmen Green, Horn and Langevin, thank you all for coming. It's good to see you all. Four members of the United States Congress have had a piece, a hand in the strategy that I'm about to talk about, and I thank them for their leadership.

Dinah, thank you very much. It's always a joy to be around somebody who loves what she's doing. An enthusiastic soul, and someone who is making people's lives better. And I really appreciate you having me here. I want to thank David Shu for his work, and I want to thank Rhett Dawson as well, who is the President of the Information Technology and Industry Council.

My fellow Americans, when the Americans with Disabilities Act was signed in 1990, our nation made a promise we will no longer underestimate the abilities of Americans with disabilities. We will treat Americans with disabilities as people to be respected, rather than problems to be confronted.

Our nation has made progress in both attitude and law. Navigating through buildings and buses is far easier than it was just a decade ago. Now, the growth of new technologies creates new hopes and new obstacles.

The Internet brings a world of information into a computer screen, which has enriched the lives of many with disabilities. Yet, technology creates challenges of its own. The brilliant graphics that add life to many web pages can make it difficult for a visually impaired person to get the information he or she needs from a web site. Video technology is turning many computers into television sets.

Yet, without closed captioning, many see a picture and no words. And complex keyboard commands make it difficult for a person with impaired motor skills to tap a computer's full potential. As a result, computer usage and Internet access for people with disabilities is half that of people without disabilities.

Researchers here at the Department of Defense and at other agencies throughout the federal government and in the private sector are developing solutions to these problems. I have just had the opportunity to tour the department's assistive technology center, and I saw technologies that are helping people with disabilities enjoy the full range of opportunities made possible by the technology boom.

Software allows hearing impaired people to communicate with their co-workers by computer. Screen reading technology makes it possible for the visually impaired to access information on a monitor. And voice recognition software unlocks new computing possibilities for people with impaired dexterity.

The technologies on display here have helped more than 20,000 Defense Department employees enjoy greater access to communications and computing equipment. And they will help countless individuals in the public and private sectors become fully integrated into the workplace. I'm committed to bringing that technology to users as quickly as possible. And I'm committed to ensuring that government web sites become compatible with this evolving technology.

And that is why I'm pleased to announce that when Section 508 of the Rehabilitation Act, offered by Jim Jeffords, becomes effective for all federal agencies next Monday, there will be more opportunities for people of all abilities to access government information. Section 508 requires federal agencies to make sure that the electronic and information technology they use is accessible for people with disabilities.

Increasingly, Americans use information technology to interact with their government. They rely on thousands of government web pages to download forms, learn about federal programs, find out where to turn for government assistance, and communicate with elected officials, such as the President. And because of Section 508, government web sites will be more accessible for millions of Americans who have disabilities.

Section 508 will also make the federal government a better employer, as roughly 120,000 federal employees with disabilities will have greater access to the tools they need to better perform their jobs. This is one example of the successful public-private partnerships that are removing barriers to full community participation by Americans with disabilities. I thank the leaders from the technology industry who are with us today for your innovation and your ongoing cooperation.

Full implementation of Section 508 is a key element of an agenda I announced a year ago, and began implementing in February. It is called The New Freedom Initiative, and its goal is to prepare -- is to help Americans with disabilities realize their potential and to achieve their dreams.

We've asked Congress to increase funding to bring assistive technologies to market more quickly, to help make them more affordable for the people who need them, and to speed research in developing new technologies. We have sought to make it easier for Americans with disabilities to enter the work force by finding new ways to get people to their jobs, relying on new technologies to help people work from their home.

We recognize the small businesses and community groups like churches, synagogues, mosques and civic organizations may have trouble finding the resources to fully comply with the ADA. So we've asked Congress to support efforts to help them make their facilities more accessible. And we understand that new policies will mean little if we don't fully enforce the ADA. So my administration is doing just that.

While these federal efforts are crucial to guaranteeing full accessibility for Americans with disabilities, we must also help them connect with their local communities. So I've signed an executive order requiring full implementation of the Supreme Court's 1999 Olmstead Decision. (Applause.) Olmstead and the ADA rightly mandate that individuals with disabilities who can receive support and treatment in a community setting should be given a reasonable opportunity to live close to their families and friends when appropriate.

My executive order directs key federal agencies, like the Departments of Housing and Urban Development, Labor, Health and Human Services, Education and Justice and the Social Security Administration to work with states to implement the Olmstead decision and the ADA. It directs those agencies to explore how we can increase community-based services for people with disabilities. And it directs Attorney General Ashcroft and Secretary Thompson to fully enforce Title II of the Americans with Disabilities Act, and ensure that no one is unjustly institutionalized. (Applause.)

Secretary Thompson has also made seed money available to help every state develop a plan for implementing Olmstead. The Olmstead Executive Order will increase freedom for people with disabilities. It is compassionate. It is needed. And it is now the federal official policy of my administration. Americans must have the opportunity to live independently, work productively and participate fully in community life.

Many Americans achieve this independence through home ownership; but, too often, the high cost of therapeutic care and assistive equipment and technologies make the goal of home ownership unattainable for people with disabilities. That's why I'm optimistic about a pilot program led through the Congress by Representative Mark Green, and soon to be implemented by Secretary Mel Martinez at HUD, that will allow many people with disabilities to buy their own homes. By making the Section 8 low-income rental assistance program more flexible, the federal government can make home ownership a reality for more Americans.

The new Section 8 HUD pilot program, the Olmstead Executive Order, and the full implementation of Section 508 will help eliminate the barriers that many Americans with disabilities face. The proposals I sent to Congress will build on our society's commitment to welcome all Americans as friends and neighbors. When governments, business and individuals work together, to build a welcoming society, Americans of every ability will benefit.

Thank you for what you're doing here at the Department of Defense. Thank you for your compassion. And may God bless America.

#

Fact Sheet

President Bush Highlights Commitment to Americans with Disabilities

June 19, 2001

Presidential Action

- The President signed an Executive Order on Monday, June 18, 2001, promoting community-based alternatives -- rather than institutions -- for individuals with disabilities. This Executive Order directs key federal agencies to work closely with states to ensure full compliance with the Supreme Court's ruling in the Olmstead case and the Americans with Disabilities Act (ADA).
- The President committed the Federal government to a leadership role in providing greater access for Americans with disabilities. President Bush visited the Pentagon's Computer/Electronic Accommodations Program Technology Evaluation Center (CAPTEC), which evaluates and demonstrates assistive technology for people with disabilities at the Department of Defense and other federal agencies.
- The President announced that new rules implementing Section 508 of the Rehabilitation Act Amendments will take effect on June 25. The rules will require the federal government to purchase electronic and information technology greatly expanding the availability of assistive technology to Americans with disabilities.
- The President announced that the Department of Housing and Urban Development is in the process of issuing regulations to implement the HUD Section 8 Disability Homeownership Initiative, created by Congress last year. The 3-year pilot program will allow people with disabilities to use Section 8 assistance toward down payment and closing costs of purchasing a home, rather than limiting these funds to rent payments.

Background on the President's Action

- **Olmstead Executive Order:** On June 22, 1999, the Supreme Court held in its landmark Olmstead decision that Title II of the Americans with Disabilities Act (ADA) requires states, whenever possible, to place qualified individuals with mental disabilities in community settings rather than in institutions. The Supreme Court called on the states to develop "comprehensive, effectively working plans" to provide services to individuals with disabilities in the most integrated settings possible.
- The Executive Order refers to all Americans with disabilities, going beyond the Supreme Court's ruling Olmstead, which limited the holding in its decision to individuals with mental disabilities.
- The Executive Order directs key federal agencies to assist states as they work to fully comply with the Olmstead decision and the ADA. It directs HHS to coordinate an effort by all federal agencies to evaluate their own policies, programs and regulations to ensure that community-based services for people with disabilities are available. Finally, it directs the Attorney General and the Secretary of Health and Human Services to fully enforce Title II of the ADA, including alternative dispute resolution mechanisms to help resolve complaints filed by those who allege they are victims of unjustified institutionalization.
- **Section 508:** Section 508 of the Rehabilitation Act Amendments of 1998 requires that federal agencies ensure that disabled employees and members of the public have access to information, computers and networks comparable to access enjoyed by people without disabilities. The Bush Administration is working closely with the high-tech industry and the disability rights community to implement Section 508 and is encouraging the private sector to develop products and technologies accessible to people with disabilities.
- **HUD Section 8 Disability Homeownership Initiative:** Because the high costs of therapeutic care and assistive equipment and technologies make the goal of home ownership unattainable for many Americans with disabilities, the Department of Housing and Urban Development will be issuing regulations to

implement a 3-year pilot program passed by Congress that will allow many people with disabilities to buy their own homes. This initiative will make the current Section 8 low-income rental assistance program more flexible for persons with disabilities, allowing Section 8 funds to be used for mortgage payments, and making home ownership a reality for more Americans.

The New Freedom Initiative -- Breaking Down Barriers to Access

- Earlier this year, President Bush unveiled his New Freedom Initiative -- a comprehensive set of proposals to fulfill America's promise to the 54 million Americans with disabilities.
- The New Freedom Initiative will help Americans with disabilities increase access to innovative new technologies that help them participate fully in society, expand their educational opportunities, better integrate them into the workforce, and promote their full access to community life.

The President's Budget and the New Freedom Initiative

- The President's budget plan backs up the New Freedom Initiative with more than \$8.6 billion in funding in FY 2002 alone.
- Among the key proposals receiving funding in the President's budget:
 - \$5 million to help small businesses comply with the Americans with Disabilities Act (ADA), and to encourage small businesses to hire Americans with disabilities.
 - \$20 million for Rehabilitative Engineering Research Centers, which conduct some of the nation's most innovative assistive technology research, and help bring assistive technologies to market.
 - \$20 million for the Access to Telework Fund, to provide federal matching funds to states to guarantee low-interest loans for individuals with disabilities to purchase computers and other equipment necessary to telework from home.
 - \$20 million in federal matching funds to help organizations that are currently exempt from the ADA, such as churches, mosques, synagogues, and civic organizations, make their facilities accessible to individuals with disabilities.
 - \$40 million in federal matching funds to states to finance low-interest loans to help people with disabilities to purchase needed assistive technologies.
 - \$45 million to fund 10 new pilot programs to develop innovative transportation programs to serve people with disabilities.
 - \$100 million in competitive matching grants to promote access to alternative transportation methods for people with disabilities through community-based and other local providers.
 - \$8.4 billion for special education programs, including \$7.3 billion for Part B grants to states, a \$1 billion increase. This is the largest special education funding increase ever proposed by a President in his budget, and increases the federal share of special education costs from 15 percent to 17 percent.
- In addition to the President's New Freedom Initiative, the President's budget also nearly doubles funding for the newly created Office of Disability Employment Policy at the Department of Labor. The Office will facilitate change in policies and practices that will result in a higher number of individuals with disabilities employed in the competitive labor market.

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Statement by the President

Eleven years ago today, people from across America gathered to celebrate the signing of the Americans with Disabilities Act of 1990 (ADA), one of the Nation's most important civil rights laws since the Civil Rights Act of 1964. The ADA opened up the true promise of America to people with disabilities who, for far too long, have found impediments to getting an education, getting a job, or just getting around.

I am proud that my father saw the need for a comprehensive law to liberate the energies and talents of people with disabilities, and who worked with the Congress to make the ADA a reality.

Much has been accomplished in the past 11 years. Attitudes are changing and barriers are coming down all across America. Employers now provide a range of "accommodations" to ensure that employees with disabilities can keep their place in the wage-earning world, resulting in unprecedented economic opportunities. And, outside of the workplace, the promise of the ADA, coupled with the entrepreneurial spirit of the private sector, has enabled people with disabilities to enjoy much greater access to a wide range of affordable travel, recreational opportunities, and life-enriching services.

Because of the ADA, people with disabilities are gaining equal access to public sector services. And the public sector has rallied to the ADA's goals. From improving access at town halls and courthouses to providing accessible parking to assistive listening devices at public meetings, States and local governments have developed some of the most innovative and meaningful responses to the ADA. In addition, my Administration is committed to full and effective implementation of Section 508 of the Rehabilitation Act, which will help ensure that people of all abilities can access government information and online services. My Administration is working closely with State and local governments to move people with disabilities out of institutions and into community-based settings, going above and beyond the requirements of the Supreme Court's landmark Olmstead decision.

In fact, the message of the ADA is being heard all around the world. Over 40 countries, from Australia to Uganda, now have laws prohibiting discrimination against people with disabilities -- many of them inspired by the ADA.

Although we have accomplished much because of the ADA, our job is far from done. People with disabilities are far more likely than other Americans to drop out of high school or to suffer from poverty and unemployment. They are far less likely to own a home, to use a computer to explore the Internet, or to vote.

Earlier this year, I proposed the New Freedom Initiative. It is the next step in securing the promise of the ADA. The New Freedom Initiative will help ensure that Americans with disabilities can access the best technologies of today and even better technologies in the future. We will expand educational opportunities and accessible transportation and take steps to fully integrate people with disabilities into the workforce. We will expand housing opportunities and improve access to churches, mosques, synagogues, and civic organizations. And we will fully enforce the ADA while working in partnership with businesses, States, and local governments to promote the highest possible degree of voluntary cooperation.

The Americans with Disabilities Act was an unprecedented step forward in promoting freedom, independence, and dignity for millions of our people. On this, the 11th anniversary of the Americans with Disabilities Act, I remain committed to tearing down the remaining barriers to equality that face Americans with disabilities today.

GEORGE W. BUSH

THE WHITE HOUSE,

July 26, 2001.

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Radio Address by the President to the Nation

July 28, 2001

THE PRESIDENT: Good morning. This past week, our country marked the 11th anniversary of the Americans with Disabilities Act. I'm proud that it was my father who signed that landmark legislation into law. And all Americans can take pride in the changes the ADA has brought into the lives of millions of citizens with disabilities. Because of that law, Americans with disabilities have gained greater access to public places. They have more options in choosing their homes, using public transportation, traveling and staying in hotels.

Many have joined the work force, thanks to reasonable accommodations made by their employers. This has made our country a fairer society, more considerate and welcoming to all our citizens.

As people with disabilities find more opportunities to use their gifts and talents, we also become a stronger, more productive nation. Some barriers remain, however. And as long as they stand, our work is unfinished.

In February, I announced a plan called the New Freedom Initiative to expand even further the opportunities available to people with disabilities. This initiative will help more Americans with disabilities enter the work force by improving transportation, or making it easier to work from home. It will encourage private companies to develop new assistive technologies, like computer monitors for people with visual impairments, infrared pointers for people who cannot use their hands to operate a keyboard, and lighter wheelchairs to increase mobility. And my New Freedom Initiative will help community groups, churches, synagogues, mosques and civic organizations to improve access for people with disabilities.

Many of these groups are trying their best to meet the requirements of ADA, and we will help them. We must also work to ensure that people with disabilities are not arbitrarily isolated or kept apart. I recently signed an executive order requiring federal agencies to work with state and local authorities to allow people with disabilities to move out of institutions and into community settings.

I've also instructed the Attorney General and the Secretary of Health and Human Services to fully enforce Title II of the Americans with Disabilities Act, ensuring that no one is unjustifiably institutionalized.

My administration is also committed to requiring all federal agencies to make sure that their Internet sites are more accessible for people with disabilities, both inside and outside the government.

We have made significant progress in advancing the New Freedom Initiative. But some of these reforms will require the Congress to provide the resources we need to fully implement the New Freedom Initiative and fulfill the promise of ADA.

All of these efforts will build on the progress we have made as a society since the Americans With Disabilities Act became law. During the last 11 years, we have opened the doors of opportunity to millions of people with disabilities; and, together, we can ensure that everyone with a disability enjoys the respect that all citizens deserve.

Thank you for listening.

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Remarks by the President to National Organization of Black Law Enforcement Executives

Marriott Wardman Park Hotel

Washington, D.C.

July 30, 2001

THE PRESIDENT: Thank you all very much for that warm welcome. I am honored to be here for the 25th anniversary of NOBLE. And I want to welcome each of you to Washington.

I also thank you for giving me a chance to come and talk about a powerful tool to help you all do your job. And that tool is stronger communities and the willingness for our society to welcome faith-based and community-based programs at the grass-roots level, all aimed at teaching our children right from wrong; all aimed at making sure there's hope in every neighborhood throughout America.

I want to thank Ida very much for her brief, but meaningful introduction. (Laughter.) I want to thank Leonard Cook and Maurice Foster, as well.

I've got to say something about Hubert Bell. (Applause.) Maybe I'd better not, Hubert. It sounds like you're doing pretty good. (Laughter.) But Hubert was really a part of our family for a long period of time, and we appreciated his service and sacrifice. He protected my mother and dad, for which, of course, not only is their loyal son grateful, but so are they. And it's great to see you, Hubert. (Applause.)

Also riding with me today is a fine man who I, fortunately, convinced to serve our country as the Deputy Attorney General from the state of Georgia, Larry Thompson. Larry, thank you for your service, as well. (Applause.)

You've always got to say something nice about the police chief in the community in which you live. (Laughter.) Just in case. (Laughter and applause.) In my case, just in case the limo driver drives a little too fast. (Laughter.) But, Charles, thank you for your leadership. I first saw that in action during the inauguration, and he did a fantastic job. And so did the men and women who wear the uniform here in the Nation's Capital. Thank you for your service. (Applause.)

It's also a pleasure to be here today with many of the founding members of NOBLE, and its membership. Thank you for giving me a chance.

NOBLE is one of America's most effective police organizations, and a voice for justice around our great nation. And I want to thank you for that. I want to thank you for serving as a conscience in many communities in America.

It's also an important part of law enforcement, the history of law enforcement in America. Until the '60s, few African Americans could dream of wearing the policeman's uniform and badge. Even those given the authority of the badge sometimes did not get the respect they deserve. I'm told about a man named James Cherry in 1964 who became the first uniformed black officer in Jackson, Tennessee. And on his first house call to the home of a white resident, a woman opened the door and looked at him and said, I don't want you, I want the real police.

Fortunately, times have changed in America. Fortunately, when Officer Cherry shows up to the door today, people are saying, thank you, officer, for coming to help me. Thank you for your service. (Applause.) Folks in this country have realized law enforcement depends upon the participation of fine African men and women all across America. And I want to thank those officers for the commitment and the risks they take on a daily basis.

And we owe you something in return. We owe you something in return for your service, and that's justice. And that's why I've asked the Attorney General and the Deputy Attorney General to examine racial profiling. It's wrong in America, and we've got to get rid of it. (Applause.)

Law enforcement is one of the great callings in our society, it really is. It's a noble profession. It's also one of the great success stories of the past decade. Last month the Justice Department reported that violent crime fell almost 15 percent last year alone, the largest drop ever recorded. Across America, law enforcement is doing its job, and crime is in retreat.

Some examples of success have captured the attention of the nation. When Superintendent Richard Pennington of the New Orleans Police Department was appointed in 1994, New Orleans was rated the most violent city in America. And the truth of the matter is, the Police Department had serious, serious problems. The Chief began by reforming the department, itself. He used the latest technology to track crime, and built trusting relationships between the Department and neighborhoods all throughout New Orleans.

Today, seven years after his arrival, the people of New Orleans respect the Police Department, because violent crime is down 75 percent in that city. (Applause.) A leader can make a difference, Chief Pennington, and you have done so. And by working hard in the neighborhoods, the Police Department has earned their respect. And that's important.

My administration must offer more than just praise, however. We must promote policy that provides active support for police officers around the country. We've begun already with Project Safe Neighborhoods. I don't know whether you know this or not, but the NOBLE officers helped write the program, helped come up with the strategy that says, we need to do develop local partnerships all across America to enforce gun laws on the books.

We need to spend more resources and energy in a coordinated way that says to people, if you carry -- illegally carry a gun, there is a consequence; that if you think you can act out your frustrations by illegally carrying weapons, and/or illegally using them, there's only one consequence: that's arrest, and jail.

And so we've put \$550 million aside for two years, that says let's have a focused, concerted effort. Let's focus our time and energy and efforts on ferreting out those who hold others hostage in our society, and stand side-by-side with the police officers all across America -- arrest and prosecute and incarcerate those who illegally carry and use guns. It's a mission we must do to make our neighborhoods more safe.

It's a mission we must do to make our neighborhoods more safe. And I want to thank NOBLE for helping write and devise the strategy that in my heart of hearts I know is going to work. (Applause.)

But we must have goals beyond just punishment. We must, at the deepest level, embrace our youth instead of fearing them. It starts with making sure we've got good education systems all around America. (Applause.) An educated child is one much less likely to commit a crime.

And we're making pretty good progress here in Washington. We've got a bill passed out of the House and a bill passed out of the Senate, and one of these days, they may get together and put one on my desk. (Applause.) And the sooner, rather than later. The sooner, rather than later. Because it's time to get some legislation out so that the local school boards and local districts can start the plan.

And let me tell you the crux of the bill. I think you'll appreciate this. It challenges the soft bigotry of low expectations. It challenges the notion that there are certain children in our society who can't possibly learn, and therefore, let's just move them through. Let's just say, if you're 10 you're supposed to be in the 4th grade; and if you're 13, we'll put you here, regardless of what you may or may not know. Those days have got to end.

What we've got to start asking of each child is, what do you know. And if you don't know what you're supposed to know, we will make sure you do, early, before it's too late. See, I believe every child can learn. And I believe our society must focus on accountability to make sure they do. And so we've got a good piece of legislation that starts with setting high standards, challenging that soft bigotry.

It says local people ought to be running the schools around America. One size does not fit all. But it also says that if you receive help, you must show us whether or not you're teaching our children to read and write and add and subtract. And if they were, and if they are, there will be thousands of hallelujahs. But if not, you must change what you're doing because no child in America should be left behind. (Applause.)

Besides learning to read and write and add and subtract, it's so essential that our children learn values that defeat hostility and aggression. The values that will bring dignity and direction to their lives. We want to help them make decisions based upon character and conscience and integrity, not the fear of punishment.

We must prevent crime by reclaiming lives of those who may have lost hope. And I believe we can do so in America. And I believe we've got a great chance to start here in Washington, D.C. It starts with making sure that

responsible adults are involved in the lives of our children. These children need consistent, committed love that breaks down walls of distrust. They need a sense of belonging and respect from someone other than the local gang leader.

These things are most often done by parents, no question about it. But sometimes, we must encourage mentors and ministers and faith healers to become actively involved in the lives of these young children. There are so many stories, all around America. Frankly, these stories exist not because of government, but because somebody is talking to a higher authority. Somebody has heard the call to love a neighbor like he or she would like to be loved themselves.

I think, for example, of the program in Chicago called From Gangs to Grace. It works out of the New Life Covenant Church, which sits right in the middle of gang territory. The program was formed three years ago by former gang members whose lives were torn upside down because of drugs. One of them, a fellow, was named Pedro Munez. He spoke eloquently about the program. He says, "My vocabulary has changed, and I don't curse anymore. I treat my family with respect. I just treat everybody with respect now."

A young man who has learned the value of respect is going to be a better man. He's going to honor his father and mother. He's going to treat young women as he should treat them. He's going to live up to his responsibilities. He'll serve to be a good example. There's no limit to what comes when you change one heart. One young man learning to learn because of the virtue of respect.

Most effective police programs in America have learned the value of working with charities and churches and synagogues and mosques on youth development and crime prevention. Most of you have learned that strong communities and strong values make your work a lot easier. Most of you have been involved in the so-called faith-based initiative way before I proposed it to the United States Congress, and I understand that. As a matter of fact, much of the work that you have done that proceeded me here has become the basis for meaningful legislation.

It's legislation that says to the United States Congress, let us fund the faith-based organizations all across America. Let's give them a chance to compete for federal dollars. Let's not lock them out just because they have the word, "faith" in front of their program. After all, faith-based initiatives and programs can change people's hearts. And when they change people's hearts, they change people's lives. And a changed life is much more likely to be a person -- peaceful, respectful person.

We should not fear faith in our society. We should not fear welcoming community groups that not necessary have been sanctioned by government, that exists as -- apart from government. We should welcome them. These are the soldiers in the armies of compassion. These are the people whose calling exists because of the church or the synagogue or the mosque. But people who are intent upon helping young people make the right choices in life.

You know, it's amazing, as I travel around the country I hear from people at the grass-roots level who have gotten the message. Sometimes it seems like to me the word hadn't quite gotten up to Washington, D.C., and it's time for Congress to pass legislation to rally the faith-based programs, so they can stand side-by-side with those folks in the community who are trying to bring peace and law and order, the people who wear the uniform.

A bill came out of the House of Representatives the other day, and I had a good meeting with Senator Lieberman and Senator Santorum, talking about making sure that the faith-based initiative continues its momentum. It's the right thing to do for America. It is the next step beyond welfare. It is a way to recognize there are still people who are hopeless, people who need help. And it's making sure the American Dream extends its reach in all neighborhoods.

We must call upon all folks, all people who are willing to help change lives in a positive way. Listen, this is a great country, and the reason it's a great country is because it's full of so many decent and honorable and loving citizens. It's a great country because there's love in a lot of people's hearts. It's a great country, and we must rally the greatness of the country, and that's our people. And it's a great country, as well, because there are thousands of people who are willing to serve a concept greater than themselves in life.

And there's no greater concept in life than to try to bring peace to neighborhoods. There's no greater concept than to take risk like the men and women who wear the uniform do on a daily basis.

And so I'm here to thank you for your work. I'm here to tell you this is a government that stands by your side, a government that understands that an educated child is going to make your job a lot easier, but a government that also understands that as we rally the community and faith-based programs -- interface with people -- it's going to make America a much more compassionate and decent and hopeful land.

Again, I'm so honored that you invited me here. Thank you for hearing me out, and may God bless. (Applause.)

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COPY FROM ORM

**THE WHITE HOUSE
WASHINGTON**

NATIONAL URBAN LEAGUE'S ANNUAL CONVENTION

**Wednesday, August 1, 2001
9:20 a.m. – 10:40 a.m.
Washington Convention Center, Hall C, Level 2
Karl Rove**

I. PURPOSE

To address members of the National Urban League on your education package as Congress gets closer to voting on it.

Education is one of the Urban League's key policy issues.

II. BACKGROUND

The Urban League is the Nation's oldest and largest community-based organization devoted to helping African-Americans enter the economic and social mainstream. The Urban League's mission is to enable African-Americans to secure economic self-reliance, social parity, political power, and civil rights.

The Urban League, like the African-American community at large, recognizes the following as key policy issues important to its constituency:

Education
Employment
Housing

Technology
Economic Self Sufficiency
Race Relations

III. PARTICIPANTS

Hugh Price, President/CEO, National Urban League
Kenneth Lewis, Chairman, National Urban League
Rod Paige, Secretary of Education
Albert Hawkins, Cabinet Secretary
Larry Thompson, Deputy Attorney General
3,000 convention attendees

IV. SEQUENCE OF EVENTS

- You arrive at the Convention Center and proceed to Pantry Conference room for roundtable meeting. (Note: Roundtable will last for 30 minutes.)
- Roundtable meeting concludes (meeting participants will be escorted out).
- Hugh Price remains with you during holding time.
- Kenneth Lewis introduces you and Hugh Price to the convention, you take your seat on the stage, and Price proceeds to podium and introduces you.
- You deliver remarks.
- Conclude remarks and proceed to rope line.
- Conclude rope line and proceed to motorcade.

V. PRESS PLAN

Roundtable Meeting: Closed
Remarks to Urban League: Open

VI. REMARKS

Prepared by Speechwriting

VII. ATTACHMENT

Remarks
List of roundtable participants
Q's and A's

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2001 National Urban League Conference
August 1, 2001
Draft #15

Hugh, thanks for that introduction, and thank you all very much. I want to thank the leadership of the National Urban League for inviting me, and I welcome you all to the Nation's capital.

You've come here to hold America to its founding promises of justice and opportunity. There are many items on that agenda – from economic empowerment ... to election reform ... to criminal justice reform. Earlier today I talked with this organization's leadership, and pledged to work with you on all these issues. Here in Washington we are reaching a moment of decision on one issue – an issue that is urgent in every urban neighborhood – the issue of education. So this morning, among the Nation's most influential urban leaders, I want to speak about the essential choices facing our Congress and our country when it comes to the reform of our public schools.

Acknowledgments

- Hugh Price, President and CEO, National Urban League
- Kenneth Lewis, Chairman, National Urban League
- Leland Brendsel [BREND-zuhl], Urban League Trustee and Chairman/CEO, Freddie Mac
- Ken Blackwell, Secretary of State (R-OH)
- Joe Rogers, Lieutenant Governor (R-CO)
- Rod Paige, Secretary of Education
- Larry Thompson, Deputy Attorney General

The men and women of the Urban League know how important our schools are – how much good they can do in the life of a child, and how much is lost when they fail. You have seen both. The mission of the National Urban League is to "secure economic self-reliance, parity and power, and civil rights." And successful schools have always been central to that mission. An equal society begins with equally excellent schools.

But we know our schools today are not equal. The failure of many urban schools is a great and continuing scandal. Rarely in American history

have we faced a problem so serious and destructive, on which change has come so slowly.

The most basic educational skill is reading. The most basic obligation of any school is to teach reading. Yet earlier this year we found that almost two-thirds of African-American children in the fourth grade cannot read at a basic grade level. For white children, that figure is 27 percent. That gap is wide and troubling and not getting any better. That gap leads to personal tragedy and social injustice. In America, literacy is liberation – and we must set all our children free.

The ability to read is what turns a child into a student. First we learn to read, and then we read to learn. When this skill is not taught, a child has not failed the system – the system has failed the child. And that child is often put on a path of frustration and broken confidence.

For too long, many schools have been content to blame their failure on parents ... on poverty ... on circumstances beyond their control. Year after year, children without skills are passed along in schools without standards. Some see this social promotion as an act of compassion. It is, in fact, a form of discrimination – the soft bigotry of low expectations. That bigotry has young casualties. And that bigotry must end.

Listen to the experience of one young girl from New York. She said, "In the fifth grade, I missed maybe 90 days of school, and they passed me with no problem. In the sixth grade ... I missed maybe 100 days, and they passed me with no problem. I don't even remember taking the exams. They just kept passing me along. I ended up dropping out in the seventh grade ... I basically felt that no one cared."

That young woman learned one lesson in school: No one cared – at least no one who could help. Millions of children carry that same lesson throughout their lives. And we owe them better. We owe all our children the pride and promise of learning. We must return the spirit of ambition and achievement to all our public schools.

The Urban League is reaching toward that goal, by highlighting student achievement ... by focusing on early literacy ... by encouraging

every child to "read and rise."¹ Our government must have those same priorities. Education is a local responsibility, yet improving our schools is a national goal. And all of us must do our part.

For nearly 40 years, our federal government has tried to improve education with money alone. We invested 158 billion dollars in Title I programs, with great intentions and no measurable result. We have been pumping gas into a flooded engine. Just as faith without works is dead², money without reform is fruitless.

Yet today, after decades of frustration, we are on the verge of dramatic reform. Schools must have the resources they need – and I support more spending. Local folks must be in charge of local schools – because they are closest to children and their challenges. And, most of all, we need true accountability, the centerpiece of reform. Consequences for school officials must be determined by proven results for children. Those in authority must show responsibility. The purpose of education, after all, is not jobs for adults, it is learning for students.

Accountability is an exercise in hope. When we raise academic standards, children raise their academic sights. When children are regularly tested, teachers know where and how to improve. When scores are known to parents, parents are empowered to push for change. When accountability for our schools is real, the results for our children are real.

I know this because I have seen it. In Texas, when we first introduced accountability measures, only 56 percent of African-American fourth graders could pass our state reading test. Today, 83 percent of those students pass the test. African-American eighth graders in Texas are writing better than their peers in any other state. On Texas state tests, we require and measure progress among every minority group – and we've gotten it. We saw supposedly hopeless schools make major progress. We saw students who had been written off find the self-esteem of real accomplishment. We saw how determined reform can confound the cynics and the skeptics.

¹ The title of an early reading booklet distributed by the Urban League.

² James 2:26

Accountability can work in all of America. Our federal government must take the side of meaningful reform. Our government must speak for disadvantaged children, who are often overlooked and underestimated. I am an activist for high standards. I am an activist for accountability. My Administration has set a great goal. We will lift the load of low expectations, and let our children rise.

The United States Congress now shares this goal. Our plan passed both the House and the Senate with big, bipartisan majorities. Our national debate has come a long way. But in the short distance we have left, there are some vital decisions to be made. Our landmark education reform is now in conference committee. We are coming down to the wire. We must finish strong, and get accountability right.

Today, I am urging the Congress to act quickly, and to act wisely, on three major issues.

First, we must begin where the need is greatest, and focus on the lowest-performing schools.

The bar for adequate school performance must be rigorous, achievable, targeted to all groups, and raised gradually. No one should ask that all our goals be met overnight. These goals must be met over time.

If, after three years, nothing changes for students in a failing school, their parents must be given other options – like a transfer to a better public school, or private tutoring. I would have preferred those options to include funds to attend a private school. Many in the Congress, unfortunately, disagreed. Yet we all agree that schools which persistently fail must be radically restructured.

Some of my allies in reform want to require dramatically improved performance, immediately and everywhere. I appreciate aiming high, but setting impossible expectations means setting no expectations. The undoable never gets done. If we identify all schools as failures, we won't be able to focus on the greatest need. If goals are unrealistic, teachers will become discouraged instead of challenged, and harassed instead of inspired. By confronting the worst problems, we direct our energies and send a message of reform heard throughout the entire system.

Second, states must choose their own tests, but within a state those tests must be comparable from place to place and year to year.

Right now a state and its districts can use different tests – and that's fine. But there has to be a way to compare the results of those tests to one another. If state accountability systems count easy tests from some districts and hard tests from others – without a method to compare them – parents won't really know who's making progress and who's falling behind. Unless there is fair and consistent measurement among schools, there can be no accountability.

Third, we must have independent evidence that state tests are rigorous and state standards are real.

Fortunately, we already have a proven way to get the independent evidence we need – the National Assessment of Educational Progress, or NAEP. NAEP is not new: over 40 states already participate. It is not a national test. And we don't need one. But we do need a national report card. And NAEP serves that purpose. We need an objective check on state accountability systems – so we need the NAEP for every state.

Not long ago, accountability was controversial. Today, the concept is widely shared. But to make a difference in the lives of children, it must be more than a concept. Accountability must be tough, yet realistic and workable. The Congress has some work to do before we reach that goal, and time is running short.

This is August. In 35 days school starts in New York City. In 34 days, schools open in Oakland, California. In Kansas City, Missouri, children report for class in 26 days. Principals and teachers need to make their plans for changes that will come immediately, and for changes that will come next year. We're asking a lot of our schools, our teachers, and our students. They have a big job ahead of them, and so do we here in Washington. Now let's get it done.

Two years ago, when I spoke to the Urban League conference in Houston, my reforms for America's schools were just a set of proposals. Now these proposals are within weeks of becoming reality. Today I ask the Urban League to support me in making them the law of the land. I ask you

to join me in building a system of education worthy of all America's children, so that every child has a chance in life, and no child is left behind.

Thank you, and God bless you.

Drafted by: Mike Gerson & Jennifer Grossman, Office of Speechwriting
Office: 202/456-0168

(b)(6)

**National Urban League
Roundtable Meeting**

Rod Paige, Secretary of Education
Albert Hawkins, Cabinet Secretary
Larry Thompson, Deputy Attorney General

Hugh B. Price
President and CEO
National Urban League

Kenneth D. Lewis
Chairman
National Urban League
Chairman and CEO
Bank of America

Charles M. Collins
President and Chairman
WDG Ventures

Kevin E. Hooks
General Manager
Urban Entertainment Marketing

Myron Robinson
President
Urban League of Greater Cleveland

N. Charles Anderson
President
Detroit Urban League

Esther L. Bush
President
Urban League of Pittsburgh

Elnora Watson
President
Urban League of Hudson County (NJ)

Glenn Brooks
Division Manager
Chief Office of Civil Rights
Dept. of Transportation - Oklahoma

T. William Fair
President
Urban League of Greater Miami

Herman L. Lessard, Jr.
President
Austin Area Urban League

Beverly K. Mitchell-Brooks, Ph.D.
President
Dallas Urban League

Sylvia K. Brooks
President
Houston Area Urban League

Maudine R. Cooper
President
Greater Washington Urban League

John W. Mack
President
Los Angeles Urban League

Milton J. Little, Jr.
Executive Vice President/CEO
National Urban League

James Buford
President
Urban League Metropolitan St. Louis

QUESTIONS AND ANSWERS FOR THE URBAN LEAGUE ROUNDTABLE

RACIAL PROFILING

What progress is your administration making to eliminate the practice of racial profiling?

Racial profiling is wrong, and we must end it. I have directed Attorney General Ashcroft to review the use by Federal law enforcement authorities of race as a factor in law enforcement activities. I look forward to his report in the near future.

MANDATORY MINIMUM SENTENCES

Do you support or oppose mandatory minimum sentences? Will you work to increase or decrease the number of offenses that trigger a mandatory minimum sentence?

I believe our system of justice must be fair and impartial to all, regardless of race. Mandatory minimum sentences can help achieve this goal by ensuring consistent sentences for all defendants. The best way to protect the innocent is swift and sure punishment for all criminals.

AFFIRMATIVE ACTION

What are your views on affirmative action?

I support what I call "affirmative access" – not quotas, not double standards, because those divide and balkanize, but access – a fair shot for every single person. Whether in awarding government contracts or making college admissions decisions, I believe we have an affirmative duty to offer equal access. Equal access doesn't guarantee equal results – but it guarantees that every person will get a fair shot based on their potential and based on their merit.

HATE CRIMES

What is your position on hate crimes legislation, such as the Kennedy bill which was reported out of the Senate Judiciary Committee last week?

I am deeply concerned and troubled by any crime that is motivated by prejudice or contempt for a particular group of citizens in America.

I believe that all crimes of violence are hate crimes that should be prosecuted vigorously and that the criminals who commit them should be punished to the full extent of the law.

These violent acts are already crimes under state laws nationwide. I have expressed my support for an approach that would provide financial and technical assistance to state and local officials to investigate and aggressively prosecute these crimes – and would authorize a thorough Federal assessment of the size and scope of the issue.

DEATH PENALTY

Statistics show that minorities make up the majority of death penalty inmates. What is your Administration doing to remedy this inequity?

After further reviewing last year's study and collecting additional information, the Department of Justice has concluded that there is no evidence of racial bias with regard to the death penalty.

This is the same conclusion that Janet Reno came to last year after the study was released, and she also felt there was no need for a moratorium on the death penalty.

After further review of the data, it showed that the cases were charged as capital and submitted to the department's review process in lower proportions for African-Americans and Hispanics than for Whites. In the cases considered by Attorney General Reno, she decided to seek the death penalty for 38% of the White defendants, 25% of the Black defendants, and 20% of the Hispanic defendants.

POLICE BRUTALITY

What are you and your Administration doing to eliminate police brutality and misconduct?

My Administration's focus is on eliminating police misconduct, not assigning credit and blame. Accordingly, the Justice Department is moving away from adversarial, litigation-oriented strategies, and now emphasizes more cooperative, problem-solving approaches to addressing police misconduct. We should start any investigation with a disposition towards cooperation, not litigation.

FELON DISENFRANCHISEMENT

Do you support restoring the rights of felons to vote?

As the National Commission on Federal Election Reform report clearly states, "we believe the question of whether felons should lose the right to vote is one that requires a moral judgment by the citizens of each state." So that is a decision for each state. [Note ONLY IF ASKED: In the State of Texas, Governor Bush signed legislation to remove the two-year waiting period after felons had fully served their time, including probation and parole, so they could vote].

BROWNFIELDS

Today, an estimated 450,000 brownfields tarnish the landscapes of communities throughout the United States. Typically they are abandoned industrial facilities, polluted and unused because of rigid, complex regulations – and fear of Superfund liability for anyone having anything to do with contaminated properties. What are you doing to address this problem?

Addressing brownfields not only demonstrates the cooperative spirit and results-oriented approach that should guide our Nation's environmental agenda – it also is a central component of our urban revitalization efforts.

I'm proud to have signed two sets of legislation (in 1997 and 1999) that created Texas' brownfield cleanup and redevelopment program – it already has resulted in more than 500 sites being cleaned up and on the way to being redeveloped.

My budget increases resources available for local brownfields rehabilitation by \$5 million, from \$92.6 to \$97.7 million in FY 2001. This year, EPA already has announced the awarding of more than \$38 million in grants for a total of 36 new brownfield pilot projects in communities across the country.

THE WORLD CONFERENCE AGAINST RACISM

Will the United States participate in the World Conference Against Racism, which will be held in Durban, South Africa beginning August 31?

- The World Conference presents an historic opportunity for the United States to unite with other countries to create a new vision for the fight against racism and xenophobia.
- The United States particularly looks forward to stressing that one of the crucial lessons from our struggle against racial discrimination and xenophobia has been the development of national laws that prohibit discrimination and provide recourse for victims of discrimination.
- The U.S. is willing to continue its leadership role if we are confident that others are willing to make this Conference an opportunity for all countries to adopt achievable measures to eliminate contemporary forms of racism and racial discrimination.
- There are several issues of great concern to the U.S. that have implications for our participation in Durban (reparations for Trans-Atlantic slavery, and Zionism as racism – both of which we oppose). However, we hope to make great progress toward resolving these issues during the 3rd preparatory committee meeting in Geneva, July 30 to August 10.
- Decisions about participation, including level of participation, will be made closer to the event.

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Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Agenda	Meeting with Muslim- and Arab-American Leaders - To: POTUS - From: Karl Rove	3	09/11/2001	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Staff Secretary, White House Office of the

SERIES:

Von Der Heydt, Thomas (Tommy) - Bush Record Policy Memos

FOLDER TITLE:

Civil Rights Legacy: A Timeline (2001 - 2008) [1]

FRC ID:

14346

OA Num.:

14456

NARA Num.:

14245

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 advise 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).

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]

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Meeting with Leaders of the Muslim Community - To: POTUS - From: Diana Schacht	5	09/10/2001	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
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COLLECTION:

Staff Secretary, White House Office of the

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RESTRICTION CODES

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

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Information Sheet	Muslim- and Arab-American Leadership Meeting Participant Background Information	6	N.D.	P5;

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Von Der Heydt, Thomas (Tommy) - Bush Record Policy Memos

FOLDER TITLE:

Civil Rights Legacy: A Timeline (2001 - 2008) [1]

FRC ID:

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RESTRICTION CODES

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President Signs Brown v. Board of Education Anniversary Commission

Today I have signed into law H.R. 2133, to create the "Brown v. Board of Education 50th Anniversary Commission." The Commission will advise the Secretary of Education on activities to help celebrate one of the most important decisions ever issued by the U.S. Supreme Court -- the decision that recognized the constitutional right to freedom from racial discrimination in our public schools. Establishing a commission to help celebrate the decision is particularly appropriate as we work to secure passage by the Congress of my Administration's educational initiatives, so that we leave no child behind.

Consistent with the requirements of the Appointments Clause of the Constitution, I welcome the participation, in an advisory capacity on the commission, of representatives of the Judiciary; the Brown Foundation for Education Equity, Excellence, and Research; the NAACP Legal Defense and Education Fund; and the Brown v. Board of Education National Historic Site in the activities of the commission. While the Constitution does not permit them to participate in the performance of executive functions, their advice will be crucial to the effective functioning of the commission. As I exercise my constitutional power of appointment to name 11 members of the commission, under the Appointments Clause and the enabling legislation, I welcome, as a matter of comity, the suggestions of the congressional leadership for those positions.

I look forward to the national celebration in 2004 of the 50th anniversary of the Supreme Court's decision in Brown v. Board of Education.

GEORGE W. BUSH

HE WHITE HOUSE,

September 18, 2001.

###

President Meets with Muslim Leaders

Remarks by the President in Meeting with Muslim Community Leaders
The Roosevelt Room

September 26, 2001

THE PRESIDENT: It's my honor to welcome to the White House my fellow Americans, Arab Americans, Americans who are Muslim by faith, to discuss about the current issues that took place, the aftermath of the incident, and what our country is going to do to make sure that everybody who is an American is respected.

I have told the nation more than once that ours is a war against evil, against extremists, that the teachings of Islam are the teachings of peace and good, and the al Qaeda organization is not an organization of good, an organization of peace. It's an organization based upon hate and evil.

I also want to assure my fellow Americans that when you pledge allegiance to the flag, with your hand on your heart, you pledge just as hard to the flag as I do; that the outpouring of support for our country has come from all corners of the country, including many members of the Muslim faith. And for that I am grateful.

I appreciate the contributions of time, the contributions of blood to help our fellow Americans who have been injured. And I'm proud of the Muslim leaders across America who have risen up and who have not only insisted that America be strong, but that America keep the values intact that have made us so unique and different -- the values of respect, the values of freedom to worship the way we see fit. And I also appreciate the prayers to the universal God.

And so, thank you all for coming. I don't know if you all remember the Imam led the service at the National Cathedral -- he did a heck of a good job, and we were proud to have him there. And I want to thank you very much for the gift you gave me, Imam, the Koran. It's a very thoughtful gift. I said thank you very much for the gift. He said, it's the best gift I could give you, Mr. President. I appreciate that very much.

Q Mr. President --

MR. JOHNDROE: Thank you all very much. Thank you all.

Q Mr. President --

THE PRESIDENT: Yes? Wait a minute. I feel guilty that John couldn't -- yes?

Q Sir, Senator Shelby this morning had some pretty direct comments about his thinking that somebody needs to be held accountable for what has been characterized by some people as a massive intelligence failure. I wonder what you think of his comments. Is he trying to inject politics in this? Does someone need to fall on their sword, if you will?

THE PRESIDENT: Well, John, the intelligence gathering capacity of the United States is doing a fine job. These terrorists had burrowed in our country for over two years. They were well-organized. They were well-planned. They struck in a way that was unimaginable. And we are a united nation. We're going to go forward with our war against these terrorists. And our nation should have all the confidence that the intelligence gathering capacity of the United States is doing everything possible to not only keep us informed about what's happening overseas, but to keep us informed about what might happen here at home.

Q So how would you characterize his comments over the last few days?

THE PRESIDENT: Well, he's a concerned American. I'm sure other Americans are asking how could this have happened, including the President. But what Americans need to know is that I'm receiving excellent intelligence. The CIA is doing a fine job. The FBI is responding on every single lead we're getting, and that we're doing everything we can to make the homeland safe, as well as everything we can to bring people to justice.

Q Granted the extremism, do you -- and I'd like to ask the Imam the same question -- do you consider bin Laden a religious leader or a political leader?

THE PRESIDENT: I consider bin Laden an evil man. And I don't think there's any religious justification for what he has in mind. Islam is a religion of love, not hate. This is a man who hates. This is a man who's declared war on innocent people. This is a man who doesn't mind destroying women and children. This is man who hates freedom. This is an evil man.

Q But does he have political goals?

THE PRESIDENT: He has got evil goals. And it's hard to think in conventional terms about a man so dominated by evil that he's willing to do what he thinks he's going to get away with. But he's not going to get away with it.

Q Sir, there were thousands of more layoffs in the airline industry today. What is the administration going to do about it?

THE PRESIDENT: Come to Chicago tomorrow.

MR. JOHNDROE: Thanks. Thank you all. Can we go now? Thank you. I don't want to shout you down, so let's just leave. Thank you.

Q On the Middle East -- think that's going to lead to a durable peace in the Middle East?

THE PRESIDENT: Steve's question was on the Middle East. Sorry, Gordon. That's what happens when you invite guys -- (laughter). You invite John Roberts in here -- aggressive reporters, you get -- Steve asked about the Middle East.

We're encouraged that there are discussions going on that could lead to the implementation of Mitchell. There is the framework for peace. There is the process now available. It's the Mitchell Plan, which everybody agreed to is the right way to get to a peaceful resolution in the Middle East. And there is a series of discussions that took place. Hopefully, there will be more discussions, and that both parties get into Mitchell. And that's going to be good for America, and it will be good for the Middle East and good for the world. And so we're hopeful.

I don't know if you remember, but I said out of this crisis, this tragedy that hit America, I do see opportunity. And one of the opportunities would be that there's some sensible thinking that goes into the Middle East, and that people now realize that this violence, this terrible destruction of human life is not the correct path to follow, and that, hopefully, people use this example as -- the incidents that took place on September 11th to bring some reality to the Middle East.

The discussions are moving on. And I want to thank the Secretary of State for staying with it, staying on the phone and encouraging both parties to get to the table. And we'll see what happens. We're hopeful.

Q Mr. President, have you changed your thinking on Chechnya, in light of what's happened since September 11th?

THE PRESIDENT: Well, first of all, to the extent that there are terrorists in Chechnya, Arab terrorists associated with the al Qaeda organization, I believe they ought to be brought to justice. As you heard me say, that our initial phase of the war on terrorism is against the al Qaeda organization. And we do believe there are some al Qaeda folks in Chechnya.

However, I do believe it's very important for President Putin to deal with the Chechen minority in this country with respect, respect of human rights and respect of difference of opinion about religion, for example. And so I would hope that the Russian President, while dealing with the al Qaeda organization, also respects minority rights within his country.

Q Mr. President, tomorrow you'll be announcing some new security measures, one of them likely to include some federal role in training airport security personnel and monitoring their work as time goes on, moving forward.

THE PRESIDENT: Well, we're going to deal with airport security tomorrow, as well as other measures, to try to convince the American public it is safe to fly. One of my concerns is that this terrible incident has said to many Americans -- convinced many Americans to stay at home. And one of the keys to economic recovery is going to be a vital -- the vitality of the airline industry.

I presume many of you came to Washington today by flying, and you're here safely. And it's a -- we'll announce some confidence-boosting measures, some concrete proposals, and I believe we'll be able to work with Congress to get them done in an expeditious way.

Q You don't support arming pilots?

THE PRESIDENT: Army pilots?

Q Arming pilots.

THE PRESIDENT: Oh, arming. As I said, I look forward to any suggestion that -- there may be better ways to do it than that, but I'm open for any suggestion. And the good news is, is that there's a willingness on Capitol Hill to work with the administration, and vice versa, to come up with constructive, sound ways to convince the American public it's safe to fly.

Q How quickly do you think you can put these plans in place?

THE PRESIDENT: Oh, some of them will be -- some of them will take a while, some of them could happen very quickly. Just give me a chance to give my speech. You're trying to jump the gun on me, Stretch. (Laughter.)

Q It's my job, sir.

THE PRESIDENT: You're doing it well, too, my boy. (Laughter.)

John, no longer can you say, I haven't answered your questions. (Laughter.)

Q One of the three ain't bad. Thank you, sir. (Laughter.)

THE PRESIDENT: -- batting .333. All right.

THE PRESS: Thank you.

THE PRESIDENT: Gordon, good job -- no questions. (Laughter.)

###

President Honors Dr. Martin Luther King, Jr.

The East Room

January 21, 2002

THE PRESIDENT: Well, thank you all very much for coming. Mrs. King, thanks for this beautiful portrait. I can't wait to hang it. (Laughter.)

I want to welcome you all to the White House. We've gathered in tribute to Dr. Martin Luther King Jr., to the ideals he held and the life he lived. We remember a man who brought much good into the world by the power of his voice and the truth of his words.

For some of you here this afternoon, Dr. King was, and is, a special part of your life -- as a colleague and a friend and a brother. Four call him "dad." And we are pleased that two of his children are here with us today. We welcome Bernice and Martin Luther King III. I know your dad would be incredibly proud of you. (Applause.)

I also welcome Christine King Farris, Dr. King's sister. (Applause.) Alveda King, Isaac Farris Jr., Arthur Bagley and Arturo Bagley, family members are here, as well. Thank you all for coming. (Applause.)

And of course, we're honored to be in the presence of such a distinguished and delightful lady, Coretta Scott King. (Applause.)

I appreciate Secretary Rod Paige for being here. (Applause.) In honor of Dr. King, the Department of Education will soon announce the Martin Luther King Jr. Scholars Program to promising students all across America. (Applause.)

I appreciate all the members of my team who are here, in particular, Condoleezza Rice, the National Security Advisor. Thank you for coming, Condi. (Applause.) It's good to see the Mayor. Mr. Mayor and the First Lady, Diane are with us today. Thank you all for coming. (Applause.) The Mayor is a good man. I can assure you, Mr. Mayor, we paid our property taxes. (Laughter.)

I appreciate so many members of the diplomatic core for being here. Ambassadors from all across the world are here to say hello to Mrs. King and her family. And thank you all for coming to pay honor to such a great American. Thank you very much. (Applause.)

On a summer night in 1964, right here in the East Room, President Lyndon Baines Johnson signed the Civil Rights Act, and handed a pen to Martin Luther King Jr. The law marked a true turning point in the life of our country. As Dr. King put it, the Civil Rights Act was the end of a century of slumber.

More laws would be needed, and more would follow. But on that day, our federal government accepted the duty of securing freedom and justice for every American. Standing in the White House, marking a national holiday in Dr. King's memory, we are now two generations and a world away from Montgomery, Selma and Birmingham, as he knew them.

It would be easy to forget the great obstacles he overcame, and the years of effort and the daily courage that turned a cause into a movement. Perhaps without Martin Luther King, there might still have been a Civil Rights Act. There is no doubting that the law came as it did, when it did, because of him.

Yet, he was not one to claim credit for himself. The civil rights law, he said, was first written in the streets, by many thousands of black citizens, and others who shared their goals. Their movement rose from generations of bitter experience -- the slights, the cruelties, the pervasive wrongs that marked the lives of many black Americans.

As a small boy, Martin has seen his father, a gifted and learned man, retain great dignity while being insulted, ordered about, and spoken down to. I don't care how long I have to live with this system, said Martin Luther King Sr., I will never accept it. The son would not accept it either.

Years afterwards, he related the story of going to the back of the bus, day after day, putting his mind up in the front seat. He told himself, one of these days I'm going to put my body where my mind is. (Applause.)

In time, he did so, as did others, some of whose names are also honored in our history. Along the way, he was beaten and stabbed, jailed, and came close to losing his wife and baby daughter when their house was bombed. At a certain point, even a strong man might have yielded. Dr. King never did, and he never gave up on his country.

He believed that whatever one would change, one must first love -- and he loved America. His most powerful arguments were unanswerable, for they were the very words and principles of our Declaration and Constitution.

When he came to this capital city and stood before the figure of the great emancipator, it was not to assail or threaten. He had come to hold this nation to its own standards, to live out the true meaning of its creed.

We see Martin Luther King in many ways. Perhaps, above all, we should see him as a minister of the gospel. He said, I decided early to give my life to something eternal and absolute -- not for these little gods that are here today and gone tomorrow, but to God, who is the same yesterday, today and forever.

That faith gave Dr. King the grace to forgive, and the strength to love. He refused to answer hatred with hatred, or meet violence with violence. He appealed not to resentment, but to reason; not to anger, but to conscience. He was on this earth just 39 years. On the last night of his life, he did seem to sense that grave danger was lying in wait. But he trusted in the ways of providence, not fearing any man, certain that no man could ever finally prevent the purposes of Almighty God.

Here on all the roads of life, said Dr. King in a sermon, God is striving in our striving. As we struggle to defeat the forces of evil, the God of the universe struggles with us. Evil dies on the seashore, not merely because of man's endless struggle against it, but because of God's power to defeat it. Martin Luther King Jr. lived in that belief, and died in that belief.

Some figures in history, renowned in their day, grow smaller with the passing of time. The man from Atlanta, Georgia, only grows larger with the years. America is a better place because he was here, and we will honor his name forever.

It is now my honor to sign the proclamation. (Applause.)

(The proclamation is signed.) (Applause.)

###

Advisors for Historically Black Colleges and Universities

Executive Order

President's Board of Advisors on Historically Black Colleges and Universities

By the authority vested in me as President by the Constitution and the laws of the United States of America, in order to advance the development of the Nation's full human potential and to advance equal opportunity in higher education, to strengthen the capacity of historically black colleges and universities to provide the highest quality education, and to increase opportunities for these institutions to participate in and benefit from Federal programs, as do other colleges and universities, it is hereby ordered as follows:

Section 1. There is established, in the Office of the Secretary of Education, a Presidential advisory committee entitled the "President's Board of Advisors on Historically Black Colleges and Universities" (Board). The Board shall prepare and issue an annual report to the President on the results of the participation of historically black colleges and universities in Federal programs. The Board also shall provide advice to the President and to the Secretary of Education (Secretary) regarding the needs of historically black colleges and universities in the areas of infrastructure, academic programs, and faculty and institutional development. In the annual report to the President, the Board shall make recommendations on how to increase the private sector role, including the role of private foundations, in strengthening historically black colleges and universities. Particular emphasis should also be given in the report to enhancing institutional planning and development, strengthening fiscal stability and financial management, and improving institutional infrastructure, including the use of technology, to ensure the long-term viability and enhancement of these institutions.

Sec. 2. The Board shall be appointed by the President. The Board membership shall include sitting presidents of historically black colleges and universities, representatives of other higher education institutions, business and financial leaders, representatives of private foundations, and secondary school administrators. The President shall designate a Chair or Co-Chairs from among the members.

Sec. 3. The White House Initiative on Historically Black Colleges and Universities (Initiative), located in the Office of the Secretary of Education, shall: (1) provide staff, resources, and assistance to the Board; (2) assist the Secretary in performing the liaison function between the executive branch and historically black colleges and universities; and (3) serve the Secretary in carrying out the responsibilities described in section 6 of this order.

Sec. 4. To carry out this order, each executive department and agency identified by the Secretary may, consistent with applicable law and regulations, enter into appropriate grants, contracts, or cooperative agreements with historically black colleges and universities. The head of each department or agency so identified shall establish an annual plan that will establish clear goals for how the department or agency intends to increase the capacity of historically black colleges and universities to compete effectively for grants, contracts, or cooperative agreements and to encourage historically black colleges and universities to participate in Federal programs. The department's or agency's annual goal should be clearly reflected in the department's or agency's annual budget submission to the Office of Management and Budget. To facilitate the attainment of these goals, the head of each department or agency identified by the Secretary shall provide, as appropriate, technical assistance and information to historically black colleges and universities regarding the program activities of the department or agency and the preparation of applications or proposals for grants, contracts, or cooperative agreements.

Sec. 5. Each executive department and agency identified by the Secretary shall appoint a senior official, who is a full-time officer of the Federal Government, to report directly to the department or agency head with respect to department or agency activity under this order, and to serve as liaison to the Board and to the Initiative. To the extent permitted by law and regulations, each executive department and agency identified by the Secretary shall provide appropriate information requested by the Board and staff pursuant to the order.

Sec. 6. Each executive department and agency identified by the Secretary shall develop an annual plan for, and shall document the agency's effort in, increasing the capacity of historically black colleges and universities to participate in Federal programs. Each department's and agency's plan shall describe new or existing department and agency programs and measurable objectives for proposed department and agency actions, in connection with those programs, to achieve the purposes of this order. These plans shall be submitted at such time and in such form as the Secretary shall require. In consultation with the participating departments and agencies, the Secretary shall review

the plans and develop, with the advice of the Board, an integrated Annual Federal Plan for Assistance to Historically Black Colleges and Universities for submission to the President. The Secretary shall provide the president of each historically black college and university with a copy of, and an opportunity to comment on, the proposed Annual Federal Plan prior to its submission to the President. Each participating department and agency shall submit to the Secretary an Annual Performance Report that shall measure each department's and agency's performance against the objectives set forth in the department's or agency's annual plan. The Secretary shall be responsible for monitoring compliance with the Annual Federal Plan after it is approved by the President.

Sec. 7. In developing its annual plan, each executive department and agency identified by the Secretary shall emphasize programs and activities that develop the capacity of historically black colleges and universities to contribute to the development of human capital and to strengthen America's economic and technological base through: (1) infrastructure development and acquisitions for instruction and research; (2) student and faculty doctoral fellowships and faculty development; (3) domestic and international faculty and student exchanges and study-abroad opportunities; (4) undergraduate and graduate student internships; and (5) summer, part-time, and permanent employment opportunities.

Sec. 8. Each year, the Board shall report to the President on the progress achieved in enhancing the capacity of historically black colleges and universities to serve their students, including findings and recommendations for individual departments and agencies in connection with their Annual Performance Reports, as described in section 6 of this order.

Sec. 9. The Board, in consultation with the Department of Education and other executive departments and agencies, shall develop a Private Sector Strategy to assist historically black colleges and universities in: (1) increasing voluntary private-sector contributions to support the enhancement of endowments and the overall financial stability of such institutions; (2) improving and enhancing the quality and number of private-sector partnerships focused on academic program development, student achievement and faculty development, cooperative research and development projects, and faculty exchanges; and (3) improving information management, and facilities, and strengthening academic course offerings.

Sec. 10. (a) The provisions in this Executive Order shall be implemented to the fullest extent permitted by law.

(b) The Department of Education shall provide funding and administrative support for the Board and the Initiative.

(c) Members of the Board shall serve without compensation, but shall be reimbursed for all travel expenses, including per diem in lieu of subsistence, as authorized by law;

(d) Insofar as the Federal Advisory Committee Act, as amended, may apply to the Board, any functions of the President under that Act, except for those in section 6 of that Act, shall be performed by the Department of Education, in accordance with the guidelines that have been issued by the Administrator of General Services.

Sec. 11. Executive Order 12876 of November 1, 1993, as amended, is hereby revoked.

GEORGE W. BUSH
THE WHITE HOUSE,
February 12, 2002.

#

Executive Order: President's New Freedom Commission on Mental Health

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to improve America's mental health service delivery system for individuals with serious mental illness and children with serious emotional disturbances, it is hereby ordered as follows:

Section 1. Establishment. There is hereby established the President's New Freedom Commission on Mental Health (Commission).

Sec. 2. Membership. (a) The Commission's membership shall be composed of:

(i) Not more than fifteen members appointed by the President, including providers, payers, administrators, and consumers of mental health services and family members of consumers; and

(ii) Not more than seven ex officio members, four of whom shall be designated by the Secretary of Health and Human Services, and the remaining three of whom shall be designated -- one each -- by the Secretaries of the Departments of Labor, Education, and Veterans Affairs.

(b) The President shall designate a Chair from among the fifteen members of the Commission appointed by the President.

Sec. 3. Mission. The mission of the Commission shall be to conduct a comprehensive study of the United States mental health service delivery system, including public and private sector providers, and to advise the President on methods of improving the system. The Commission's goal shall be to recommend improvements to enable adults with serious mental illness and children with serious emotional disturbances to live, work, learn, and participate fully in their communities. In carrying out its mission, the Commission shall, at a minimum:

(a) Review the current quality and effectiveness of public and private providers and Federal, State, and local government involvement in the delivery of services to individuals with serious mental illnesses and children with serious emotional disturbances, and identify unmet needs and barriers to services.

(b) Identify innovative mental health treatments, services, and technologies that are demonstrably effective and can be widely replicated in different settings.

(c) Formulate policy options that could be implemented by public and private providers, and Federal, State, and local governments to integrate the use of effective treatments and services, improve coordination among service providers, and improve community integration for adults with serious mental illnesses and children with serious emotional disturbances.

Sec. 4. Principles. In conducting its mission, the Commission shall adhere to the following principles:

(a) The Commission shall focus on the desired outcomes of mental health care, which are to attain each individual's maximum level of employment, self-care, interpersonal relationships, and community participation;

(b) The Commission shall focus on community-level models of care that efficiently coordinate the multiple health and human service providers and public and private payers involved in mental health treatment and delivery of services;

(c) The Commission shall focus on those policies that maximize the utility of existing resources by increasing cost effectiveness and reducing unnecessary and burdensome regulatory barriers;

(d) The Commission shall consider how mental health research findings can be used most effectively to influence the delivery of services; and

(e) The Commission shall follow the principles of Federalism, and ensure that its recommendations promote innovation, flexibility, and accountability at all levels of government and respect the constitutional role of the States and Indian tribes.

Sec. 5. Administration. (a) The Department of Health and Human Services, to the extent permitted by law, shall provide funding and administrative support for the Commission.

(b) To the extent funds are available and as authorized by law for persons serving intermittently in Government service (5 U.S.C. 5701-5707), members of the Commission appointed from among private citizens of the United States may be allowed travel expenses while engaged in the work of the Commission, including per diem in lieu of subsistence. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(c) The Commission shall have a staff headed by an Executive Director, who shall be selected by the President. To the extent permitted by law, office space, analytical support, and additional staff support for the Commission shall be provided by executive branch departments and agencies.

(d) Insofar as the Federal Advisory Committee Act, as amended, may apply to the Commission, any functions of the President under that Act, except for those in section 6 of that Act, shall be performed by the Department of Health and Human Services, in accordance with the guidelines that have been issued by the Administrator of General Services.

Sec. 6. Reports. The Commission shall submit reports to the President as follows:

(a) Interim Report. Within 6 months from the date of this order, an interim report shall describe the extent of unmet needs and barriers to care within the mental health system and provide examples of community-based care models with success in coordination of services and providing desired outcomes.

(b) Final Report. The final report will set forth the Commission's recommendations, in accordance with its mission as stated in section 3 of this order. The submission date shall be determined by the Chair in consultation with the President.

Sec. 7. Termination. The Commission shall terminate 1 year from the date of this order, unless extended by the President prior to that date.

GEORGE W. BUSH
THE WHITE HOUSE,
April 29, 2002.

###

President Says U.S. Must Make Commitment to Mental Health Care

University of New Mexico
Continuing Education Conference Center
Albuquerque, New Mexico

April 29, 2002

THE PRESIDENT: Thank you very much for that warm, New Mexican welcome. It's nice to be back in this beautiful state. I'm particularly delighted to be sharing the podium with a remarkable American, Pete Domenici. (Applause.) He didn't finish the story. (Laughter.) After I interrupted him, he re-interrupted me -- (laughter) -- and gave me my marching orders. (Laughter.) I said, yes, sir, Mr. Senator. (Laughter.)

No, I really enjoy working with Pete, and I appreciate so very much that leaders such as Pete have been working to make America a welcoming place for people with disabilities. (Applause.) The work is progressing. We are making progress. But it certainly isn't finished. There's a lot to do. And some of the greatest health needs and obstacles and stigmas concern mental health. We are determined to confront the hidden suffering of Americans with mental illness.

Pete and I share a lot in common. We love the southwest. We care deeply about issues that face our country. And we both married above ourselves. (Laughter and applause.) I love being with Pete and Nancy, because their love and respect for each other is so evident and so profound. And I love watching Nancy's face, because it reveals, and is a window, into a compassionate heart. And I want to thank Nancy Domenici. (Applause.)

I also want to thank Charles Curie for coming. Pete introduced Charles. Charles is a good hand, and I appreciate him being here. I also want to thank Phil Eaton and all the good folks here at the University of New Mexico.

I'm so honored also to be traveling today with Heather Wilson. Heather is a solid citizen who brings a lot of dignity to the office she holds, and a lot of class. And I'm proud to call her friend. I want to thank the state officials who are here, the Lieutenant Governor, thank you for coming.

I also want to tell you about a lady I met named Lucy Salazar. Where's Lucy, is she here? Lucy, thank you for coming. (Applause.) It's kind of off the subject, but really not off the subject, because one of the things I try to do when I go into communities is herald soldiers in the armies of compassion, those souls who have heard the call to love a neighbor like you'd like to be loved yourself, and have followed through on that call; the selfless citizens whose compassion for their neighbor is really one of the things that makes America so strong and powerful, particularly as we stand tall in the face of evil.

I like to tell my fellow citizens that if you're interested in fighting evil which, by the way, we're going to do -- (applause). But one way to help is do some good. And it's that collective good that will define the true value and character of our country.

And Lucy Salazar is a retired federal government worker. She teaches reading skills to pre-kindergarten and kindergarten children -- incredibly important. She helps those with disabilities participate in the fine and performing arts. She volunteers through her church. She is a great citizen. And oftentimes, citizens such as her never get the praise they deserve. Lucy, thank you for coming and representing thousands of people like you. (Applause.)

Millions of Americans, millions, are impaired at work, at school, or at home by episodes of mental illness. Many are disabled by severe and persistent mental problems. These illnesses affect individuals, they affect their families, and they affect our country.

As many Americans know, it is incredibly painful to watch someone you love struggle with an illness that affects their mind and their feelings and their relationships with others. We heard stories today in a roundtable discussion about that -- what the struggle means for family.

Remarkable treatments exist, and that's good. Yet many people -- too many people -- remain untreated. Some end up addicted to drugs or alcohol. Some end up on the streets, homeless. Others end up in our jails, our prisons, our juvenile detention facilities.

Our country must make a commitment: Americans with mental illness deserve our understanding, and they deserve excellent care. (Applause.) They deserve a health care system that treats their illness with the same urgency as a physical illness. (Applause.)

To meet this goal, we've got to overcome obstacles, and I want to talk about three such obstacles this morning. The first obstacle is the stigma, the stigma that often surrounds mental illness -- a stigma caused by a history of misunderstanding, fear, and embarrassment.

Stigma leads to isolation, and discourages people from seeking the treatment they need. Political leaders, health care professionals, and all Americans must understand and send this message: mental disability is not a scandal-- (applause) -- it is an illness. And like physical illness, it is treatable, especially when the treatment comes early.

Today, new drugs and therapies have vastly improved the outlook for millions of Americans with the most serious mental illnesses, and for millions more with less severe illnesses. The treatment success rates for schizophrenia and clinical depression are comparable to those for heart disease. That's good news in America, and we must encourage more and more Americans to understand, and to seek more treatment.

The second obstacle to quality mental health care is our fragmented mental health service delivery system. Mental health centers and hospitals, homeless shelters, the justice system, and our schools all have contact with individuals suffering from mental disorders. Yet many of these disorders are difficult to diagnose. This makes it even harder to provide the mentally ill with the care they need.

Many Americans fall through the cracks of the current system. Many years and lives are lost before help, if it is given at all, is given. Consider this example -- and for the experts in the field, they will confirm this is a story which is often times too true: a 14-year-old boy who started experimenting with drugs to ease his severe depression. That happens.

This former honor student became a drug addict. He dropped out of school, was incarcerated six times in 16 years. Only two years ago, when he was 30 years old, did the doctors finally diagnose his condition as bipolar disorder, and he began a successful program, a successful long-term treatment program.

And to make sure that the cracks are closed, I am honored to announce what we call the new Freedom Commission on Mental Health. It is charged to study the problems and gaps in our current system of treatment, and to make concrete recommendations for immediate improvements that will be implemented -- (applause) -- and these will be improvements that can be implemented, and must be implemented, by the federal government, the state government, local agencies, as well as public and private health care providers.

To chair the commission, I've selected Michael Hogan. Dr. Hogan, I appreciate your coming, Michael. (Applause.) Dr. Hogan has served as the Director of the Ohio Department of Mental Health for more than ten years, and is recognized as a leader in this profession. He has been focused, as a state official, on how our mental health system works, and how it doesn't work.

I look forward to the Commission's findings. I look forward to their proposals. I look forward to making progress and fixing the system, so that Americans do not fall through the cracks. (Applause.)

The third major obstacle to effective mental health care is the often unfair treatment limitations placed on mental health in insurance coverage. (Applause.) Many private health insurance plans have developed effective programs to identify patients with mental illnesses, and they help them get the treatment they need to regain their health.

But insurance plans too often place greater restrictions on the treatment of mental illness than on the treatment of other medical illnesses. As a result, some Americans are unable to get effective medical treatments that would allow them to function well in their daily lives.

Our health insurance system must treat serious mental illness like any other disease. (Applause.) And that was Senator Domenici's message to me at the Oval Office. (Laughter.) And it was Nancy's message when we had them up for dinner. (Laughter.) And I want to appreciate the fact that they have worked tirelessly on this problem. (Applause.)

I have a record on this issue. As the Governor of Texas, I signed a bill to ensure that patients who critically need mental health are treated fairly. Senator Domenici and I share this commitment: health plans should not be allowed to apply unfair treatment limitations or financial requirements on mental health benefits. (Applause.)

It is critical that we provide full -- as we provide full mental health parity, that we do not significantly run up the cost of health care. I'll work with the Senator. I will work with the Speaker. I will work with their House and Senate colleagues to reach an agreement on mental health parity -- this year. (Applause.)

We must work for a welcoming and compassionate society, a society where no American is dismissed, and no American is forgotten. This is the great and hopeful story of our country, and we can write another chapter. We must give all Americans who suffer from mental illness the treatment, and the respect, they deserve. (Applause.)

Thank you all. God bless. (Applause.)

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Fact Sheet: Improving Access to Quality Mental Health Care

April 29, 2002

Today's Presidential Action

- In a speech at the University of New Mexico, President Bush today announced his plans to improve access to quality, effective mental health care. The President announced that he will work to pass federal mental health parity legislation to eliminate disparities in the coverage of mental health benefits.
- The President also announced the formation of the President's New Freedom Commission on Mental Health to develop recommendations on improving the nation's mental health service delivery system.

Background on Today's Presidential Action

- Each year, millions of Americans suffer from mental illness. Many adults and children are significantly disabled by severe and persistent mental illness. Untreated mental illness is a great national problem.
- The stigma of mental illness often discourages patients from seeking care despite the existence of new drugs and therapies that have vastly improved the chances for effective treatment and recovery. Without access to necessary and effective quality care, far too many Americans will live with untreated mental illness that too often can lead to homelessness, drug and alcohol addiction or incarceration.

Parity in Mental Health Benefits

- Despite the advances that have been made in the science of mental health treatment, many health plans unfairly treat coverage for mental health benefits by imposing copayments, deductibles or limits on outpatient visits that are more restrictive than those placed on physical illness.
- The President has a history of supporting parity legislation. In 1997 as Governor of Texas, he signed legislation into law that required plans to provide fair treatment to patients with severe mental illnesses.
- The President will work with Senator Domenici and other leaders in the House and Senate to reach an agreement on mental health parity legislation that can pass Congress and be signed into law. The legislation must prevent plans from applying less generous treatment or financial limitations on mental health benefits than are imposed on medical or surgical benefits.

The President's New Freedom Commission on Mental Health

- Currently, numerous Federal, State and local government entities oversee mental health programs, policy, funding and the diverse network of public and private providers. More efficient organization and coordination could assist these providers in ensuring effective treatment is received by those in need.
- To address this issue, President Bush is establishing the President's New Freedom Commission on Mental Health. The Commission will be composed of fifteen members, appointed by the President, and seven ex-officio members from executive branch agencies. The Commission will identify the needs of patients, the barriers to care, and investigate community-based care models that have success in coordinating and providing mental health services. The Commission will have one year to recommend immediate improvements that can be implemented by all aspects of the public and private mental health system to improve coordination and quality of services with existing resources.

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NEW FREEDOM INITIATIVE

A Progress Report



MAY 2002

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Executive Summary

A Progress Report on Fulfilling America's Promise to Americans with Disabilities

Introduction

Many of the 54 million Americans with disabilities are deprived of their independence due to needless barriers. On February 1, 2001, President Bush announced his New Freedom Initiative to promote the full participation of people with disabilities in all areas of society by increasing access to assistive and universally designed technologies, expanding educational and employment opportunities, and promoting full access to community life. This report details the progress the Administration has made to implement the New Freedom Initiative goal – to ensure full integration of people with disabilities in American society.

Increasing Access Through Technology

The President promised full implementation of Section 508 of the Rehabilitation Act, which requires that all Federal government electronic and information technologies be accessible to individuals with disabilities. In response, the Administration:

- Expedited Section 508 implementation; and
- Produced extensive technical guidance and training materials that will be helpful not only to Federal agencies in complying with Section 508, but also to others interested in accessible technologies, such as private businesses, state and local governments, manufacturers and vendors, and individuals with disabilities.

The President secured \$65 million for Fiscal Year (FY) 2002 for the Department of Education to:

- Jumpstart research in the area of assistive and universally designed technologies at centers that conduct advanced research in the field; and
- Support the National Institute on Disability and Rehabilitation Research in its work to coordinate Federal disability research programs, to assist small businesses in the development and transfer of new technologies, and to award matching grants to states to help persons with disabilities purchase assistive technologies through low interest loans and other means.

Expanding Educational Opportunities for Youth with Disabilities

The President is determined to ensure that children with disabilities receive appropriate educational opportunities and that youth receive support to transition from school to employment. To achieve these objectives, the President:

- Requested the largest increases of any President in history for the Individuals with Disabilities Education Act (IDEA) Part B State Grants program in his FY 2002 and FY 2003 budgets;
- Signed legislation increasing funding for the IDEA Part B State Grants program by \$1.2 billion in FY 2002;
- Established a comprehensive reading program for students, including those with disabilities, as well as programs to ensure that children with the most severe reading disabilities learn to read; and
- Created a Presidential Commission on Excellence in Special Education.

Integrating Americans with Disabilities Into the Workforce

To break down barriers to employment for individuals with disabilities, the President has:

- Promoted swift implementation of the Ticket to Work and Work Incentives Improvement Act, which provides incentives to work for more than 7.5 million Americans receiving benefits under Federal disability programs;
- Obtained \$20 million for matching grants to states to help people with disabilities buy equipment necessary for telecommuting to work;
- Supported measures that would provide tax incentives for company purchases of equipment that allow an employee to work from home;
- Continued his commitment to vigorous enforcement of the Americans with Disabilities Act (ADA); and
- Requested an increase of \$165 million in funding and performance-based incentive grants for the Vocational Rehabilitation Program in the FY 2003 budget.

Promoting Full Access to Community Life

To increase homeownership rates for people with disabilities, the President supported a program that permits people with disabilities to use Section 8 rent subsidy vouchers to make mortgage payments to buy their own homes. To increase the availability of accessible and affordable housing for individuals with disabilities, the Administration has:

- Recently awarded a major national education and outreach grant to help communities ensure that more apartments and condominiums are built to be accessible to people with disabilities; and
- Launched a program through the Department of Housing and Urban Development to provide training and technical assistance to the building industry on the Fair Housing Act's accessible design and construction requirements.

To facilitate community living for people with disabilities, the President issued an Executive Order directing key Federal agencies to evaluate and recommend ways to expand community-based services for qualified individuals with disabilities. In response, the Administration has:

- Conducted the first comprehensive Federal review of barriers that prevent people with disabilities from living in the community and identified over 400 potential solutions to

- remove impediments to community-based living; and
- Announced a series of grants totaling \$119 million that the Department of Health and Human Services will award to states for the design and implementation of reforms to promote community living.

Recognizing that quality mental health services are critical to increasing community participation for people with psychiatric disabilities, the President announced the formation of his New Freedom Commission on Mental Health. The Commission will study and make recommendations for improving America's mental health service delivery system.

The President's FY 2003 budget contains many increases in disability programs that promote community living, housing, transportation, education, and employment. The Administration will work with Congress to see that the budget proposals are enacted.

Background

On February 1, 2001, within two weeks of taking office, President Bush announced his New Freedom Initiative and laid out a bold plan to tear down the stubborn barriers to equality that confront many of the 54 million Americans with disabilities. He did so with the knowledge that:

- Students with disabilities graduate at far lower rates than other students. Early access to support services and an accessible and appropriate education can give America's more than 6 million students with disabilities an equal chance to succeed and a path to greater independence.
- Employment remains one of the greatest barriers for people with disabilities. Of the 7.5 million people with disabilities on the Social Security rolls, fewer than 1 percent ever leave those rolls to return to work. People with disabilities deserve the chance to engage in meaningful work and to contribute to America's economy.
- Inaccessible transportation continues to inhibit the ability of people with disabilities to take advantage of job training, employment, and recreational opportunities. The Community Transportation Association of America (CTAA) reports that more than 100 million low-income, older Americans and people with disabilities are at risk of being unable to provide or afford their own transportation. They are also more likely to be dependent upon others for their mobility. CTAA also notes that almost 40 percent of rural counties throughout the U.S. have no public transportation.
- Safe, stable, and accessible housing is necessary before people with disabilities can enjoy neighborhood activities or explore job options. However, according to a 2001 report issued by the Technical Assistance Collaborative and the Consortium for Citizens with Disabilities Task Force, over 3 million non-elderly people with disabilities who receive Supplemental Security Income cannot afford decent housing in the U.S. without government housing assistance.
- Under *Olmstead v. L.C.*, 527 U.S. 581 (1999), the Supreme Court required states to place qualified individuals with mental disabilities in community settings, rather than in institutions, whenever treatment professionals determine that such placement is appropriate, the affected persons do not oppose such placement, and the state can reasonably accommodate the placement, taking into account the resources available to the state and the needs of others with disabilities. However, far too many people with disabilities who would exercise the choice to live in the community are forced to remain in institutions because of a lack of community-based services available in their states and hometowns.

The New Freedom Initiative is a commitment to address these barriers and others through programs and proposals that increase development of and access to assistive and universally designed technologies, expand educational opportunities, further integrate Americans with disabilities into the workforce, and help remove barriers to full participation in community life.

In the past 15 months, the Administration has taken many steps toward fulfillment of New Freedom Initiative goals. The President secured funding for many of the New Freedom Initiative's important programs in the FY 2002 budget process.

Among the highlights is the President's Executive Order 13217, *Community-based Alternatives for Individuals with Disabilities*, directing his agencies to swiftly implement the Supreme Court's *Olmstead* decision. The Executive Order charged six agencies - the Departments of Justice, Health and Human Services, Education, Labor, and Housing and Urban Development, and the Social Security Administration - with evaluating their agency policies and programs to determine whether any should be revised to improve the availability of community-based services for qualified individuals with disabilities.

In December 2001, these agencies, joined by the Departments of Transportation and Veterans Affairs and the Office of Personnel Management, presented a preliminary report, "Delivering on the Promise." The agencies released the complete reports in March 2002, outlining over 400 solutions in areas such as housing, education, personal attendant services, employment, health care structure and financing, caregiver support, and technology to make community living possible.

Following the February 2001 New Freedom Initiative announcement, numerous Cabinet members and agency heads embraced the New Freedom Initiative mission, introducing additional activities that helped to advance the objectives of the Initiative. For example, Department of Health and Human Services Secretary Tommy Thompson announced a series of grants to promote community living. Department of Labor Secretary Elaine Chao established a Youth Advisory Committee to improve employment for youth with disabilities. Department of Transportation Secretary Norman Mineta and Project Action hosted a dialogue with transit industry executives and disability leaders to increase accessible transportation. Equal Employment Opportunity Commission Chair Cari Dominguez created a series of workshops to assist small businesses in recruiting and hiring people with disabilities. When the President voiced his strong support of Section 508 of the Rehabilitation Act of 1973, which requires that electronic and information technology purchased by the government be usable by people with disabilities, many agencies quickly formalized plans to institute the standards and expedite implementation.

More work remains to be done. Breaking down persistent barriers in employment, transportation, housing, and community access requires sustained, aggressive, coordinated measures - nothing short of, in the President's words, a "revolution of independence." With the commitment and resources of the Cabinet, and through new agency and private sector partnerships, the President will continue the campaign to advance the full and equal participation of people with disabilities.

The President proposed increases in the FY 2002 budget totaling \$1.38 billion to fund New Freedom Initiative programs. Congress often supported the President's priorities by funding his initiatives. For FY 2003, the President has proposed increases of \$1.39 billion for New Freedom Initiative funding. The Administration will continue to work with Congress to see that the New Freedom Initiative commitments are implemented and that its proposals are realized.

The President's New Freedom Initiative Goals, Accomplishments, and Next Steps

Chapter 1. Increasing Access Through Technology

New technologies are opening opportunities for work, community living, and independence for those with even the most severe disabilities. The New Freedom Initiative commitments will help jumpstart research in assistive and universally designed technologies and will help ensure that Americans with disabilities have access to those technologies.

Section 508 of the Rehabilitation Act of 1973 became effective in June 2001. It requires that all electronic and information technology purchased by the Federal government be usable by people with disabilities. This requirement will lead to improved services for customers with disabilities and a more inclusive, better equipped workplace for Federal employees with disabilities. Accessible electronic and information technology will transform the Federal government into a model workplace full of diverse problem solvers improving America's ability to compete in the global economy.

Federal Investment in Assistive Technology Research and Development and Access to Assistive Technology

Accomplishments

- On June 19, 2001, while touring an assistive technology lab at the Department of Defense, the President announced his strong support of the implementation of Section 508 of the Rehabilitation Act. He recognized the potential of Section 508 to improve disability services and public service employment for people with disabilities, calling it "one example of the successful public-private partnerships that are removing barriers to full community participation by Americans with disabilities."
- In FY 2002 the President secured \$20 million for the Department of Education Rehabilitation Engineering Research Centers, which conduct advanced research in the field of assistive technology.
- The President secured \$5 million in the FY 2002 budget for the Assistive Technology Development Fund to assist small businesses in the development and transfer of new technologies.
- The President secured \$37 million of the \$40 million he requested in the FY 2002 budget for the National Institute on Disability and Rehabilitation Research (NIDRR) to award matching grants to states to help people with disabilities purchase assistive technology through low interest loans and other means.
- The President secured \$3 million in the FY 2002 budget, substantially increasing the funding for the NIDRR Interagency Committee on Disability Research to coordinate the many Federal disability research programs.

Other Administration Technology Accomplishments

- To facilitate a common understanding of the Section 508 requirements, the interagency Section 508 Steering Committee and Working Group were formed in Spring 2001. The

Steering Committee, led by the Department of Education, and the Working Group, led by the Office of Management and Budget, work closely with those agencies responsible for Section 508 -- the Architectural and Transportation Barriers Compliance Board (Access Board), the Department of Justice, and the General Services Administration (GSA) -- to coordinate technical guidance and training. GSA's Web site at www.section508.gov includes technical assistance documents and free 508 training modules for various audiences. The Steering Committee continually updates the 508 site to address questions and needs gathered from meetings of industry, consumer groups, and government staff to discuss implementation issues and the market response to the new standards.

- The Department of Justice has developed a Web page at www.usdoj.gov/crt/508/508home.html that provides technical assistance regarding accessible technology pursuant to Section 508. Although Section 508 requires only Federal agencies to ensure that their electronic and information technologies are accessible to persons with disabilities, the Web site provides information that will be useful to private businesses, state and local governments, manufacturers of equipment and software, vendors, and individuals with disabilities regarding accessible technologies. In addition, the Department of Justice and the Access Board have provided technical assistance materials for Web and software developers at the Access Board's Web site, www.access-board.gov, and have helped develop the government-wide Web developer training material on the Section 508 homepage.

Chapter 2. Expanding Educational Opportunities for Youth with Disabilities

A solid education is critical to ensuring that children with disabilities have an equal chance to succeed. Through the New Freedom Initiative, the President is determined to expand access to quality education for youth with disabilities and to work to improve the high school graduation rates of students with disabilities.

Increasing Funding for the Individuals with Disabilities Education Act (IDEA) and Improving Reading in Early Grades

Accomplishments

- President Bush requested the largest increases of any President in history for the Individuals with Disabilities Education Act (IDEA) Part B State Grants program in his FY 2002 and FY 2003 budgets;
- The President signed legislation increasing by \$1.2 billion the FY 2002 budget for the IDEA Part B State Grants program to raise the Federal contribution of the cost of providing children with disabilities a free and appropriate public education. Overall, the Department of Education received more than \$7.5 billion for IDEA Part B to help states and localities provide special education and related services to America's students with disabilities.
- The President's Reading First and Early Reading First Initiatives, established in the No Child Left Behind Act, create a comprehensive reading program for students, including those with disabilities, from preschool through third grade. While these initiatives will benefit many students identified as disabled, there will be students who do not respond to these interventions and who need more intensive instruction. The Department of Education's Office of Special Education Programs is supporting four reading projects that seek to identify the critical components necessary to ensure that children with the most severe reading disabilities who do not respond to effective classroom interventions learn to read.
- The President issued Executive Order 13227 in October 2001 creating the Presidential Commission on Excellence in Special Education and charging the Commission with developing recommendations for improving services for students with special education needs. The Commission will release its report in July 2002.

Other Accomplishments that Expand Education and Support Youth with Disabilities

- Secretary of Labor Elaine Chao created and convened the Department of Labor's 15-member Youth Advisory Committee in March 2002. The Committee is developing policy recommendations to present to the Secretary on issues regarding the education and employment of young people with disabilities.
- The Department of Health and Human Services has created a 10-year national action plan for children and youth with special health care needs that includes a focus on transitioning youth to all aspects of adulthood.
- The Department of Health and Human Services Family and Youth Services Bureau will host the National Youth Summit in June 2002. The conference will include a variety of presentations and workshops that will benefit youth with disabilities.

Next Steps

- The President requested in the FY 2003 budget an additional increase of \$1 billion for the IDEA Part B State Grants program, for a total of \$8.5 billion.
- The President requested an increase of \$20 million in the FY 2003 budget for the IDEA Part C Grants for Infants and Families program that provides crucial early intervention services for infants to toddlers, ages birth through 2 years old.

Chapter 3. Integrating Americans with Disabilities into the Workforce

Employment is a key to independence, empowerment, and improved quality of life. To help increase employment opportunities for individuals with disabilities, the Administration supports a strategy that includes simultaneous improvements in training, creative job accommodations such as teleworking, accessible transportation, and employer education.

Expanding Telecommuting

Telecommuting is increasing in the private and public sectors. The International Telework Association & Council 2001 Annual Survey found that there were 28.8 million teleworkers, an increase of almost 17 percent over the previous year. The Office of Personnel Management found a 39.5 percent increase in the number of reported Federal teleworkers over seven months, based on a 2001 evaluation. For individuals with disabilities, teleworking can expand the universe of potential and accessible employment. New Freedom Initiative proposals will encourage more employers to provide computer equipment and Internet access for teleworking and to provide support so that employees with disabilities have greater options to benefit from teleworking's flexibility.

Accomplishments

- The President secured \$20 million in the FY 2002 budget in matching telework grants to states to help people with disabilities purchase equipment to work from home. The Department of Education's Rehabilitation Services Administration will administer the fund.

Next Steps

- The President's FY 2003 budget includes a proposal to allow individuals with disabilities to exclude from taxable income the value of computers, software, and other equipment provided by the individual's employer for telecommuting purposes.

Swift Implementation of "Ticket to Work"

The landmark Ticket to Work and Work Incentives Improvement Act (TWWIA) provides incentives to work for the more than 7.5 million Americans with disabilities receiving benefits under Federal disability programs. Prior to the "Ticket to Work" law, recipients of disability income and health benefits could not engage in any substantial work without losing their benefits, a consequence that contributed to a dismal employment rate for people with disabilities. As part of the New Freedom Initiative, the President is committed to ensuring the Act's swift implementation and to breaking the pattern of dependence.

Accomplishments and Next Steps

- The President pressed for swift implementation of the TWWIA. The Social Security Administration issued the TWWIA regulations, which went into effect for the first 13 states in the planned rollout on January 28, 2002. The rollout will be completed for all 50 states by the end of 2003.

Full Enforcement of the Americans with Disabilities Act (ADA)

President Bush believes that the Americans with Disabilities Act (ADA) has been an invaluable tool in the movement toward full integration of individuals with disabilities, but recognizes that there is still much more to be done. The President is committed to further integrating individuals with disabilities into the workforce by encouraging ADA Title I-exempt businesses, which are those with fewer than 15 employees, to comply with the ADA. ADA-exempt businesses that make voluntary accommodations reap bottom-line benefits by reaching new customers and talented employees who would otherwise be excluded.

Status

- To promote employment in the small business sector, the President requested but did not receive \$5 million in the FY 2002 budget for the Small Business Administration to help small businesses comply with the ADA.

Administration Accomplishments

- The Department of Justice began the ADA Business Connection in January 2002. The ADA Business Connection is an intensive outreach and technical assistance initiative aimed at assisting small businesses in complying with the ADA and integrating individuals with disabilities into the workforce. Assistant Attorney General for Civil Rights Ralph F. Boyd, Jr., held a series of meetings with representatives of the business and disability communities; the first involved 55 leaders of business groups and disability organizations. As part of this project, the Department has developed a new ADA Business Connection destination on its ADA Web site and a series of "ADA Business Briefs," which are one-page explanations of issues related to business, employment, and contracting.
- The Equal Employment Opportunity Commission has embarked upon a series of workshops to educate small businesses on the employment of individuals with disabilities. The Commission will partner with chambers of commerce, associations, and development centers outside of major metropolitan areas. The Commission is expanding upon its traditional enforcement role regarding Federal anti-discrimination statutes to offer innovative education and technical assistance strategies to the employer community. Partnering with the Department of Justice, the Commission will offer small businesses insights into the ADA relating to Title III, which covers public accommodations and commercial facilities.
- To promote voluntary compliance with the ADA, the Department of Justice initiated Project Civic Access. Rather than focusing on individual entities within a community, Project Civic Access is a national effort to ensure that all aspects of towns and cities are fully accessible to people with disabilities. In the Bush Administration, as of March 2002, the Department has reached 21 agreements with cities and towns across the country.
- The Department of Justice continues to pursue full enforcement of the ADA. During the past year, for example, the Department has defended the constitutionality of the ADA in Federal courts; has achieved accessibility in local communities across the country, from Kauai, Hawaii, to San Antonio, Texas, to New Orleans, Louisiana; has brought about the full accessibility of newly constructed facilities; and has ensured that deaf persons receive

effective communication, including sign language interpreters, in hospitals across the Nation.

Innovative Transportation Solutions

Inadequate transportation inhibits employment for all people, but is an even greater barrier to people with disabilities. New Freedom Initiative policies seek to test new transportation ideas and develop partnerships to increase access to alternate means of transportation, such as vans with specialty lifts, modified automobiles, and ride-share programs for those who cannot get to buses or other forms of mass transit.

Direct infusion of funding into transportation programs will benefit local economies. Cambridge Systematics, Inc., reports in "Public Transportation and the Nation's Economy" that businesses and local communities have benefited from transit operations spending, with a \$32 million increase in business sales and an additional 570 jobs for each \$10 million in public transportation investments.

Status

- The President requested but did not receive \$45 million in the FY 2002 budget for the Department of Transportation pilot transportation programs.
- The President requested but did not receive \$100 million in the FY 2002 budget for the Department of Transportation for a matching grant program for community-based transportation alternatives.

Administration Transportation Accomplishments

- The Department of Transportation, through its Job Access and Reverse Commute Program, has funded over 200 state and local grantees in 44 states to provide new employment transportation services for low-income persons, including persons with disabilities. This competitive grants program funds additional transportation services to jobs and job training sites and addresses unmet needs of persons with disabilities.
- The Department of Transportation created an interagency working group to coordinate the numerous Federal programs that fund transportation for persons with disabilities. The working group is producing a resource guide identifying Federal programs that fund transportation for persons with disabilities and is developing examples of best practice transportation services in getting persons with disabilities to work and employment support services that local officials can use in city planning.
- In March 2002, the Federal Transit Administration and Project Action held a National Dialogue on Accessible Transportation to foster communication between the transit industry and the disability community in identifying accessibility issues and creative, effective solutions. A subsequent meeting in June 2002 and recommendations report are planned.

Next Steps

- The President will seek authorization to establish the Department of Transportation's New Freedom Initiative program and requests \$145 million in FY 2003 for a competitive grants program to provide additional transportation services for job access and a pilot

program to demonstrate innovative solutions for transportation problems still faced by persons with disabilities.

- The President's FY 2003 budget expands the funding for the Job Access and Reverse Commute program to the full authorization level of \$150 million, an increase of \$50 million since the President took office. This program includes job-related transportation services for people with disabilities.

Providing Employment Training and Supports

General Employment Accomplishments

- The President's FY 2002 budget proposed almost doubling the funding for the Department of Labor's Office of Disability Employment Policy to \$43 million. Congress provided \$38 million, a 66 percent increase above FY 2001. The Office focuses on eliminating barriers to employment faced by people with disabilities.
- Several Federal agencies have implemented additional projects that further the New Freedom Initiative goal of increasing employment. These include grants from the Centers for Medicare and Medicaid Services to states that want to develop health care coverage for workers with disabilities. In addition, the Department of Labor received \$20 million in FY 2002 for Work Incentive Grants to provide competitive grants to increase access to employment and training services for individuals with disabilities through one-stop career centers.

General Employment Next Steps

- To improve employment outcomes through the Department of Education's Vocational Rehabilitation program, the President has requested an increase of \$135 million in the FY 2003 budget. In addition, the President has requested \$30 million in incentive grants to states to reward vocational rehabilitation agencies based on their performance.
- The President's FY 2003 budget includes a 24 percent, or \$9 million, increase in funding for the Office of Disability Employment Policy in the Department of Labor.
- The President has requested an increase of \$3 million, for a total of \$9 million, in FY 2003 for the Youth Training and Services program in the Department of Labor. This program helps integrate youth with significant disabilities into mainstream workforce programs and technology-related careers.

Chapter 4. Promoting Full Access to Community Life

Promoting Homeownership for People with Disabilities

For many, homeownership is the cornerstone of the "American Dream." The New Freedom Initiative promotes independence and access to the "American Dream" through homeownership.

Accomplishments

- The President promised to revise the Department of Housing and Urban Development's Section 8 rent subsidy program to permit people with disabilities to use vouchers to make mortgage payments to purchase their own homes. The Department has implemented this pilot program.

Expanding Rental Housing Choices

While homeownership is important, there is also a dire need for accessible, quality, tenant-based housing for people with disabilities. The Administration is working to expand rental choices for people with disabilities and to increase enforcement of the Fair Housing Act.

Administration Accomplishments

- Under its Fair Housing Initiatives Program, the Department of Housing and Urban Development recently awarded a major national education and outreach grant to help communities ensure that more apartments and condominiums are built to be accessible to people with disabilities.
- The Department of Housing and Urban Development recently launched a major technical assistance program to help the building industry understand and comply with the Fair Housing Act's accessible design and construction requirements. This initiative, the Program for Accessibility Training and Technical Guidance, will provide assistance on a national scale.
- The Department of Housing and Urban Development's 2002 Super Notice of Funds Availability (SuperNOFA) encourages grant applicants to add accessibility design features beyond those required by civil rights laws and regulations. Such features eliminate barriers limiting the access of persons with disabilities to housing and other facilities and encourage visitability.

Next Steps

- The President requested \$40 million in the FY 2003 budget for the Department of Housing and Urban Development to fund approximately 6,000 Section 8 tenant-based rental vouchers for non-elderly disabled families.
- The President requested \$250 million, a \$10 million increase, in the FY 2003 budget for the Department of Housing and Urban Development Section 811 program that provides funding for construction and ongoing rental housing assistance for people with disabilities.

Swift Implementation of the *Olmstead* Decision

The President is committed to the enforcement of Title II of the ADA and to providing people with disabilities the choice to live in the community among friends and family.

Accomplishments

- The President issued Executive Order 13217 in June 2001 to ensure swift implementation of the Supreme Court *Olmstead* decision to expand community-based services and community living choices for people with disabilities. The Executive Order refers to Americans with all disabilities.

Administration Community Living Accomplishments

- On December 21, 2001, nine agencies submitted to the President the first report of agency efforts to meet the *Olmstead* Executive Order directive, entitled "Delivering on the Promise: Preliminary Report of Federal Agencies' Actions to Eliminate Barriers and Promote Community Integration." The report sets forth a summary of the actions that Federal agencies propose to take in several key areas such as health care structure and financing, employment, housing, education, and personal assistance services. The full detail of the promised actions was released in nine individual agency reports in March 2002.
- In its report to the President, the Department of Justice identified 38 action items to swiftly implement the *Olmstead* decision. Consistent with the President's Executive Order mandate to issue technical assistance and participate in alternative dispute resolution, the Department will give priority to the following initiatives:
 1. The Departments of Justice and Health and Human Services will create a pilot project to refer appropriate *Olmstead*-related complaints received by the Department of Health and Human Services to an ADA mediation program established by the Justice Department. The mediation program has more than 450 professional mediators trained in the ADA and available nationwide.
 2. The Department of Justice is developing three technical assistance pieces on the implementation of the *Olmstead* decision. The first piece, which will be developed jointly with the Department of Health and Human Services, will provide guidance to states as they create comprehensive plans for community placement of persons with disabilities. The Department of Justice is also developing two "Know Your Rights" pieces, one for people currently residing within institutions and the other for persons at risk of institutionalization.
- Department of Health and Human Services Secretary Tommy Thompson has announced a series of grants totaling \$119 million to be awarded to states for design and implementation of enduring systemic reforms to promote community living. The "Systems Change Grants for Community Living" will help states and territories enable people with disabilities to reside in their homes and participate fully in community life.
- In June 2001, the Department of Housing and Urban Development announced a pilot program in 11 states called Project Access, which will facilitate the successful transition of non-elderly persons with disabilities from institutional settings to community living.

- The Centers for Disease Control and Prevention and National Institute on Disability and Rehabilitation Research will hold a Conference on Health and Disability in September 2002. The conference will focus on health and wellness for people with disabilities with the goal of improving quality of life, addressing long-term health care, and supporting inclusion in community living. Participants will include a diverse group of people with disabilities, service providers, employers, and state government officials.

Next Steps

- The President is dedicated to the implementation of the commitments in the "Delivering on the Promise" reports, which respond to the Executive Order to end the persistent impediments to community living.
- The President has requested \$14 million in his FY 2003 budget for four Department of Health and Human Services demonstration projects to support community-based alternatives for and independent living by people with disabilities. These projects were announced in the "Delivering on the Promise" report and represent a commitment of \$216 million in funding over the next five years and \$750 million over 10 years:
 1. The Department of Health and Human Services will create a 10-year home and community-based services demonstration as an alternative to Medicaid-funded psychiatric residential treatment centers for children. The proposed demonstration will allow states to provide children with emotional disturbances an array of services similar to those provided under home and community-based waivers in order to keep homes intact and avoid costly out-of-home placements in institutions.
 2. The Department of Health and Human Services will initiate a national demonstration designed to address workforce shortages of community service direct care workers. Specifically, the demonstration will test the extent to which workforce shortages and instabilities might be addressed through: (a) better coordination with the Temporary Assistance to Needy Families program, and (b) the availability of vouchers for worker health insurance coverage and/or for tuition and day care credits. Participating states will be expected to develop options for workers to purchase affordable health insurance coverage through the state health insurance system or similar organized insurance groups.
 3. The Department of Health and Human Services will conduct a national demonstration to allow states to provide respite care services for caregivers of adults with disabilities. Respite care, which is temporary care that offers support for family members, is critical to addressing the unrelieved caregiver burden in this country. This burden is a major contributing factor to institutionalization of individuals with disabilities. Under the demonstration, states will have more flexibility under the Medicaid program to offer respite services to certain unpaid providers. In return, states will have to maintain current financial commitments for caregiver support.
 4. The Department of Health and Human Services will implement and evaluate a 10-year demonstration providing respite care for caregivers of children who have substantial disabilities. This project will help caregivers cope with the challenges of caring for children with disabilities by allowing them more flexible respite services and other tailored services designed to meet their needs and keep their

homes intact.

- The President's FY 2003 budget contains increases in several programs that are equally critical in promoting community integration. For example:
 1. The President requested \$6 million for the Department of Housing and Urban Development to fund 1,000 Section 8 rental subsidy vouchers for people with disabilities who are transitioning from institutions into the community.
 2. The President requested \$15 million in funding for the Substance Abuse and Mental Health Services Administration for grants to states and communities to develop, implement, and assess integrated services for individuals with co-occurring mental illness and substance abuse disorders. Some of these individuals are reentering society from confinement in the criminal justice system.
 3. Recognizing the important role of the Centers for Independent Living in helping people move into the community and locate services, the President requested an increase of \$7 million, or 11 percent, for the Centers. The community-based Centers are run by and for people with disabilities and provide services such as outreach, advocacy, and personal assistance services referral.
 4. The President requested \$11 million, an increase of \$5 million, for the Department of Labor's Olmstead Community Employment Initiative. The Initiative will develop and implement a coordinated strategy to meet the employment and training needs of people with disabilities who are at risk of institutionalization and who are transitioning from institutions into the workplace and the community.

The President's New Freedom Commission on Mental Health

Currently, numerous Federal, state, and local government agencies oversee mental health policies, funding, programs, and a diverse network of public and private providers. These entities are doing valuable and necessary work. However, better coordination can result in more efficient and effective mental health services and can enhance the quality of life for people with psychiatric disabilities.

Accomplishments

- The President announced the formation of the New Freedom Commission on Mental Health to conduct a comprehensive study of the Nation's mental health service delivery system. It will identify barriers to care within the system and identify examples of community-based care models that have proven to be successful in coordinating and providing treatment services. The Commission will have one year to submit a final report to the President recommending immediate improvements that can be implemented by Federal, state, and local governments, as well as by public and private providers. The Commission will be composed of 15 members, appointed by the President, and seven ex-officio members from relevant Federal agencies.

Improving Access

The heart and spirit of the community can be found in local civic and faith-based organizations. Contributing to the community's well-being depends on involvement in community organizations and in the political process. The President is committed to increasing access to local organizations and participation in the political process.

Status

- The President's FY 2002 budget requested but was not provided \$20 million for the Department of Housing and Urban Development to improve access to ADA-exempt organizations such as private clubs and civic and religious organizations.
- President Bush supports improved access to polling places and ballot secrecy and is committed to working with Congress to address the barriers to voting for Americans with disabilities.



THE WHITE HOUSE
PRESIDENT
GEORGE W. BUSH

For Immediate Release
Office of the Press Secretary
August 28, 2002

Memorandum for the Heads of Executive Departments and Agencies

SUBJECT: Directive to Develop Interagency Disability Web Site

Twelve years ago, the Congress passed and President George H. W. Bush signed one of the most significant civil rights laws since the Civil Rights Act of 1964 -- the Americans with Disabilities Act of 1990. In doing so, America opened its door to a new age for people with disabilities.

Through the New Freedom Initiative, my plan to reduce barriers to people with disabilities, my Administration is committed to ensuring that all Americans have the opportunity to learn and to develop skills, to engage in productive work, to choose where to live, and to participate in community life. This effort will allow America to draw on the talents and creativity of all its citizens.

In an effort to remove barriers for people with disabilities, I am instructing Federal agencies to work together to develop a comprehensive Federal web site that serves people with disabilities. This site will provide individuals with access to a single point to go online for Government information and resources related to disabilities and to the New Freedom Initiative.

The development of this web site shall be coordinated by the Department of Labor. Information and services for the new web site shall be shared by all Federal agencies. Therefore, I direct executive departments and agencies (agencies) to work together in developing and launching this new citizen-centered and useful web site. I further direct agencies, within 60 days of the date of this memorandum and on an ongoing basis there-after, to work together to provide information about their programs and access to their services to the Department of Labor. The information and services should be relevant to people with disabilities and should include the programs in the New Freedom Initiative. Agencies shall also work with State and local governments, as appropriate, in collecting information about the State and local government programs and access to services for people with disabilities to be included in the web site.

GEORGE W. BUSH

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Withdrawal Marker

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Agenda	Roundtable with Arab- and Muslim-American Leaders and Remarks at the Embassy of Afghanistan - To: POTUS - From: Karl Rove / Condoleezza Rice	3	09/10/2002	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Staff Secretary, White House Office of the

SERIES:

Von Der Heydt, Thomas (Tommy) - Bush Record Policy Memos

FOLDER TITLE:

Civil Rights Legacy: A Timeline (2001 - 2008) [1]

FRC ID:

14346

OA Num.:

14456

NARA Num.:

14245

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 advise 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).

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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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Speech Draft	Remarks at the Embassy of Afghanistan	2	09/10/2002	P5; P6/b6;

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COLLECTION:

Staff Secretary, White House Office of the

SERIES:

Von Der Heydt, Thomas (Tommy) - Bush Record Policy Memos

FOLDER TITLE:

Civil Rights Legacy: A Timeline (2001 - 2008) [1]

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Information Sheet	Arab- and Muslim-American Concerns	1	N.D.	P5;

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SERIES:

Von Der Heydt, Thomas (Tommy) - Bush Record Policy Memos

FOLDER TITLE:

Civil Rights Legacy: A Timeline (2001 - 2008) [1]

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President Bush Holds Roundtable with Arab- and Muslim-American Leaders

Embassy at Afghanistan

Washington, D.C.

September 10, 2002

THE PRESIDENT: Thank you all very much. Thank you for coming. I just -- please, be seated. I had the opportunity of meeting with distinguished members of the Arab American and Muslim American communities and I want to thank you all so very much for coming to share with me your thoughts.

Like all Americans, they're proud of our country, they're proud of our military, they're proud of our allies for working together to free Afghanistan. They will never forget the joy of the Afghan people who were liberated. They appreciate the fact that we work in concert to destroy terrorist training camps in Afghanistan so that those terrorists might not hurt others. They wanted to come with me to show their solidarity with the people of Afghanistan, and to show that America has a vibrant and important and dynamic Muslim faith tradition.

I appreciate so very much Ziad, the President of the American Arab Anti-Defamation League for being here. Mr. Ambassador, thank you and your sweet wife for having us here. The Ambassador has a fabulous story. He's an American citizen, renounced his citizenship in order to become the Ambassador of Afghanistan, to serve this nation. I appreciate that, appreciate your leadership. (Applause.)

I want to thank Andrew Natsios, who is with us today, who is doing a fine job of helping people in need around the world. I want to thank -- where's Zal? There he is. Zal, thanks for coming. Zal Khalilzad is a member of the National Security Council and very much involved with our efforts to help Afghanistan.

It's important for our fellow Americans to understand that Americans of Muslim faith share the same grief that we all share from what happened to our country; that they're just as proud of America as I am proud of America; that they love our country as much as I love our country.

They share my profound belief that no American should be judged by appearance, by ethnic background, or by religious faith. I believe that strongly, and so do they.

Bigotry is not a part of our soul. It's not going to be a part of our future. Sure, there may be some, but that's not the American way, and we must reject bigotry of all kinds in this great land. In order for us to reject the evil done to America on September the 11th, we must reject bigotry in all its forms.

George Washington says, "America gives to bigotry no sanction; to persecution no assistance." And that is true today. We treasure our friendship with Muslims and Arabs around the world. One year ago, the people of Afghanistan lived under oppression. Their country was a haven for terror. Today, they're an emergency democracy - an emerging democracy, and building a better future. And we are proud to continue to stand by them, and to stand with them.

Americans are helping the people of Afghanistan in their time of hardship and need, and we will continue to do so. The United States has committed more than \$700 million in aid to Afghanistan for food, and seeds and roads and bridges, water and sanitation systems. I was most proud of the fact that American children from all walks of life contributed to the America's Fund for Afghan Children. It was such a strong statement, of children uniting to help people in need.

All Americans must recognize that the face of terror is not the true faith -- face of Islam. Islam is a faith that brings comfort to a billion people around the world. It's a faith that has made brothers and sisters of every race. It's a faith based upon love, not hate.

As we mourn tomorrow, we must remember that our enemy is a radical network of terrorists, not a religion; that governments which support them are our enemies, not faithful Muslims who love their families, who yearn for a more peaceful and safe world for their children.

Tomorrow, Americans of all faiths will come together in a spirit of unity and remembrance and resolve. I call on every American to uphold the values of America and remember why many have come here. In our war against terror, we must never lose sight of the values that makes our country so strong; the values of respect and tolerance. The value that we believe that everybody ought to worship the Almighty, however they so choose.

Mr. Ambassador, thank you for letting me come by on the eve of this important day for our country. I'm honored to be here at your Embassy.

AMBASSADOR SHAHRYAR: Thank you very much, Mr. President.

THE PRESIDENT: May God bless you, may God bless Afghanistan. May God continue to bless America.

I'll answer a few questions. Jennifer.

Q Yes, Mr. President, with this increased threat level, can you say what your level of concern is that Americans will be attacked again? And what is your advice to Americans in this time?

THE PRESIDENT: Well, we are -- we take every threat seriously. The threats that we have heard recently remind us of the pattern of threats we heard prior to September the 11th. We have no specific threat to America, but we're taking everything seriously, obviously. And so, therefore, we have gone to a different level of concern, a different threat level, which means our government will be providing extra security at key facilities, and that we'll be increasing surveillance.

We'll do everything we can to protect the American people. And Americans need to go about their lives. They just need to know that their government, at the federal and state and local level, will be on an extra level of alert to protect us.

Heidi. You haven't asked a question in a while.

Q Thank you; I appreciate it. What do you think of French President Chirac's idea to give Hussein a three-week deadline to comply with weapons inspections or face --

THE PRESIDENT: I think -- Heidi, I think it's important that, so that you will pay attention to my speech on Thursday, that I reserve judgment about what may or may not be in my speech. (Laughter and applause.) Even got applause, you finally got a question and applause. (Laughter.)

I do -- I'll have something to say, obviously, and I look forward to speaking to that international body about -- about how best we can work together to keep the peace, how best to make the world a more peaceful place. And so I hope you understand that I'll not reveal my speech ahead of time. I know that many are trying to find out what it is, and that's your job but my job is not to answer you. (Laughter.)

Katie, ABC.

Q Sir, if you decide on a military solution to Saddam Hussein, have you resigned to go through the U.N. Security Council? Or are you determined to go it alone?

THE PRESIDENT: Katie, thank you for asking me about what's going to be in my speech tomorrow. (Laughter.)

Let me get to the U.N. and give what is an important speech for me. I'll make the case of how I think we ought to proceed, on how we work together to keep the peace.

I'm going to the United Nations to give this speech for a reason -- because I believe this is an international problem, and that we must work together to deal with the problem. And I am also very mindful of my job as the American President to do everything we can to protect the American people from future attack.

And I'm deeply concerned about a leader who has ignored all -- who ignored the United Nations for all these years, has refused to conform to resolution after resolution after resolution; who has weapons of mass destruction. And the battlefield has now shifted to America, so there's a different dynamic than we've ever faced before. And I take these

threats seriously. The thing I take most seriously is my job to protect innocent life here on the homeland. And I will respond to this threat starting Thursday. And I look forward to the chance to do so.

In the meantime, tomorrow is going to be a hard day for a lot of Americans. It's going to be a day of tears and a day of prayer and a day of national resolve. It also needs to be a day in which we confirm the values which make us unique and great. And that's one of the reasons I came here today, to be with friends to assure all Americans that we will embrace those values.

So thank you all for coming. God bless. (Applause.)

#

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THE WHITE HOUSE
WASHINGTON

THE PRESIDENT HAS SEEN
12/11/02
11

POLICY TIME - DOMESTIC

Wednesday, December 11, 2002
10:25 p.m. - 11:10 a.m.
Oval Office
Margaret Spellings

I. PURPOSE

To brief you on a compassionate conservative domestic policy agenda for the coming year.

II. BACKGROUND

For the past two years, the Administration has worked to secure passage of legislation that includes tax incentives for charitable giving, protections for religious hiring and beneficiary rights, and authorization for the Compassion Capital Fund. Although the House passed H.R. 7 last year, the Senate's CARE Act was never put to a vote because of objections by Democratic senators regarding the hiring rights of faith-based organizations. We will brief you on legislative options for pursuing faith-based and service legislation in the next Congress.

We have also been working on a variety of administrative and regulatory reforms to further the goals of your faith-based initiative. On Thursday, December 12, you will be announcing several of these reforms, including: (1) new regulations governing Charitable Choice; (2) a new FEMA policy that treats all non-profit organizations equally; (3) the elimination of regulations that limit the right of faith-based organizations to maintain religious identity through hiring autonomy; and (4) the elimination of regulations that limit faith-based organizations' participation in many programs.

In addition to following through on these administrative actions, the Administration could advance the compassion agenda next year by focusing on specific vulnerable populations. Three target populations, *at-risk youth, the chronically homeless, and addicts*, would especially benefit both from faith-based and voluntary efforts. Two additional populations, *prisoners and Native American students*, would also benefit from a focused compassionate effort. We will also discuss with you some of the steps we could take in the coming year to focus your compassion agenda on these targeted populations.

III. PARTICIPANTS

Andrew Card, Chief of Staff
Mitch Daniels, Director, Office of Management and Budget
Joshua Bolten, Deputy Chief of Staff for Policy

ACCOMPLISHMENTS

FAITH-BASED AND COMMUNITY INITIATIVES

- **Office Establishment:** An Office of Faith-Based and Community Initiatives and five Cabinet Centers at HUD, HHS, Education, Labor, and Justice have been established, fulfilling your commitment.
- **New Resources and Programs for Faith-Based Groups:** Your 2003 budget provides \$25 million in competitive grants for mentoring programs for children of prisoners. This fulfills your campaign promise to launch a new program to address the needs of children of prisoners, offering grants on a competitive basis to faith-based and community groups.
- **Compassion Capital Fund:** On June 4, the Administration for Children and Families (ACF) at the Department of Health and Human Services announced the rollout of the \$30 million Compassion Capital Fund -- fulfilling your campaign promise to create the Fund.
- **Second Chance Maternity Homes:** Your 2003 budget provides \$10 million in competitive grants to fund pilot Second Chance maternity home, fulfilling your campaign promise.
- **Prison Pre-Release Programs:** Fulfilling your campaign promise, two faith-based prison pre-release programs have been established.
- **Legislation:** In July 2001 the House passed the Community Solutions Act, and earlier this year the Senate Finance Committee reported out the CARE Act. The Senate has blocked further action.

SERVICE (USA FREEDOM CORPS)

- **Launched USA Freedom Corps:** During your 2002 State of the Union, you announced the creation by Executive Order of the USA Freedom Corps as a Coordinating Council and office to be housed at the White House. The Mission of the USA Freedom Corps is to foster a culture of service, citizenship and responsibility. Since then:
 - ✓ The number of potential AmeriCorps members is growing, with a more than 80 percent increase in online applications compared with pre-State of the Union levels; potential Senior Corps members have contributed to a 60 percent jump in web visitors since January; more than 115,000 potential Peace Corps Volunteers have requested applications since the State of the Union - a 40 percent increase over the same period in 2001; 35 countries have requested Peace Corps volunteers and 24 Peace Corps assessment teams have been sent out since the State of the Union; and more than 240 Citizen Corps Councils have been created around the country (\$21 million in grants to states from the FY '02 supplemental were made by FEMA for Councils and CERT training).
- **USA Freedom Corps Volunteer Network:** USA Freedom Corps has created the largest clearinghouse of volunteer service opportunities ever assembled, offering millions of opportunities to serve with more than 60,000 organizations around the country and the world. Volunteers to search according to their interests and geographic location.
- **Business Strengthening America:** This initiative launched in June 2002 is underway to engage corporations in adopting policies and practices that support employee and customer volunteer service. There are now more than 100 companies involved in the effort.
- **Students in Service to America:** This initiative to engage more than 130,000 schools and after-school programs in offering service and service-learning to K-12 students was launched in September 2002.

- **American History and Civics:** In September 2002 you announced a multi-agency effort to support the teaching of American history and civics, including the U.S. Department of Education, National Archives and Records Administration, National Endowment for the Humanities and Corporation for National and Community Service.
- **Legislation:** Peace Corps reauthorization legislation that would fulfill the President's commitment to doubling the number of volunteers over five years passed unanimously in the Senate one year ahead of schedule. In April 2002, you announced principles for reauthorization of the programs housed at the Corporation for National and Community Service. A bipartisan Citizen Service Act based on those principles was reported out of the House Education and the Workforce Committee in June on a voice vote.

NEW FREEDOM INITIATIVE

- **Olmstead:** You issued an Executive Order in June 2001 requiring Federal agencies to assist states and localities to implement the Supreme Court's *Olmstead* decision. *Olmstead* requires states to place qualified individuals with disabilities in community settings, rather than in institutions, whenever appropriate. Key agencies have identified more than 400 potential solutions to remove barriers to community-based living.
- **New Freedom Initiative (NFI) Budget:** The administration secured funding for the vast majority of NFI programs in FY 2002 and requested a higher overall level of NFI-related funding in FY 2003. In the FY 2002 budget, the President requested \$10.781 billion and received \$10.872 billion. In the FY 2003 budget, he is seeking \$1.39 billion over 2002 appropriations.
- **IDEA:** You requested the largest increases in history for the Individuals with Disabilities Education Act (IDEA) Part B State Grants program in his FY 2002 and FY 2003 budgets. The President signed legislation increasing by \$1.2 billion in FY 2002 budget for the IDEA Part B State Grants program.
- **Section 508:** In June 2001, you promised full enforcement of Section 508 of the Rehabilitation Act, which requires that all Federal government electronic and information technologies be accessible to individuals with disabilities.

WELFARE/EARLY CHILDHOOD/CHILD WELFARE & ADOPTION

- **Reauthorize the 1996 Welfare Reform Law:** In February 2002, the Administration submitted to Congress a plan to reauthorize and strengthen the 1996 welfare reform legislation. By May, the House had developed and passed a bill that was nearly identical to the Administration plan. However, the Democratic Senate blocked action on the legislation.
- **Good Start, Grow Smart:** In April 2002, you presented *Good Start, Grow Smart*, the Administration's Initiative to address standards of learning in early literacy, language, and numeracy skills and strengthen the training of Head Start teachers.
- **Abstinence Education:** Both as part of the welfare reform reauthorization legislation and the normal appropriations process, the Administration worked to increase funding for abstinence education by \$33 million in FY 2003.
- **Promoting Strong Families, Safe Children:** In January 2002, you signed the bipartisan Promoting Safe and Stable Families Amendment Act to help States provide services to strengthen families, promote adoption, provide help for vulnerable children, and ensure children are placed in safe, permanent homes. Your FY03 budget strongly supports the Promoting Safe and Stable Families program with an increase of more than \$130 million over FY02 levels. The bill also established a Presidential initiative to provide education and vocational training vouchers for youth 'aging out' of foster care to help them obtain the support they need to

develop skills to lead productive lives. Your FY 03 budget provided \$60 million for the Foster Care Independence Program, fulfilling your campaign promise.

- **Making Adoption More Affordable for Families:** The tax relief bill that you signed in 2001 permanently extends and increases the adoption tax credit from \$5,000 per child to \$10,000 per child for qualified adoption expenses. For special needs adoptions, it increases the credit from \$6,000 to \$10,000, regardless of expenses. This meets your campaign commitment to increase the adoption tax credit.

HOUSING AND COMMUNITY DEVELOPMENT

- **Increasing Minority Homeownership:** You issued America's Homeownership Challenge, mobilizing the private real estate and mortgage finance sector to eliminate barriers to homeownership through increased financial and organizational commitments to increase minority homeownership by at least 5.5 million families by 2010. As a result, additional private capital of \$440 billion has been pledged by the government-sponsored enterprises to increase minority homeownership.
- **Downpayment Assistance:** Your FY 03 budget proposed \$200 million for the American Dream Downpayment Initiative, which would provide state and local agencies with matching grants to assist an estimated 40,000 first-time homebuyer families with downpayment funds.
- **Single-Family Affordable Housing:** Your FY 03 budget proposed a \$2.4 billion, five-year Single-Family Affordable Housing Tax Credit of up to 50% of the project costs of rehabilitation and construction of low-income housing, provided that eligible homebuyers have incomes of not more than 80% of area median income. The tax credit will eventually result in an additional 200,000 affordable single-family homes becoming available through construction or rehabilitation.
- **Homelessness:** The Administration has revived the Interagency Council on the Homeless (ICH). At its first official meeting in six years, the ICH announced a \$35 million initiative (relying on recaptured program funds) that would direct some existing resources at HUD, HHS, and VA specifically toward this problem. At the most recent ICH meeting, FEMA announced that it would provide \$140 million in support to help the homeless.

DRUG ABUSE

- **Drug-Free Communities Act Reauthorization:** In December 2001, you signed legislation extending and expanding the Drug-Free Communities Support Program, which supports community-based efforts nationwide to reduce the demand for illegal drugs – fulfilling commitments you laid out for reducing illegal drug use through effective education, prevention and treatment.
- **Closing the Treatment Gap:** You have pledged to add \$1.6 billion to the drug treatment system over the next five years, and the FY 02 and his FY 03 budget request reflected those increases in treatment spending. The administration is also increasing support for the Drug courts program – also reflected in the FY 02 budget and FY 03 budget request

HEALTH CARE

- **Community Health Centers (CHCs):** The Administration's FY 2002 and 2003 budgets follow through on the President's commitment to double the number of people served in CHCs by creating 1,200 new and expanded CHC sites over five-years.
- **Combating HIV/AIDS:** You have requested record levels of funding for care, treatment, prevention, and research to find a cure or vaccine for HIV/AIDS, including the Global Fund and

the Mother and Child HIV Prevention Initiative, the 2003 budget for global HIV/AIDS activities will be 82% higher than the amount provided by Congress in 2001.

ADDITIONAL INTERNATIONAL AID

- **Millennium Challenge Account:** In March, you announced an increase in core development assistance by 50% over the next 3 years (a \$5 billion annual increase over current levels). Those additional funds will be placed in a new Millennium Challenge Account to fund initiatives to help developing nations improve their economies and standards of living.
- **Standards and Accountability:** At your direction, the Secretary of State and the Secretary of the Treasury have established criteria and standards for measuring the progress of the aid in advancing: good governance, investment in the health and education of the people of developing countries, and the encouragement of enterprise and entrepreneurship.

President Bush Discusses Michigan Affirmative Action Case

Remarks by the President on the Michigan Affirmative Action Case
The Roosevelt Room

January 15, 2003

THE PRESIDENT: Good afternoon. The Supreme Court will soon hear arguments in a case about admission policies and student diversity in public universities. I strongly support diversity of all kinds, including racial diversity in higher education. But the method used by the University of Michigan to achieve this important goal is fundamentally flawed.

At their core, the Michigan policies amount to a quota system that unfairly rewards or penalizes perspective students, based solely on their race. So, tomorrow my administration will file a brief with the court arguing that the University of Michigan's admissions policies, which award students a significant number of extra points based solely on their race, and establishes numerical targets for incoming minority students, are unconstitutional.

Our Constitution makes it clear that people of all races must be treated equally under the law. Yet we know that our society has not fully achieved that ideal. Racial prejudice is a reality in America. It hurts many of our citizens. As a nation, as a government, as individuals, we must be vigilant in responding to prejudice wherever we find it. Yet, as we work to address the wrong of racial prejudice, we must not use means that create another wrong, and thus perpetuate our divisions.

America is a diverse country, racially, economically, and ethnically. And our institutions of higher education should reflect our diversity. A college education should teach respect and understanding and goodwill. And these values are strengthened when students live and learn with people from many backgrounds. Yet quota systems that use race to include or exclude people from higher education and the opportunities it offers are divisive, unfair and impossible to square with the Constitution.

In the programs under review by the Supreme Court, the University of Michigan has established an admissions process based on race. At the undergraduate level, African American students and some Hispanic students and Native American students receive 20 points out of a maximum of 150, not because of any academic achievement or life experience, but solely because they are African American, Hispanic or Native American.

To put this in perspective, a perfect SAT score is worth only 12 points in the Michigan system. Students who accumulate 100 points are generally admitted, so those 20 points awarded solely based on race are often the decisive factor.

At the law school, some minority students are admitted to meet percentage targets while other applicants with higher grades and better scores are passed over. This means that students are being selected or rejected based primarily on the color of their skin. The motivation for such an admissions policy may be very good, but its result is discrimination and that discrimination is wrong.

Some states are using innovative ways to diversify their student bodies. Recent history has proven that diversity can be achieved without using quotas. Systems in California and Florida and Texas have proven that by guaranteeing admissions to the top students from high schools throughout the state, including low income neighborhoods, colleges can attain broad racial diversity. In these states, race-neutral admissions policies have resulted in levels of minority attendance for incoming students that are close to, and in some instances slightly surpass, those under the old race-based approach.

We should not be satisfied with the current numbers of minorities on American college campuses. Much progress has been made; much more is needed. University officials have the responsibility and the obligation to make a serious, effective effort to reach out to students from all walks of life, without falling back on unconstitutional quotas. Schools should seek diversity by considering a broad range of factors in admissions, including a student's potential and life experiences.

Our government must work to make college more affordable for students who come from economically disadvantaged homes. And because we're committed to racial justice, we must make sure that America's public

schools offer a quality education to every child from every background, which is the central purpose of the education reforms I signed last year.

America's long experience with the segregation we have put behind us and the racial discrimination we still struggle to overcome requires a special effort to make real the promise of equal opportunity for all. My administration will continue to actively promote diversity and opportunity in every way that the law permits.

Thank you very much.

#

Memorandum for the Secretary of Education, Health and Human Services, Labor, and the Commissioner of Social Security

February 12, 2003

SUBJECT: Interagency Working Group on Assistive

Technology Mobility Devices

When President George H. W. Bush signed the Americans with Disabilities Act of 1990, America opened its door to a new age for people with disabilities. Although much progress has been made since then, significant challenges remain for individuals with disabilities who seek full participation in American society.

My Administration is committed to increasing education and employment opportunities for individuals with disabilities. My New Freedom Initiative strives to provide people with disabilities increased opportunities to lead more independent lives by expanding education and job opportunities, and by ensuring that the latest technologies, which often make education and employment possible, are readily available.

Often, individuals with disabilities require assistive technology mobility devices -- such as powered wheelchairs and scooters -- in order to access education, training, and competitive employment. While there are several Federal programs, as well as State and local efforts, that help individuals with disabilities obtain these and other assistive technologies, they are not adequately coordinated. Other Federal programs provide funding of assistive technology mobility devices for medical purposes, but the intent of these programs has always been, and should remain, medical rather than educational or vocational.

Consistent with my interest in improving the coordination of the Federal programs that help provide individuals with assistive technology mobility devices, I hereby direct the following:

Section 1. Establishment of the Interagency Working Group on Assistive Technology Mobility Devices. (a) There is hereby established, within the Department of Education for administrative purposes, the "Interagency Working Group on Assistive Technology Mobility Devices" (Working Group). The Working Group shall consist exclusively of:

(i) the Secretary of Education, the Secretary of Health and Human Services, the Secretary of Labor, and the Commissioner of Social Security; and

(ii) such other Federal officials as the Assistant to the President for Domestic Policy from time to time, on my behalf, may designate.

(b) The Secretary of Education shall serve as Chairman of the Working Group. The Chairman shall convene and preside at any meetings of the Working Group, determine its agenda, direct its work, and, as appropriate to particular subject matters, establish and direct subgroups of the Working Group, which shall consist exclusively of Working Group members.

(c) A member of the Working Group may designate, to perform the Working Group or Working Group subgroup functions of the member, any person who is part of the members agency and who is an officer appointed by the President with the advice and consent of the Senate, or a member of the Senior Executive Service.

Sec. 2. Functions of the Working Group. The Working Group shall: (a) identify existing Federal Government programs and resources that are designed to help individuals with disabilities obtain the assistive technology mobility devices that they need for education and employment; and (b) work with State, local, and tribal governments, as appropriate, to identify State, local, and tribal programs that are designed to help individuals with disabilities obtain assistive technology mobility devices for education and employment. The Secretary of Education shall take the lead in coordinating these efforts.

Sec. 3. Report. In performing its functions the Working Group shall present to me, through the Assistant to the President for Domestic Policy, a report not later than 180 days from the date of this memorandum. The report shall

include the specific steps that each of the agencies represented on the Working Group will take to: (a) improve coordination among their existing programs; (b) train vocational rehabilitation counselors, other service providers, and individuals with disabilities, as provided by law; and (c) inform individuals with disabilities about these opportunities. The report shall also include a description of how individuals with disabilities can pool funding from existing resources to obtain the assistive technology mobility devices that they need to pursue their educational and employment goals.

Sec. 4. Termination. The Working Group shall terminate 30 days after the date of the submission of the report as described in section 3 of this memorandum.

Sec. 5. General. (a) Agencies shall assist the Working Group and provide information to the Working Group consistent with applicable law as may be necessary to carry out the functions of the Working Group. To the extent permitted by law, the Department of Education shall provide funding and administrative support for the Working Group.

(b) As used in this memorandum, the term "agency" means an executive department or agency of the Federal Government.

(c) Nothing in this memorandum shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(d) This memorandum is intended only to improve the internal management of the Federal Government and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

GEORGE W. BUSH

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**COPY
FROM ORM**

**THE WHITE HOUSE
WASHINGTON
POLICY TIME - DOMESTIC**

**Thursday, May 8, 2003
8:55 a.m. - 9:20 a.m.
Roosevelt Room
Margaret Spellings**

I. PURPOSE

To seek your approval of an Administration policy on the use of race and ethnicity by Federal law enforcement personnel, and plans for the dissemination of the policy.

II. BACKGROUND

In your February 27, 2001 Address to a Joint Session of Congress, you said, "[t]oo many of our citizens have cause to doubt our Nation's justice when the law points a finger of suspicion at groups, instead of individuals. All our citizens are created equal and must be treated equally." You directed the Attorney General to: (1) review the use by Federal law enforcement authorities of race as a factor in conducting stops, searches and other investigative procedures; and (2) report back to you with his findings and recommendations for ending racial profiling. The report and its specific policy recommendations are now ready for transmittal to you.

III. PARTICIPANTS

John Ashcroft, Attorney General

**Andrew Card, Chief of Staff
Joshua Bolten, Deputy Chief of Staff for Policy
Karl Rove, Senior Advisor
Dan Bartlett, Assistant to the President for Communications
Ari Fleischer, Press Secretary
Alberto Gonzales, Counsel to the President
David Hobbs, Assistant to the President for Legislative Affairs
Margaret Spellings, Assistant to the President for Domestic Policy
Richard Falkenrath, Deputy Homeland Security Advisor
Jay Lefkowitz, Deputy Assistant to the President for Domestic Policy
Dean McGrath, Deputy Chief of Staff to the Vice President
Diana Schacht, Special Assistant to the President for Domestic Policy**

**Asa Hutchinson, Under Secretary of Homeland Security
Larry Thompson, Deputy Attorney General**

IV. PRESS PLAN

Closed

V. SEQUENCE OF EVENTS

Staff Briefing

VI. REMARKS

None

VII. ATTACHMENTS

Memo: "Ending Racial Profiling"

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Ending Racial Profiling - To: POTUS - From: Jay Lefkowitz, Diana Schacht	3	05/07/2003	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Staff Secretary, White House Office of the

SERIES:

Von Der Heydt, Thomas (Tommy) - Bush Record Policy Memos

FOLDER TITLE:

Civil Rights Legacy: A Timeline (2001 - 2008) [1]

FRC ID:

14346

OA Num.:

14456

NARA Num.:

14245

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 advise 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]

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

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute of by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

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- b(1) National security classified information [(b)(1) of the FOIA]
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- 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]

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	[Racial Profiling Memorandum from the Office of the Attorney General] - To: POTUS - From: John Ashcroft	2	06/06/2003	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Staff Secretary, White House Office of the

SERIES:

Von Der Heydt, Thomas (Tommy) - Bush Record Policy Memos

FOLDER TITLE:

Civil Rights Legacy: A Timeline (2001 - 2008) [1]

FRC ID:

14346

OA Num.:

14456

NARA Num.:

14245

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
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THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

February 28, 2001

February 27, 2001

MEMORANDUM FOR THE ATTORNEY GENERAL

SUBJECT: Racial Profiling

I hereby direct you to review the use by Federal law enforcement authorities of race as a factor in conducting stops, searches, and other investigative procedures. In particular, I ask that you work with the Congress to develop methods or mechanisms to collect any relevant data from Federal law enforcement agencies and work in cooperation with State and local law enforcement in order to assess the extent and nature of any such practices.

I further direct that you report back to me with your findings and recommendations for the improvement of the just and equal administration of our Nation's laws.

GEORGE W. BUSH

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THE WHITE HOUSE
WASHINGTON

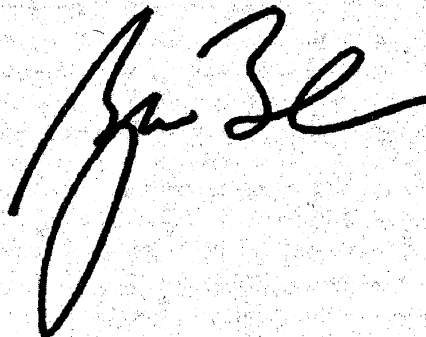
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3rd / dtd: 2-27-2001
1113 to 200,000 repl: 104 11 1191 2-28-2001
Approved: 2-28-2001

**GUIDANCE REGARDING THE
USE OF RACE BY FEDERAL LAW
ENFORCEMENT AGENCIES**



June 2003

INTRODUCTION AND EXECUTIVE SUMMARY

In his February 27, 2001, Address to a Joint Session of Congress, President George W. Bush declared that racial profiling is "wrong and we will end it in America." He directed the Attorney General to review the use by Federal law enforcement authorities of race as a factor in conducting stops, searches and other law enforcement investigative procedures. The Attorney General, in turn, instructed the Civil Rights Division to develop guidance for Federal officials to ensure an end to racial profiling in law enforcement.

"Racial profiling" at its core concerns the invidious use of race or ethnicity as a criterion in conducting stops, searches and other law enforcement investigative procedures. "Profiling rests on the erroneous assumption that any particular individual of one race or ethnicity is more likely to engage in misconduct than any particular individual of other races or ethnicities."¹

Racial profiling in law enforcement is not merely wrong, but also ineffective. Race-based assumptions in law enforcement perpetuate negative racial stereotypes that are harmful to our rich and diverse democracy, and materially impair our efforts to maintain a fair and just society.²

The use of race as the basis for law enforcement decision-making clearly has a terrible cost, both to the individuals who suffer invidious discrimination and to the Nation, whose goal of "liberty and justice for all" recedes with every act of such discrimination. For this reason, this guidance in many cases imposes more restrictions on the consideration of race and ethnicity in Federal law enforcement than the Constitution requires.³ This guidance prohibits racial profiling in law enforcement practices without hindering the important work of our Nation's public safety officials, particularly the intensified anti-terrorism efforts precipitated by the events of September 11, 2001.

¹ Tom Carter, *Profiling is "Flawed" Tool to Beat Terror*, Wash. Times, Jan. 14, 2002, at A12 (quoting Wade Henderson, Executive Director of the Leadership Conference on Civil Rights).

² See *United States v. Montero-Camargo*, 208 F.3d 1122, 1135 (9th Cir. 2000) ("Stops based on race or ethnic appearance send the underlying message to all our citizens that those who are not white are judged by the color of their skin alone.").

³ This guidance is intended only to improve the internal management of the executive branch. It is not intended to, and does not, create any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person, nor does it create any right of review in an administrative, judicial or any other proceeding.

I Traditional Law Enforcement Activities Two standards in combination should guide use by Federal law enforcement authorities of race or ethnicity in law enforcement activities

In making routine or spontaneous law enforcement decisions such as ordinary traffic stops Federal law enforcement officers may not use race or ethnicity to any degree except that officers may rely on race and ethnicity in a specific suspect description This prohibition applies even where the use of race or ethnicity might otherwise be lawful

In conducting activities in connection with a specific investigation Federal law enforcement officers may consider race and ethnicity only to the extent that there is trustworthy information relevant to the locality or time frame, that links persons of a particular race or ethnicity to an identified criminal incident, scheme or organization This standard applies even where the use of race or ethnicity might otherwise be lawful

II National Security and Border Integrity The above standards do not affect current Federal policy with respect to law enforcement activities and other efforts to defend and safeguard against threats to national security or the integrity of the Nation's borders⁴ to which the following applies

In investigating or preventing threats to national security or other catastrophic events (including the performance of duties related to air transportation security) or in enforcing laws protecting the integrity of the Nation's borders Federal law enforcement officers may not consider race or ethnicity except to the extent permitted by the Constitution and laws of the United States

Any questions arising under these standards should be directed to the Department of Justice

THE CONSTITUTIONAL FRAMEWORK

"[T]he Constitution prohibits selective enforcement of the law based on considerations such as race *Whren v. United States* 517 U.S. 806 813 (1996) Thus for example the decision of federal prosecutors 'whether to prosecute may not be based on an unjustifiable standard such as race religion or other arbitrary classification' *United States v. Armstrong* 517 U.S. 456 464 (1996) (quoting *Oyer v. Boles* 368 U.S. 448 456 (1962)) The same is true of Federal law enforcement

⁴ This guidance document does not apply to U.S. military intelligence protection or diplomatic activities conducted consistent with the Constitution and applicable Federal law

⁵ These same principles do not necessarily apply to classifications based on alienage For example Congress in the exercise of its broad powers over immigration has enacted a number of provisions that apply only to aliens and enforcement of such provisions properly entails consideration of a person's alien status

officers. Federal courts repeatedly have held that any general policy of utiliz[ing] impermissible racial classifications in determining whom to stop, detain, and search" would violate the Equal Protection Clause. *Chavez v. Illinois State Police*, 251 F.3d 612, 635 (7th Cir. 2001). As the Sixth Circuit has explained, "[i]f law enforcement adopts a policy, employs a practice, or in a given situation takes steps to initiate an investigation of a citizen based solely upon that citizen's race, without more, then a violation of the Equal Protection Clause has occurred." *United States v. Avery*, 137 F.3d 343, 355 (6th Cir. 1997). A person cannot become the target of a police investigation solely on the basis of skin color. Such selective law enforcement is forbidden." *Id.* at 354.

As the Supreme Court has held, this constitutional prohibition against selective enforcement of the law based on race "draw[s] on ordinary equal protection standards." *Armstrong*, 517 U.S. at 465 (quoting *Wayte v. United States*, 470 U.S. 598, 608 (1985)). Thus, impermissible selective enforcement based on race occurs when the challenged policy has "a discriminatory effect and was motivated by a discriminatory purpose." *Id.* (quoting *Wayte*, 470 U.S. at 608).⁶ Put simply, "to the extent that race is used as a proxy" for criminality, "a racial stereotype requiring strict scrutiny is in operation." *Cf. Bush v. Vera*, 517 U.S. at 968 (plurality).

I. GUIDANCE FOR FEDERAL OFFICIALS ENGAGED IN LAW ENFORCEMENT ACTIVITIES

A. Routine or Spontaneous Activities in Domestic Law Enforcement

In making routine or spontaneous law enforcement decisions, such as ordinary traffic stops, Federal law enforcement officers may not use race or ethnicity to any degree, except that officers may rely on race and ethnicity in a specific suspect description. This prohibition applies even where the use of race or ethnicity might otherwise be lawful.

Federal law enforcement agencies and officers sometimes engage in law enforcement activities such as traffic and foot patrols that generally do not involve either the ongoing investigation of specific criminal activities or the prevention of catastrophic events or harm to the national security. Rather, their activities are typified by spontaneous action in response to the activities of individuals whom they happen to encounter in the course of their patrols and about whom they have no information other than their observations. These general enforcement responsibilities should be carried out without any consideration of race or ethnicity.

⁶ [I]ndividual discrimination is not necessarily present when there is a disproportion between the racial composition of the pool of persons prosecuted and the general public at large; rather, the focus must be the pool of "similarly situated individuals of a different race [who] were not prosecuted." *Armstrong*, 517 U.S. at 465 (emphasis added). [R]acial disproportions in the level of prosecutions for a particular crime may be unobjectionable if they merely reflect racial disproportions in the commission of that crime. *Bush v. Vera*, 517 U.S. 952, 968 (1996) (plurality).

Example While parked by the side of the George Washington Parkway a Park Police Officer notices that nearly all vehicles on the road are exceeding the posted speed limit. Although each such vehicle is committing an infraction that would legally justify a stop the officer may not use race or ethnicity as a factor in deciding which motorists to pull over. Likewise the officer may not use race or ethnicity in deciding which detained motorists to ask to consent to a search of their vehicles.

Some have argued that overall discrepancies in certain crime rates among racial groups could justify using race as a factor in general traffic enforcement activities and would produce a greater number of arrests for non traffic offenses (e.g. narcotics trafficking). We emphatically reject this view. The President has made clear his concern that racial profiling is morally wrong and inconsistent with our core values and principles of fairness and justice. Even if there were overall statistical evidence of differential rates of commission of certain offenses among particular races the affirmative use of such generalized notions by federal law enforcement officers in routine spontaneous law enforcement activities is tantamount to stereotyping. It casts a pall of suspicion over every member of certain racial and ethnic groups without regard to the specific circumstances of a particular investigation or crime and it offends the dignity of the individual improperly targeted. Whatever the motivation it is patently unacceptable and thus prohibited under this guidance for Federal law enforcement officers to act on the belief that race or ethnicity signals a higher risk of criminality. This is the core of racial profiling and it must not occur.

The situation is different when an officer has specific information based on trustworthy sources to be on the lookout for specific individuals identified at least in part by race or ethnicity. In such circumstances the officer is not acting based on a generalized assumption about persons of different races rather the officer is helping locate specific individuals previously identified as involved in crime.

Example While parked by the side of the George Washington Parkway a Park Police Officer receives an All Points Bulletin to be on the look-out for a fleeing bank robbery suspect a man of a particular race and particular hair color in his 30s driving a blue automobile. The Officer may use this description including the race of the particular suspect, in deciding which speeding motorists to pull over.

B Law Enforcement Activities Related to Specific Investigations

In conducting activities in connection with a specific investigation Federal law enforcement officers may consider race and ethnicity only to the extent that there is trustworthy information, relevant to the locality or time frame that links persons of a particular race or ethnicity to an identified criminal incident, scheme or organization. This standard applies even where the use of race or ethnicity might otherwise be lawful.

As noted above there are circumstances in which law enforcement activities relating to particular identified criminal incidents schemes or enterprises may involve consideration of personal identifying characteristics of potential suspects including age sex, ethnicity or race Common sense dictates that when a victim describes the assailant as being of a particular race authorities may properly limit their search for suspects to persons of that race Similarly in conducting an ongoing investigation into a specific criminal organization whose membership has been identified as being overwhelmingly of one ethnicity law enforcement should not be expected to disregard such facts in pursuing investigative leads into the organization s activities

Reliance upon generalized stereotypes is absolutely forbidden Rather use of race or ethnicity is permitted only when the officer is pursuing a specific lead concerning the identifying characteristics of persons involved in an *identified* criminal activity The rationale underlying this concept carefully limits its reach In order to qualify as a legitimate investigative lead the following must be true

The information must be relevant to the locality or time frame of the criminal activity
The information must be trustworthy
The information concerning identifying characteristics must be tied to a particular criminal incident a particular criminal scheme or a particular criminal organization

The following policy statements more fully explain these principles

1 *Authorities May Never Rely on Generalized Stereotypes But May Rely Only on Specific Race- or Ethnicity-Based Information*

This standard categorically bars the use of generalized assumptions based on race

Example In the course of investigating an auto theft in a federal park, law enforcement authorities could not properly choose to target individuals of a particular race as suspects based on a generalized assumption that those individuals are more likely to commit crimes

This bar extends to the use of race neutral pretexts as an excuse to target minorities Federal law enforcement may not use such pretexts This prohibition extends to the use of other facially race neutral factors as a proxy for overtly targeting persons of a certain race or ethnicity This concern arises most frequently when aggressive law enforcement efforts are focused on "high crime areas" The issue is ultimately one of motivation and evidence certain seemingly race-based efforts if properly supported by reliable empirical data, are in fact race-neutral

Example In connection with a new initiative to increase drug arrests local authorities begin aggressively enforcing speeding traffic and other public area laws in a neighborhood predominantly occupied by people of a single race The choice of neighborhood was not based on the number of 911 calls number of arrests or other pertinent reporting data specific to that area but only on the general assumption that

more drug related crime occurs in that neighborhood because of its racial composition. This effort would be improper because it is based on generalized stereotypes.

Example Authorities seeking to increase drug arrests use tracking software to plot out where, if anywhere, drug arrests are concentrated in a particular city and discover that the clear majority of drug arrests occur in particular precincts that happen to be neighborhoods predominantly occupied by people of a single race. So long as they are not motivated by racial animus, authorities can properly decide to enforce all laws aggressively in that area, including less serious quality of life ordinances, as a means of increasing drug related arrests. See, e.g., *United States v. Montero Camargo*, 208 F.3d 1122, 1138 (9th Cir. 2000) ("We must be particularly careful to ensure that a high crime area factor is not used with respect to entire neighborhoods or communities in which members of minority groups regularly go about their daily business, but is limited to specific circumscribed locations where particular crimes occur with unusual regularity.")

By contrast, where authorities are investigating a crime and have received *specific information* that the suspect is of a certain race, e.g., direct observations by the victim or other witnesses, authorities may reasonably use that information, even if it is the only descriptive information available. In such an instance, it is the victim or other witness making the racial classification, and federal authorities may use reliable incident specific identifying information to apprehend criminal suspects. Agencies and departments, however, must use caution in the rare instance in which a suspect's race is the only available information. Although the use of that information may not be unconstitutional, broad targeting of discrete racial or ethnic groups always raises serious fairness concerns.

Example The victim of an assault at a local university describes her assailant as a young male of a particular race with a cut on his right hand. The investigation focuses on whether any students at the university fit the victim's description. Here, investigators are properly relying on a description given by the victim, part of which included the assailant's race. Although the ensuing investigation affects students of a particular race, that investigation is not undertaken with a discriminatory purpose. Thus, use of race as a factor in the investigation in this instance is permissible.

2 The Information Must be Relevant to the Locality or Time Frame

Any information concerning the race of persons who may be involved in specific criminal activities must be locally or temporally relevant.

Example DEA issues an intelligence report that indicates that a drug ring whose members are known to be predominantly of a particular race or ethnicity is trafficking drugs in Charleston, SC. An agent operating in Los Angeles reads this intelligence report. In the absence of information establishing that this intelligence is also applicable in Southern California, the agent may not use ethnicity as a factor in making

local law enforcement decisions about individuals who are of the particular race or ethnicity that is predominant in the Charleston drug ring

3 *The Information Must be Trustworthy*

Where the information concerning potential criminal activity is unreliable or is too generalized and unspecific use of racial descriptions is prohibited

Example ATF special agents receive an uncorroborated anonymous tip that a male of a particular race will purchase an illegal firearm at a Greyhound bus terminal in a racially diverse North Philadelphia neighborhood. Although agents surveilling the location are free to monitor the movements of whomever they choose, the agents are prohibited from using the tip information without more to target any males of that race in the bus terminal. *Cf Morgan v Woessner* 997 F.2d 1244, 1254 (9th Cir. 1993) (finding no reasonable basis for suspicion where tip made all black men suspect). The information is neither sufficiently reliable nor sufficiently specific.

4 *Race or Ethnicity-Based Information Must Always be Specific to a Particular Suspect or Incident(s) or Ongoing Criminal Activities, Schemes or Enterprises*

These standards contemplate the appropriate use of both suspect specific and incident specific information. As noted above, where a crime has occurred and authorities have eyewitness accounts including the race, ethnicity, or other distinguishing characteristics of the perpetrator, that information may be used. Federal authorities may also use reliable, locally relevant information linking persons of a certain race or ethnicity to a particular incident, unlawful scheme, or ongoing criminal enterprise – even absent a description of any particular individual suspect. In certain cases, the circumstances surrounding an incident or ongoing criminal activity will point strongly to a perpetrator of a certain race, even though authorities lack an eyewitness account.

Example The FBI is investigating the murder of a known gang member and has information that the shooter is a member of a rival gang. The FBI knows that the members of the rival gang are exclusively members of a certain ethnicity. This information, however, is not suspect specific because there is no description of the particular assailant. But because authorities have reliable, locally relevant information linking a rival group with a distinctive ethnic character to the murder, Federal law enforcement officers could properly consider ethnicity in conjunction with other appropriate factors in the course of conducting their investigation. Agents could properly decide to focus on persons dressed in a manner consistent with gang activity but ignore persons dressed in that manner who do not appear to be members of that particular ethnicity.

It is critical however that there be reliable information that ties persons of a particular description to a specific criminal incident ongoing criminal activity or particular criminal organization Otherwise any use of race runs the risk of descending into reliance upon prohibited generalized stereotypes

Example While investigating a car theft ring that dismantles cars and ships the parts for sale in other states the FBI is informed by local authorities that it is common knowledge locally that most car thefts in that area are committed by individuals of a particular race In this example although the source (local police) is trustworthy and the information potentially verifiable with reference to arrest statistics there is no particular incident or scheme specific information linking individuals of that race to the particular interstate ring the FBI is investigating Thus without more agents could not use ethnicity as a factor in making law enforcement decisions in this investigation

Note that these standards allow the use of reliable identifying information about planned future crimes Where federal authorities receive a credible tip from a reliable informant regarding a planned crime that has not yet occurred, authorities may use this information under the same restrictions applying to information obtained regarding a past incident A prohibition on the use of reliable prospective information would severely hamper law enforcement efforts by essentially compelling authorities to wait for crimes to occur instead of taking pro-active measures to prevent crimes from happening

Example While investigating a specific drug trafficking operation DEA special agents learn that a particular methamphetamine distribution ring is manufacturing the drug in California and plans to have couriers pick up shipments at the Sacramento California airport and drive the drugs back to Oklahoma for distribution The agents also receive trustworthy information that the distribution ring has specifically chosen to hire older couples of a particular race to act as the couriers DEA agents may properly target older couples of that particular race driving vehicles with indicia such as Oklahoma plates near the Sacramento airport

II GUIDANCE FOR FEDERAL OFFICIALS ENGAGED IN LAW ENFORCEMENT ACTIVITIES INVOLVING THREATS TO NATIONAL SECURITY OR THE INTEGRITY OF THE NATION S BORDERS

In investigating or preventing threats to national security or other catastrophic events (including the performance of duties related to air transportation security) or in enforcing laws protecting the integrity of the Nation s borders Federal law enforcement officers may not consider race or ethnicity except to the extent permitted by the Constitution and laws of the United States

Since the terrorist attacks on September 11, 2001, the President has emphasized that federal law enforcement personnel must use every legitimate tool to prevent future attacks, protect our Nation's borders, and deter those who would cause devastating harm to our Nation and its people through the use of biological or chemical weapons, other weapons of mass destruction, suicide hijackings, or any other means. It is obvious and unarguable that no governmental interest is more compelling than the security of the Nation." *Haig v Agee*, 453 U.S. 280, 307 (1981) (quoting *Aptheker v Secretary of State*, 378 U.S. 500, 509 (1964)).

The Constitution prohibits consideration of race or ethnicity in law enforcement decisions in all but the most exceptional instances. Given the incalculably high stakes involved in such investigations, however, Federal law enforcement officers who are protecting national security or preventing catastrophic events (as well as airport security screeners) may consider race, ethnicity, and other relevant factors to the extent permitted by our laws and the Constitution. Similarly, because enforcement of the laws protecting the Nation's borders may necessarily involve a consideration of a person's alienage in certain circumstances, the use of race or ethnicity in such circumstances is properly governed by existing statutory and constitutional standards. See e.g., *United States v. Brignoni Ponce*, 422 U.S. 873, 886-87 (1975).⁷ This policy will honor the rule of law and promote vigorous protection of our national security.

As the Supreme Court has stated, all racial classifications by a governmental actor are subject to the "strictest judicial scrutiny." *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 224-25 (1995). The application of strict scrutiny is of necessity a fact-intensive process. *Id.* at 236. Thus, the legality of particular race-sensitive actions taken by Federal law enforcement officials in the context of national security and border integrity will depend to a large extent on the circumstances at hand. In absolutely no event, however, may Federal officials assert a national security or border integrity rationale as a mere pretext for invidious discrimination. Indeed, the very purpose of the strict scrutiny test is to "smoke out" illegitimate use of race. *Adarand*, 515 U.S. at 226 (quoting *Richmond v. J.A. Croson Co.*, 488 U.S. 469, 493 (1989)). and law enforcement strategies not actually premised on bona fide national security or border integrity interests therefore will not stand.

In sum, constitutional provisions limiting government action on the basis of race are wide-ranging and provide substantial protections at every step of the investigative and judicial process. Accordingly, and as illustrated below, when addressing matters of national security, border integrity, or the possible catastrophic loss of life, existing legal and constitutional standards are an appropriate guide for Federal law enforcement officers.

Example: The FBI receives reliable information that persons affiliated with a foreign ethnic insurgent group intend to use suicide bombers to assassinate that country's

⁷ Moreover, as in the traditional law enforcement context described in the second standard, *supra*, officials involved in homeland security may take into account specific credible information about the descriptive characteristics of persons who are affiliated with identified organizations that are actively engaged in threatening the national security.

1

president and his entire entourage during an official visit to the United States. Federal law enforcement may appropriately focus investigative attention on identifying members of that ethnic insurgent group who may be present and active in the United States and who, based on other available information, might conceivably be involved in planning some such attack during the state visit.

Example: U.S. intelligence sources report that terrorists from a particular ethnic group are planning to use commercial jetliners as weapons by hijacking them at an airport in California during the next week. Before allowing men of that ethnic group to board commercial airplanes in California airports during the next week, Transportation Security Administration personnel and other federal and state authorities may subject them to heightened scrutiny.

Because terrorist organizations might aim to engage in unexpected acts of catastrophic violence in any available part of the country (indeed, in multiple places simultaneously, if possible), there can be no expectation that the information must be specific to a particular locale or even to a particular identified scheme.

Of course, as in the example below, reliance solely upon generalized stereotypes remains forbidden.

Example: At the security entrance to a Federal courthouse, a man who appears to be of a particular ethnicity properly submits his briefcase for x-ray screening and passes through the metal detector. The inspection of the briefcase reveals nothing amiss; the man does not activate the metal detector, and there is nothing suspicious about his activities or appearance. In the absence of any threat warning, the federal security screener may not order the man to undergo a further inspection solely because he appears to be of a particular ethnicity.

Executive Act on Intellectual Disabilities

Executive Order 12994

By the authority vested in me as President by the Constitution and the laws of the United States of America and in order to change the name of the Presidents Committee on Mental Retardation to the Presidents Committee for People with Intellectual Disabilities (the Committee) and expand the membership of the Committee it is hereby ordered as follows

Section 1 The Presidents Committee on Mental Retardation is hereby renamed the Presidents Committee for People with Intellectual Disabilities

Sec 2 Executive Order 12994 of March 21 1996 is hereby amended by deleting the words mental retardation and inserting the words intellectual disabilities in lieu thereof throughout the text of that order except in the title the first line of the preamble and section 1 of that order

Sec 3 Section 1 of Executive Order 12994 is amended by deleting the words (the Committee) and adding after responsibilities the words and renamed the Presidents Committee for People with Intellectual Disabilities (the Committee)

Sec 4 Section 2 of Executive Order 12994 is amended by inserting after (5) The Secretary of Housing and Urban Development the following (6) The Secretary of Commerce (7) The Secretary of Transportation (8) The Secretary of the Interior (9) The Secretary of Homeland Security and renumbering former subsections (6) through (9) as subsections (10) through (13)

Sec 5 The Committee is continued until September 30 2005

GEORGE W BUSH

THE WHITE HOUSE

July 25 2003

###

**COPY
FROM ORM**

**THE WHITE HOUSE
WASHINGTON**

**RADIO ADDRESS WITH MEMBERS OF THE PRESIDENT'S COMMITTEE
FOR PEOPLE WITH INTELLECTUAL DISABILITIES
AND SIGNING OF EXECUTIVE ORDER**

**Friday July 25 2003
2 10 p.m - 2 20 p.m
Oval Office
Dan Bartlett**

I PURPOSE

To record the weekly radio address in the presence of members of the President's Committee on Mental Retardation in honor of the thirteenth anniversary of the Americans with Disabilities Act (ADA) and to sign an Executive Order renaming the Committee to the President's Committee for People with Intellectual Disabilities (PCPID)

II BACKGROUND

Saturday July 26 2003 is the thirteenth anniversary of the signing of the Americans with Disabilities Act (ADA) In honor of this important day you will record the weekly radio address with an audience comprised of 17 members of the President's Committee on Mental Retardation (The other 4 members of the Committee could not attend due to scheduling conflicts) Once you have completed the taping, you will sign the Executive Order changing the name of the Committee

The ADA is a comprehensive civil rights statute promoting the full participation of more than 54 million Americans with disabilities into all aspects of society On February 1 2001 you announced the New Freedom Initiative (NFI) to build on the ADA

One of the main themes of the ADA and the NFI is the removal of negative perceptions of people with disabilities particularly those with significant disabilities The President's Committee on Mental Retardation voted to request that their name be changed to the President's Committee for People with Intellectual Disabilities as the Committee feels that 'mental retardation' is a term that many find hurtful demoralizing and degrading Highlighting the renaming of the Committee reinforces your commitment to full inclusion for people with all types of disabilities

This will be the second time you have taped a radio address in front of an audience in the Oval Office The first time was on Friday May 16 2003 in the presence of soldiers in honor of Armed Forces Day The English-language version of your radio address airs on Saturday at 10 06 a.m The Spanish version will also air on Saturday but at different

times depending on the network You will tape the English version A translated version will be recorded separately

III PARTICIPANTS

Committee Members

Vijaya Appareddy [VEE jay ya APPA reddy] M.D Child Psychiatrist, Chattanooga, Tennessee
Nancy Blanchard, Foster Parent, Lakeville Minnesota
James Brett, Community Advocate Dorchester Massachusetts
Claudia Coleman, Community Advocate Los Altos California
Olivia Colvin Special Education Teacher San Antonio Texas
Zoraida Fonalledas [Zor EYE-dah fona YEA das] Parent of a child with an intellectual disability Guaynabo Puerto Rico
Josephine Kathy Hargett Parent of a child with an intellectual disability Potomac Maryland
Brenda Leath Community Advocate, Washington, D C
Ed Mambruno Community Advocate, Waterbury Connecticut
Alvaro Mann Parent of a child with an intellectual disability McLean Virginia
Kim Porter Hoppe [Hoppie] Parent of a child with an intellectual disability Ypsilanti Michigan
Michael Rogers, Self Advocate, Kenmore Washington
Windy Smith Self Advocate Knoxville Tennessee
Lon Solomon, Parent of a child with an intellectual disability Fairfax, Virginia
Karen Staley Parent of a child with an intellectual disability Beaverton, Oregon
Gene Stallings Parent of a child with an intellectual disability Powderly Texas
Madeleine Will Parent of a child with an intellectual disability Washington D C

Guests

Carol Mambruno Wife of Ed Mambruno
Mark Rogers Brother of Michael Rogers
David and Vicki Smith, Parents of Windy Smith
Brenda Solomon Wife of Lon Solomon

White House Staff

Jay Lefkowitz Deputy Assistant to the President for Domestic Policy
Troy Justesen Associate Director Domestic Policy Council
Taylor Gross Director of Radio Media Affairs
Tracy Young, Associate Director Communications
WHCA

IV PRESS PLAN

Photo Release

✓ **SEQUENCE OF EVENTS**

- WHCA will arrive at the Oval Office approximately two hours prior to taping for set up and will also videotape the session for archival purposes
Note You are scheduled to be out of the Oval Office for a lunch with the Prime Minister of the Palestinian Authority while they are setting up

- Prior to your recording the radio address Taylor Gross will request that you give the WHCA technical director a 10-count to check microphone levels and sound

The 17 members of the Committee in attendance will then be escorted into the Oval Office. The members will gather around your desk for the taping.

Note Michael Rogers and Ed Mambruno use wheelchairs

Following the recording, the Committee members will witness you signing the Executive Order renaming the President's Committee on Mental Retardation to the President's Committee for People with Intellectual Disabilities

- Guests will be escorted from the Oval Office
Note The taping equipment will be removed from the Oval Office while you are delivering remarks to the 2003 Boys and Girls Nation Participants at 2:45 p.m. in EEOB 450

(**VI REMARKS**

Remarks provided by Speechwriting

(**VII ATTACHMENTS**

Tab 1 - Remarks

Tab 2 - Biographies of Members of the President's Committee for People with Intellectual Disabilities In Attendance

Tab 3 - Memorandum Proposed Executive Order Entitled Amendments to Executive Order 12994 And Renaming the President's Committee on Mental Retardation as the President's Committee for People with Intellectual Disabilities

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Radio Address
July 26 2003
Draft #6

Good morning

This weekend marks the 13th anniversary of the Americans with Disabilities Act one of the great compassionate acts of American government Since becoming law the ADA has helped to improve the quality of life for more than 50 million Americans with physical and mental disabilities As a result it is easier today for people with disabilities to find a job to enter public buildings and to live more independently in their communities These are all welcome changes in American life

Many citizens have dedicated themselves to serving the interests of persons with disabilities and some of them are here with me at the White House I am joined by members of the President's Committee on Mental Retardation The men and women on this Committee include people with disabilities as well as parents teachers health care workers and advocates They recently voted to change the committee's name to the President's Committee for People with Intellectual Disabilities And I was pleased to sign an Executive Order instituting that change

There is much more we can do to assure that Americans with disabilities are treated with dignity and respect In 2001 I announced the New Freedom Initiative to further promote the full participation of people with disabilities in all areas of society As part of the New Freedom Initiative we are giving states funding to help people with disabilities commute to work or purchase equipment that allows them to work from home We are promoting homeownership for people with disabilities and educating builders about the need for more accessible rental housing We are working with Congress to provide record levels of funding for special education programs and to make sure the money is used to provide the most help to the most children And we are making government web sites more accessible to people with disabilities so that they can more easily find information about services and programs of the federal government

We are also focused on providing better care to people with mental illness I am committed to making sure people get the treatment and support they need and don't fall through the cracks My Administration

continues to work with states to ensure full implementation of the Supreme Court's Olmstead decision. That decision rightly mandates that individuals with disabilities who can receive support and treatment in a community setting should be given an opportunity to live close to their families and friends whenever possible. People with disabilities now have more freedom to do productive work and live independent lives.

We are making good progress toward ensuring that persons with disabilities know the American Dream is meant for them. With changes in old ways of thinking, the development of new technologies, and the federal government's firm commitment to equality, more and more people with disabilities continue to become full participants in American life.

Thank you for listening.

Drafted by Ed Walsh *Office of Speechwriting*
Office 202/456-0312

(b)(6)

**BIOGRAPHIES OF MEMBERS OF THE PRESIDENT'S COMMITTEE
FOR PEOPLE WITH INTELLECTUAL DISABILITIES IN ATTENDANCE**

Vijaya Appareddy, M.D.

- From Chattanooga, Tennessee, Vijaya is a child psychiatrist specializing in issues relating to mental health, women, and children. Originally from India, she and her husband Ramesh have two daughters.

Nancy Blanchard

- From Lakeville, Maine, Nancy is a licensed nurse working primarily with the foster care system. In 35 years of foster care, her family has nurtured and provided care to approximately 160 children from birth to 19 years old with physical, mental, and emotional challenges.

James Brett

- From Dorchester, Massachusetts, James is the President and CEO of the New England Council and has been a tireless advocate for persons with physical and mental challenges.

Claudia Coleman

- From Los Altos, California, Claudia is a community advocate for people with intellectual disabilities.

Olivia Colvin

From San Antonio, Texas, Olivia is a special education teacher with twenty-four years of experience in the fields of mental retardation, emotional disturbance, and autism.

Zoraida Fonalledas

From Guaynabo, Puerto Rico, Zoraida is the parent of a child with an intellectual disability.

Josephine "Kathy" Hargett

- From Potomac, Maryland, Kathy is the parent of a child with an intellectual disability.

Brenda Leath

From Washington, D.C., Brenda is a community advocate for persons with disabilities.

Edward Mambruno

- From Waterbury, Connecticut, Ed serves as the Ombudsman in the Department of Mental Retardation for the State of Connecticut.

Alvaro Marrin

From McLean, Virginia, Alvaro is the parent of a child with Down Syndrome.

Kim Porter Hoppe

- From Ypsilanti, Michigan, Kim is the parent of a child with spina bifida and intellectual disabilities.

Michael Rogers

From Kenmore, Washington, Michael is a self advocate with multiple disabilities who serves as a Customer Services Specialist on Olmstead issues for the Division of Developmental Disabilities at the State of Washington Department of Social and Health Services. Michael and his wife Emily were married on September 14, 2002.

Windy Smith

From Knoxville, Tennessee, Windy is a self-advocate with Down Syndrome. Windy won a silver medal in the 1987 International Special Olympics.

Lon Solomon

From Fairfax, Virginia, Lon and his wife of 27 years, Brenda, are the parents of two sons and a daughter, Jill, who is mentally retarded and has multiple physical disabilities. Lon is the Senior Pastor at the McLean Bible Church. His church provides one of the largest ministries to children with disabilities and their families in the Washington, D.C. area.

Karen Staley

- From Beaverton, Oregon, Karen is the parent of a child with an intellectual disability. She served as past president of the ARC.

Gene Stallings

- From Powderly, Texas, Gene is the parent of a child with an intellectual disability. Gene was head coach of the University of Alabama, Texas A&M University, and the St. Louis and Phoenix Cardinals football teams.

Madeleine Will

- From Washington, D.C., Madeleine is the parent of a child with Down Syndrome.



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

July 23 2003

DIRECTOR

MEMORANDUM FOR THE PRESIDENT

FROM Joshua B. Bolton ^{JB}
Director

SUBJECT Proposed Executive Order Entitled "Amendments to Executive Order 12994 And Renaming the President's Committee on Mental Retardation as the President's Committee for People with Intellectual Disabilities"

SUMMARY This memorandum forwards for your consideration a proposed executive order that was prepared by the Domestic Policy Council (DPC). The proposed executive order would rename the President's Committee on Mental Retardation ("PMCR" or "Committee") as the "President's Committee for People with Intellectual Disabilities" and would add four departments (Commerce, Transportation, the Interior and Homeland Security) to the Committee. Issuance of the proposed order would be in celebration of the 13th anniversary on July 26, 2003, of the Americans with Disabilities Act.

BACKGROUND The PCMR has been in existence since it was originally established by President Johnson in Executive Order 11280 (1966). The PCMR is comprised of the heads of five departments (the Secretaries of Health and Human Services, Education, Labor and Housing and Urban Development, and the Attorney General), the heads of four agencies (the Corporation for National and Community Service, the Social Security Administration, the Equal Employment Opportunity Commission, and the National Council on Disability), and up to 21 additional Presidential appointees. The PCMR provides advice to the President and the Secretary of Health and Human Services on national issues pertaining to mental retardation.

The proposed order would change the Committee's name to the President's Committee for People with Intellectual Disabilities. On May 12, 2003, the PCMR voted overwhelmingly (29 out of 30 members) in favor of this change. While an acceptable term in 1966, "mental retardation" has increasingly been considered offensive by parents, family members, and leaders in the disability community. The PCMR prefers "intellectual disability" because it signifies a more positive image. Also, this term is more definitive and is used increasingly in disability-related research activities. This change builds on your New Freedom Initiative for integration into the community of people with disabilities.

In addition the proposed order would add to the Committee's membership the Secretaries of Commerce, Transportation, the Interior, and Homeland Security. The DPC informs us that the departments and agencies already on the Committee and the new departments to be added to the Committee all handle issues related to people with intellectual disabilities. Each of the four departments being added to the Committee has identified a contribution they can make in ensuring that persons with intellectual disabilities have expanded access to services and opportunities.

Finally, the proposed order would continue the Committee for another two years to September 30, 2005. In Executive Order 13225 of September 28, 2001, you had extended the Committee for two years to September 30, 2003.

VIEWS OF AFFECTED AGENCIES AND STAFF The following executive departments, agencies, and White House Offices do not object to the proposed executive order: (a) the Departments of HHS, Education, Labor, HUD, Justice, Commerce, Transportation, the Interior, Homeland Security, and SSA; EEOC, National Council on Disability, Corporation for National and Community Service; and (b) the NSC, USTR, OSTP, NEC, CEQ, OA, and the White House Offices of DPC, CEA, Communications and Speechwriting, Legislative Affairs, Cabinet Affairs, Strategic Initiatives, Homeland Security, Intergovernmental Affairs, White House Counsel, and the Office of the Vice President.

RECOMMENDATION I recommend that you sign the proposed executive order.

Attachments



U S Department of Justice

Office of Legal Counsel

Office of the Deputy Assistant Attorney General

Washington D C 20530

July 23 2003

MEMORANDUM

Re Proposed Executive Order Entitled Amendments to
Executive Order 12994 and Renaming the President s
Committee on Mental Retardation as the President s
Committee for People with Intellectual Disabilities

The attached proposed Executive Order was prepared by the Domestic Policy Council. The Office of Management and Budget with the approval of the Director has forwarded it to this Department for review with respect to form and legality

The proposed Executive Order would amend Executive Order 12994 of March 21 1996 to rename the President s Committee on Mental Retardation as the President s Committee for People with Intellectual Disabilities It would also add to the membership of the President s Committee the Secretary of Commerce, the Secretary of Transportation the Secretary of the Interior and the Secretary of Homeland Security Finally the proposed Order would continue the President s Committee until September 30 2005

The proposed Executive Order is approved with respect to form and legality

Noel J Francisco
Deputy Assistant Attorney General



U S Department of Justice
Office of Legal Counsel

Office of the Deputy Assistant Attorney General

Washington, D C. 20530

July 23 2003

The President

The White House

My dear Mr President

I am herewith transmitting a proposed Executive Order entitled Amendments to Executive Order 12994 and Renaming the President's Committee on Mental Retardation as the President's Committee for People with Intellectual Disabilities. The proposed Executive Order was prepared by the Domestic Policy Council. The Office of Management and Budget with the approval of the Director has forwarded it to this Department for review of its form and legality.

The proposed Executive Order is approved with respect to form and legality.

Respectfully

Noel J. Francisco
Deputy Assistant Attorney General

EXECUTIVE ORDER

AMENDMENTS TO EXECUTIVE ORDER 12994 AND RENAMING
THE PRESIDENT'S COMMITTEE ON MENTAL RETARDATION AS
THE PRESIDENT'S COMMITTEE FOR PEOPLE WITH
INTELLECTUAL 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 change the name of the President's Committee on Mental Retardation to the President's Committee for People with Intellectual Disabilities (the Committee) and expand the membership of the Committee to consist of the following:

Section 1 The President's Committee on Mental Retardation is hereby renamed the President's Committee for People with Intellectual Disabilities

Sec. 2 Executive Order 12994 of March 21, 1996 is hereby amended by deleting the words "mental retardation" and inserting the word "intellectual disabilities" in lieu thereof throughout the text of that order except in the title thereof and the preamble and section 1 of that order

Sec. 3 Section 1 of Executive Order 12994 is amended by deleting the words "(the Committee)" and adding the following: "The President's Committee for People with Intellectual Disabilities (the Committee)"

Sec. 4 Section 2 of Executive Order 12994 is amended by inserting after (5) The Secretary of Housing and Urban Development the following: (6) The Secretary of Commerce (7) The Secretary of Transportation (8) The Secretary of the Interior (9) The Secretary of Homeland Security and numbering former subsections (6) through (9) as subsections (10) through (13)

Sec. 5 The Committee is continued until September 30, 2005

THE WHITE HOUSE

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President's Radio Address

July 26 2003

THE PRESIDENT Good morning This weekend marks the 13th anniversary of the Americans With Disability Act one of the great compassionate acts of American government Since becoming law the ADA has helped to improve the quality of life for more than 50 000 million Americans with physical and mental disabilities As a result it is easier today for people with disabilities to find a job to enter public buildings and to live more independently in their communities These are all welcome changes in American life

Many citizens have dedicated themselves to serving the interest of persons with disabilities and some of them are here with me at the White House I am joined by members of the President's Committee on Mental Retardation The men and women on this committee include people with disabilities as well as parents teachers health care workers and advocates They recently voted to change the committee's name to the President's Committee for People with Intellectual Disabilities And I was pleased to sign an executive order instituting that change

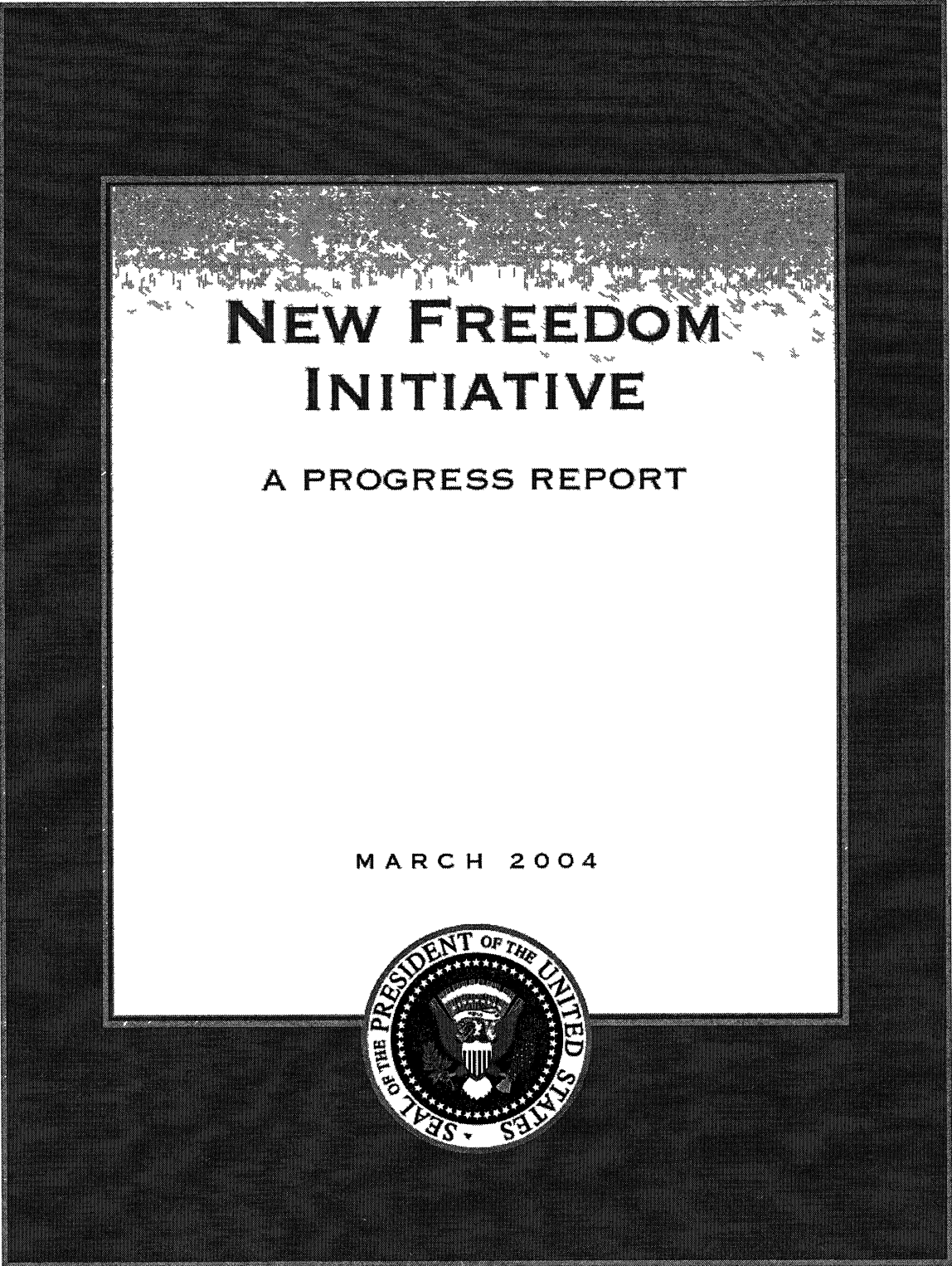
There is much more we can do to assure that Americans with disabilities are treated with dignity and respect In 2001 I announced the New Freedom Initiative to further promote the full participation of people with disabilities in all areas of society As part of the New Freedom Initiative we're giving states funding to help people with disabilities commute to work or purchase equipment that allows them to work from home We are promoting home ownership for people with disabilities and educating builders about the need for more accessible rental housing

We are working with Congress to provide record levels of funding for special education programs and to make sure the money is used to provide the most help to the most children And we are making government websites more accessible to people with disabilities so that they can more easily find information about services and programs of the federal government We're also focused on providing better care to people with mental illness I'm committed to making sure people get the treatment and support they need and don't fall through the cracks

My administration continues to work with states to ensure full implementation of the Supreme Court's Olstead decision That decision rightly mandates that individuals with disabilities who can receive support and treatment in a community setting should be given an opportunity to live close to their families and friends whenever possible People with disabilities now have more freedom to do productive work and live independent lives We're making good progress toward ensuring that persons with disabilities know the American Dream is meant for them With changes in old ways of thinking the development of new technologies and the federal government's firm commitment to equality more and more people with disabilities continue to become full participants in the American life

Thank you for listening

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NEW FREEDOM INITIATIVE

A PROGRESS REPORT

MARCH 2004



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Executive Summary

The President's New Freedom Initiative for People with Disabilities The 2004 Progress Report

Introduction

Announced in February 2001, the New Freedom Initiative is President George W. Bush's bold plan to tear down the remaining barriers to full integration into American life that many of this Nation's 54 million citizens with disabilities still face. This Progress Report highlights accomplishments under the New Freedom Initiative since the issuance of the May 2002 Progress Report.

Increasing Access Through Technology

Assistive and universally designed technology offers people with disabilities better access than ever before to education, the workplace, and community life. To promote the development and dissemination of technology for individuals with disabilities, the President has

- Secured \$120 million over three fiscal years (FY 2002 through FY 2004) to promote the development of assistive and universally designed technology and to fund alternative financing programs such as low interest long term loans to put technology into the hands of more people with disabilities
- Created a working group of Federal agencies that developed strategies for improving access to assistive technology mobility devices (i.e. wheelchairs and scooters)
- Established DisabilityInfo.gov, a web portal providing information about the array of Federal programs that affect people with disabilities, and
- Promoted full implementation of Section 508 of the Rehabilitation Act, which requires that electronic and information technology purchased, maintained, and used by the Federal government be readily accessible to and usable by individuals with disabilities

Inspired by the vision of the New Freedom Initiative, agencies did the following to further promote access to technology for people with disabilities:

- Secretary of Commerce Donald Evans announced an eight point plan to promote the development of assistive and universally designed technology nationally and internationally
- The Department of Defense significantly expanded its Computer/Electronic Accommodations Program (CAP) which now provides assistive technology for employees with disabilities in 58 agencies

Expanding Educational Opportunities for Youth with Disabilities

A quality education is critical to ensure that individuals with disabilities can work and fully participate in their communities. The President has done the following to ensure that no child with a disability is left behind by our Nation's education system:

- Secured more than \$3.7 billion in additional annual funding for the Individuals with Disabilities Education Act Part B State Grants program since FY 2001 (for a total of nearly \$10.1 billion in FY 2004) and proposed an increase of \$1 billion in FY 2005, and
- Established the President's Commission on Excellence in Special Education, which issued a report in July 2002 emphasizing, among other things, the importance of accountability under the No Child Left Behind Act for the educational outcomes of students with disabilities.

Additionally, agencies are advancing the New Freedom Initiative's goal of ensuring a quality education for youth with disabilities:

- The Department of Education, alone and in collaboration with other agencies, has recently funded a number of grants and studies to determine what strategies best enable students with disabilities to access the general education curriculum and what kinds of early interventions promote the best results for students with disabilities.
- Several agencies have supported activities that reach out to youth with disabilities who are making the transition from high school education to other life goals, including post-secondary education and work.

Integrating Americans with Disabilities Into the Workforce

More than a decade after passage of the Americans with Disabilities Act, the unemployment rate of people with severe disabilities remains stubbornly high. To bring more people with disabilities into the workplace, the President has:

- Secured \$20 million for a fund to help individuals with disabilities purchase technology needed to telework.
- Continued to support a proposal that would exclude from an employee's taxable income the value of computers, software, and other equipment provided for telecommuting.
- Ensured implementation of the landmark Ticket to Work program so that Social Security and Supplemental Security Income (SSI) disability beneficiaries who want to work can choose their own employment-related services.
- Promoted vigorous enforcement of the ADA and challenged Federal agencies to do innovative outreach to employers, particularly small businesses, and
- Secured funding for a number of demonstration projects aimed at removing disincentives to work that currently exist in the Social Security and SSI disability benefit system.

Federal agencies have also undertaken the following activities to promote increased employment opportunities for people with disabilities:

- The Department of Labor and other agencies have worked to improve the capacity of community One-Stop Career Centers to provide employment related services to people with disabilities
- The Department of Labor and the Equal Employment Opportunity Commission are each working to promote employer best practices for the hiring and retention of qualified individuals with disabilities
- The Office of Personnel Management and other Federal agencies have worked to promote the Federal government as a model employer of people with disabilities
- Several agencies have complemented outreach efforts to employers with outreach to people with disabilities educating them about their rights and responsibilities under the ADA as future employees

Promoting Full Access to Community Life

The Supreme Court's decision in *Olmstead v. L.C.* 527 U.S. 581 (1999) said that wherever possible people with disabilities should be provided services in the community rather than in institutions. For the promise of full integration into the community to become a reality people with disabilities need safe and affordable housing, access to transportation, access to the political process, and the right to enjoy whatever services, programs, and activities are offered to all members of the community at both public and private facilities. The President has done the following to promote full integration of individuals with disabilities into the community:

- Issued an Executive Order calling for swift implementation of *Olmstead* which resulted in a report identifying barriers to full integration that exist in Federal programs and proposing more than 400 solutions for removal of these barriers
- Proposed a budget increase of \$2.2 billion over the next five years for the Department of Health and Human Services to fund demonstration projects that promote community-based services for people with disabilities
- Proposed \$918 million over six years to remove transportation barriers still faced by individuals with disabilities
- Established the New Freedom Commission on Mental Health which issued a report recommending ways to improve America's mental health care delivery system, and
- Secured \$15 million under the Help America Vote Act to improve access to voting for people with disabilities

Agencies have also done or are doing the following to advance the goal of full integration of people with disabilities into the community:

Implementation of Olmstead

- Health and Human Services Secretary Tommy Thompson established the Office on Disability to coordinate disability programs across HHS agencies
- The Department of Health and Human Services has awarded nearly \$160 million in Real Systems Change Grants since 2001 to support community-based services for people with disabilities
- In FY 2003 the Department of Health and Human Services Centers for Medicare and Medicaid Services funded a \$6 million demonstration grant that enables state and

community-based providers to test new strategies for recruiting, training, and retaining direct service workers.

- The Departments of Justice and Health and Human Services have entered into an agreement under which HHS refers *Olmstead* related complaints to DOJ's ADA mediation program. To date, several complaints have been successfully mediated.

Housing

- Thirty percent of the families participating in the Department of Housing and Urban Development's home ownership voucher program include family members with disabilities.
- During FY 2003, the Department of Housing and Urban Development trained more than 1,500 housing professionals under its Fair Housing Accessibility FIRST initiative, which helps architects and builders to design and construct apartments and condominiums with legally required accessibility features.
- The Department of Housing and Urban Development has funded grants to enable older individuals and individuals with disabilities to remain in their homes and live independently in their communities.
- The Department of Justice has vigorously enforced the Fair Housing Act, filing fifteen lawsuits during the past two years against developers, architects, and civil engineers who designed inaccessible multi-family housing, and resolving another fifteen cases through consent decrees.

Transportation

- The Department of Transportation's Bureau of Transportation Statistics issued a report entitled *Freedom to Travel*, based on the first national survey of the views of people with disabilities about transportation.
- The National Highway Traffic Safety Administration (NHTSA) recently issued a Final Rule regulating platform lifts and their installation in new motor vehicles.
- Since the inception of its Job Access and Reverse Commute Program, the Department of Transportation has funded over 200 state and local grantees in 44 states to provide new employment transportation services for low-income persons, including persons with disabilities.
- The Departments of Transportation, Education, Labor, and Health and Human Services are sponsoring *United We Ride*, a five-part initiative to assist states and communities in coordinating human service transportation.

Improving Access

- The Solicitor General intervened in the Supreme Court case of *Tennessee v. Lane* to defend the constitutionality of Title II of the Americans with Disabilities Act as applied to state governments.
- The Department of Justice has reached 36 agreements with towns and cities under 'Project Civic Access', an effort to ensure that towns and cities across America are fully accessible to people with disabilities.
- In 2003, the Department of Justice has achieved favorable action for persons with disabilities in well over 350 matters.

Background

On February 1, 2001, fewer than two weeks after his administration began, President George W. Bush announced the New Freedom Initiative. The New Freedom Initiative is a comprehensive strategy for the full integration of people with disabilities into all aspects of American life.

In 2001, more than a decade after passage of the Americans with Disabilities Act (ADA), the unemployment rate for people with severe disabilities remained unacceptably high – as high as seventy percent according to some estimates. Too many people with disabilities who could be living in the community with family and friends were still in institutions. People with disabilities had less access to transportation and education than the population at large. And technology, which holds such tremendous promise for people with disabilities, was still inaccessible to many of them.

While recognizing the critical role that the ADA has played in removing barriers – both architectural and attitudinal – faced by this Nation's 54 million people with disabilities, the New Freedom Initiative recognizes that more work needs to be done. For example, while the ADA makes it unlawful for employers to discriminate against qualified applicants and employees because of disability, reliable transportation, a quality education, and access to technology are equally important to reducing the unemployment rate of people with disabilities. The Supreme Court's landmark decision in *Olmstead v. L.C.*, 527 U.S. 581 (1999), stated that people with disabilities should be provided services in the community rather than in institutions, whenever appropriate. *Olmstead* was an important step toward achieving the promise of full integration of people with disabilities into the community. But this promise can only be realized if biases in our Medicaid system that favor institutional treatment change and only if safe and affordable housing options are available.

Much progress toward breaking down the barriers that still confront individuals with disabilities has been made since the announcement of the New Freedom Initiative. This Report summarizes significant activities that have occurred since publication of the first New Freedom Initiative Progress Report in May 2002.

Some of this progress builds on efforts undertaken during the first year of the New Freedom Initiative. For example, on March 21, 2002, nine agencies released a report entitled *Delivering on the Promise* in response to Executive Order 13217, which called for swift implementation of the *Olmstead* decision. Progress is being made on implementing many of the report's more than 400 solutions to remove barriers to full integration that exist in Federal programs affecting people with disabilities. Presidential commissions established by Executive Orders – the Commission on Excellence in Special Education and the New Freedom Commission on Mental Health – have now completed their work and have issued reports and recommendations that will inform future policy development.

The President has secured \$120 million since the beginning of his administration to promote research and development of assistive and universally designed technology and to put technology into the hands of more people with disabilities. Promoting full implementation of Section 508 of the Rehabilitation Act, which requires the accessibility of electronic and information technology,

purchased, maintained, and used by the Federal government also remains a priority for the President

President Bush has continued to follow through on his promise to provide more funding for the Individuals with Disabilities Education Act (IDEA). Since Fiscal Year (FY) 2001, the President has secured more than \$3.7 billion in additional annual funding for the IDEA Part B State Grants program. He has proposed a further increase of \$1 billion in FY 2005.

Since 2001, the Social Security Administration has been answering the President's call for implementation of the Ticket to Work program. The program allows Social Security and Supplemental Security Income (SSI) disability beneficiaries to receive a "ticket" that they can take to a provider of their choice in order to obtain employment-related training and services. Thus far, approximately 4.9 million people in 33 states and the District of Columbia now have tickets, and an additional 3.5 million people will be issued tickets in the remaining 17 states and the U.S. territories this year.

The President continues to push for increases for the Department of Transportation to promote innovative solutions to transportation barriers that people with disabilities still confront. The Department of Justice (DOJ) and the Equal Employment Opportunity Commission (EEOC) are advancing the President's commitment to full enforcement of the ADA. For example, the Solicitor General intervened in the Supreme Court case of *Tennessee v. Lane* to defend the constitutionality of ADA provisions that require state and local governments to make their programs and activities accessible to people with disabilities. DOJ, EEOC, and other agencies have also engaged in creative outreach efforts – to educate businesses about the advantages of seeing people with disabilities as potential employees and customers, and to inform people with disabilities about their rights and responsibilities under the ADA. The Department of Housing and Urban Development has promoted homeownership for people with disabilities through its voucher homeownership program and has provided technical assistance nationwide to architects, engineers, and developers on how to build accessible housing.

Several new initiatives have also been undertaken since May 2002. An August 2002 Executive Memorandum called for the development of a web portal containing links to government-wide resources on disability. Fewer than sixty days after issuance of the Memorandum, DisabilityInfo.gov was launched, and the site had more than 1.5 million visitors (with 30 million hits) during 2003. A second Executive Memorandum, issued in February 2003, required agencies to better coordinate the availability of assistive technology mobility devices for people with disabilities. The working group that was created has detailed 34 agency actions that will be taken to make these devices more available.

In order to further implementation of *Olmstead*, the President has proposed \$2.2 billion in the budget over the next five years for the Department of Health and Human Services to conduct demonstration projects that promote community-based services for people with disabilities. The President is also supporting a number of demonstrations aimed at removing disincentives to work that exist in the Social Security and SSI disability benefit programs.

Agencies have also undertaken new activities on their own to further the New Freedom Initiative's goals of full integration of people with disabilities. Last July, Secretary of Commerce Donald Evans announced an eight-point plan for getting assistive and universally designed technology to the marketplace more quickly. Secretary of Labor Elaine Chao established the New Freedom Initiative Awards, which annually recognize employers and individuals who promote the employment of people with disabilities. Secretary of Health and Human Services Tommy Thompson established the Office on Disability to coordinate HHS activities that support the New Freedom Initiative. And the Department of Education has undertaken a number of new funding projects that support the recommendations in the report of the President's Commission on Excellence in Special Education. More than ever before, agencies are working together on initiatives that affect people with disabilities. They are also forging new partnerships with state and local governments, the business community, and organizations of and for individuals with disabilities.

Under the leadership of President Bush, and with the New Freedom Initiative serving as a set of guiding principles for change, the Administration will continue its efforts to break down the remaining barriers to the full integration of people with disabilities into everyday American life.

The President's New Freedom Initiative for People with Disabilities The 2004 Progress Report

Chapter 1 Increasing Access Through Technology

Providing Access to Technology

New technologies are providing individuals with greater access to school, work, and community life. In addition to promoting the development of new assistive and universally designed technologies, the New Freedom Initiative helps to put assistive technology into the hands of more individuals with disabilities through policies that reduce barriers associated with cost.

Accomplishments

- The President secured \$37 million in FY 2002 funding for loan programs for individuals with disabilities to purchase assistive technologies under Title III of the Assistive Technology Act of 1998. The program matches state dollars with Federal dollars to create alternative financing mechanisms such as low interest, long term loans. The National Institute on Disability and Rehabilitation Research made 26 new awards in September 2003 totaling nearly \$36 million. A project to assess the performance and impact of the program was also funded.
- The President secured \$20 million in FY 2002, \$19 million in FY 2003, and \$20 million in FY 2004 to fund Rehabilitation Engineering Research Centers to promote research on assistive and universally designed technology.
- The President secured \$5 million in FY 2002, FY 2003, and FY 2004 for the Assistive Technology Development Fund to assist small businesses in the development and transfer of technologies.
- The President secured \$3 million in FY 2002, FY 2003, and FY 2004 for the Interagency Committee on Disability Research (ICDR) to improve coordination of the Federal Assistive Technology Research and Development Program. Several new agencies have been added to the ICDR.

Next Steps

- The President's FY 2005 budget includes the following:
 - \$20 million for the Rehabilitation Engineering Research Centers
 - \$15 million for the Assistive Technology Alternative Financing Program,
 - \$5 million for the Assistive Technology Development Fund, and
 - \$3 million for the ICDR.

Assistive Technology Mobility Devices

In February 2003, the President signed an Executive Memorandum establishing the Interagency Working Group on Assistive Technology Mobility Devices. The Executive Memorandum directed the Working Group to improve coordination between programs that fund or finance

assistive technology mobility devices (i.e. wheelchairs and scooters) train vocational rehabilitation counselors other service providers and individuals with disabilities on strategies to maximize access to assistive technology mobility devices and inform individuals with disabilities about opportunities to access assistive technology mobility devices

The Working Group submitted its report to the President in August 2003. It identifies 34 specific recommendations for Federal agencies to take in response to the President's Executive Memorandum. The report also identifies major Federal programs that provide financial support to eligible individuals with disabilities and describes how individuals with disabilities can pool funding from existing resources to obtain the assistive technology they need.

DisabilityInfo.gov

In August 2002, President Bush signed an Executive Memorandum requiring the creation of a cross-agency portal to make disability information easily accessible to all Americans. Fewer than sixty days later, DisabilityInfo.gov was launched. Operated by the Department of Labor, DisabilityInfo.gov streamlines access to information about Federally sponsored employment, housing, job accommodations, transportation, income support, health care, state and regional assistance programs, technology, emergency preparedness, and other programs relevant to the daily lives of people with disabilities. DisabilityInfo.gov had more than 1.5 million visitors (more than 30 million hits) during 2003. More importantly, DisabilityInfo.gov averages over 2,000 referrals a day to partnering websites. Beginning in February 2004, DisabilityInfo.gov will be hosted on FirstGov.gov, the official one-stop portal for the United States government.

Section 508 of the Rehabilitation Act

Section 508 of the Rehabilitation Act requires that all electronic and information technology purchased, maintained, or used by the Federal government be readily accessible to and usable by individuals with disabilities. Section 508 seeks to harness the purchasing power of the Federal government to promote greater accessibility of all electronic and information technology. President Bush strongly supports implementation of Section 508 and views compliance with Section 508 as integral to meeting the requirements of the E-Government Act, which he signed into law in December 2002. The Administration has taken a number of steps to ensure compliance with Section 508, and although the law's requirements apply only to the Federal government, initiatives are also being undertaken to promote better accessibility in the private sector and throughout state and local governments.

Accomplishments

- The Department of Justice operates a web page www.usdoj.gov/crt/508/508home.html and the General Services Administration hosts an interagency website www.section508.gov, both of which provide extensive technical assistance on Section 508. In addition, the Department of Justice and the Access Board have provided technical assistance materials for web and software developers at the Access Board's website www.access-board.gov. These websites also serve as useful sources of information for private businesses, state and local governments, manufacturers of equipment and software vendors, and individuals with disabilities who want to learn

about accessible technology

- The Department of Justice has issued a new technical assistance publication on making state and local government websites accessible
- The Department of Justice worked closely with the Office of Management and Budget the General Services Administration the National Security Agency and the interagency working group on Section 508 to develop the 2003 survey of all Federal agencies regarding compliance with Section 508. Federal agencies are currently responding to this survey which will be completed in 2004

Next Steps

- In 2004 the Department of Justice will issue a Section 508 report containing baseline data on the accessibility of the Federal government's websites
- The Department of Justice will prepare a new comprehensive Section 508 report on procurement information website compliance and general implementation issues based on the results of the 2003 survey
- The Department of Justice will develop a document on website accessibility for public accommodations similar to the one it produced for state and local governments

Creating a Robust Assistive Technology Industry Domestically and Internationally

Department of Commerce Secretary Donald Evans has developed an eight point initiative to support the development of assistive technologies and to promote the U.S. assistive technology industry. The initiative is based on recommendations from a two year survey of the assistive technology industry. The Secretary announced the initiative at a July 2003 special exhibition featuring 31 assistive technology exhibitors held to commemorate the 13th anniversary of the Americans with Disabilities Act (ADA). The initiative seeks to speed new technologies to individuals with disabilities, expand the U.S. assistive technology industry and boost exports of our products and services. The development of a robust U.S. assistive technology industry will lead to greater assistive technology development and advancement.

Accomplishments

- The Department of Commerce is working with the Assistive Technology Industry Association (ATIA), industry trade associations and disability organizations to provide data analysis to increase export promotion opportunities, provide technical manufacturing guidance and catalog trade barriers.

Next Steps

- The Department of Commerce will reach out to industry via both technical forums and roundtables to engage representatives from industry and trade associations to share manufacturing information, discuss regulatory and trade impacts and gain a greater understanding of new methods to improve the capabilities and success of U.S. assistive technology providers.
- The Department of Commerce will facilitate measurement and private sector standards development for assistive technology devices in coordination with standards organizations, government agencies, industry and user groups so that new technologies

- can be faster commercialized into the marketplace
- The Department of Commerce will work with public and private research organizations to catalog and raise awareness of sources of technical assistance, product ideas, and patented inventions that could lead to the development of new assistive technology devices or services

Other Activities

Taking their lead from the New Freedom Initiative, agencies have undertaken a variety of new projects to provide individuals with disabilities greater access to technology and greater access to information through technology. In other instances, agencies have built on already existing programs in significant and innovative ways. Following are some of the most significant agency activities that further the New Freedom Initiative's goal of promoting greater access through technology.

Accomplishments

- The Department of Labor's Employment and Training Administration provided a third year of funding to four grantees who are providing innovative strategies to address the extremely high rate of unemployment and underemployment of persons with disabilities by focusing on training in the high-skill, high-demand information technology sector. More than 625 individuals with disabilities have been training with the majority entering employment at average wages of \$14.75 per hour.
- The Department of Defense Computer/Electronic Accommodations Program (CAP) is a centrally funded program that provides assistive technology to allow Department of Defense and other Federal employees with disabilities to access electronic and information technology. While this program existed prior to the announcement of the New Freedom Initiative, it has expanded significantly since then. From 2001 through 2003, the program has entered into partnerships to provide accommodations for 58 Federal agencies.
- In support of the President's E-Government initiative, CAP unveiled a revised website at <http://www.tricare.osd.mil/cap>, that makes it easier for customers, people with disabilities, and supervisors to locate information and resources. The site enables visitors to conduct an on-line assessment of job duties to determine accommodation solutions and enables individuals to complete an on-line accommodation request form. The site received over 3.5 million visitors in 2003.
- In 2003, CAP released a new totally accessible CD-Rom, *Real Solutions for Real Needs*, describing its services and program goals.
- CAP's proactive approach to disability management offers employers assistance in addressing the problem of increasing workers' compensation claims resulting from manual dexterity problems. In FY 2003, CAP filled 346 requests for injured workers to support their abilities to return to work quickly as outlined in the President's Management Agenda.
- The Department of Education's National Institute on Disability and Rehabilitation Research increased by seven the number of Rehabilitation Engineering Research Centers since the announcement of the New Freedom Initiative. Rehabilitation Engineering Research Centers continue to develop assistive technologies, transfer assistive

technologies to the marketplace and identify immediate assistive technology needs of the disability community. The Rehabilitation Engineering Research Centers represent the largest Federally supported program responsible for advancing rehabilitation engineering research.

- Training in rehabilitation technology including assistive technology mobility devices is a current priority of training programs for state vocational rehabilitation agencies funded by the Department of Education's Rehabilitation Services Administration.
- The Department of Education's Rehabilitation Services Administration established and is receiving information from a workgroup tasked with improving procurement policies for assistive technology within state vocational rehabilitation agencies. Focused on procedural flexibility for state workers and choice for consumers, the workgroup will generate a list of possible improvements to the procurement process.
- The Department of Transportation's Volpe Center posted and promoted industry-tested transit website usability guidelines on a Federal Transit Administration website for the use of state and local transit agency webmasters. The guidelines include user tested recommendations for Section 508 compliance for essential transit specific graphical information such as system and route maps.
- The Department of Transportation is a major source of funding and supporter of the Transportation Research Board (TRB). Transportation is often a barrier for people with impaired vision and a significant challenge to employment. A TRB Transit Innovations Deserving Exploratory Analysis project has developed a cost effective system that helps clarify (for all riders) the surprisingly complex process of purchasing a ticket from transit fare vending machines. This system requires few modifications to existing equipment.
- The National Highway Traffic Safety Administration's research program is focused on further developing and validating a safety test procedure for electronic steering and brake controllers that are used by persons with disabilities.

Chapter 2 Expanding Educational Opportunities for Youth with Disabilities

Increasing Funding for the Individuals with Disabilities Education Act

The President has delivered on his promise in the New Freedom Initiative to increase funding for the Individuals with Disabilities Education Act (IDEA) which requires that eligible students with disabilities be provided a free appropriate public education

Accomplishments

- Since FY 2001 the President has obtained more than \$3.7 billion in additional annual funding for the IDEA Part B State Grants program. In FY 2004 nearly \$10.1 billion are available for this program which represents an increase of 59% since 2001

Next Steps

- The President's FY 2005 budget proposal includes another \$1 billion increase for the IDEA Part B State Grants program

President's Commission on Excellence in Special Education

Executive Order 13227 issued on October 2, 2001 created the President's Commission on Excellence in Special Education and charged the Commission with collecting information, studying issues related to Federal, state and local programs and recommending policies for improving the educational performance of students with disabilities. The Commission, which was chaired by former Iowa Governor Terry Branstad, held thirteen public hearings in cities nationwide and considered the views of hundreds of experts in the field of education, parents of children with disabilities, and individuals with disabilities themselves.

The Commission submitted its final report to the President on July 1, 2002. The report, entitled *A New Era: Revitalizing Special Education for Children and Their Families*, <http://www.ed.gov/mits/commission/ideareports/index.html> presents the following broad recommendations:

1. Focus on results, not on process. While IDEA must retain the legal and procedural safeguards necessary to guarantee a free appropriate public education for children with disabilities, it will only fulfill its intended purpose by raising expectations for students and becoming more results oriented rather than driven by process, litigation, regulation, and confrontation.
2. Embrace a model of prevention, not a model of failure. Reforms must move the system toward early identification and swift intervention, using scientifically based instruction and teaching methods. This will require changes in the Nation's elementary and secondary schools, as well as reforms in teacher preparation, recruitment, and support.
3. Consider children with disabilities as general education children first. Special education should not be treated as a separate cost system, and evaluations of spending must be

based on all child expenditures including funds from general education. Funding arrangements should not create an incentive for special education identification or become an option for isolating children with learning and behavior problems. Flexibility in the use of all educational funds including those provided through IDEA is essential.

Improving Educational Opportunities for Youth with Disabilities

The Department of Education, sometimes in collaboration with other Federal agencies, funds numerous studies aimed at improving educational outcomes for individuals with disabilities. The New Freedom Initiative and the recommendations of the President's Commission on Excellence in Special Education have shaped recent funding priorities, as the following notable projects demonstrate.

Accomplishments

- In September 2003, the Department of Education and the Department of Health and Human Services funded eight research projects to explore the effectiveness of curriculum interventions or programs in preparing at-risk children for school. The projects have an emphasis on early reading intervention, curriculum research, and evaluation.
- In September 2002, the Office of Special Education Programs at the Department of Education supplemented the National Center on Accessing the General Curriculum at the Center for Applied Special Technology, Inc. (CAST) to define voluntary accessibility standards that would increase the quality and timely availability of accessible versions of print textbooks to PreK-12 students with disabilities (e.g., Braille textbooks for students who are blind). A forty-member National File Format (NFF) Technical Panel, representing educators, publishers, technology specialists, and advocacy groups, achieved consensus on a set of standards. It is anticipated that the Panel's findings and recommendations will be made public in the very near future. The NFF Panel work is documented at <http://www.cast.org/nff>.
- Newly funded in FY 2003 by the Department of Education, the National Drop Out Prevention Center for Youth with Disabilities at Clemson University aims to increase rates of school completion by students with disabilities, emphasizing drop-out prevention for enrolled students and re-entry into education by students who have dropped out of school.
- In July 2003, the Department of Education's Rehabilitation Services Administration announced a funding priority to focus attention on the adult literacy needs of individuals with learning disabilities pursuing employment under the state vocational rehabilitation services program. Projects supported under this priority will demonstrate whether certain specific literacy services may raise the literacy levels and earnings of individuals with disabilities.
- The Department of Education and the Department of Health and Human Services have formed a partnership to support research to enhance literacy and employment skills of young American adults. Three research grants were awarded in FY 2003.
- The Department of Education's Office of Special Education Programs recently funded two centers related to student progress monitoring: an underutilized, scientifically based practice that helps teachers better target instruction to enhance student learning.

- The Department of Education's Office of Special Education Programs funds a set of directed projects that pursue a systematic program of research designed to increase our understanding of access to the general education curriculum for students with significant cognitive disabilities

Youth Transition

As the New Freedom Initiative results in better educational opportunities and outcomes for more people with disabilities, it is critical that efforts are undertaken to promote the successful transition of youth to post secondary school work and other goals. The Administration supports this transition in a number of ways, including through programs that promote mentoring.

Accomplishments

- As a result of a collaborative effort between the Department of Labor and the Department of Education, over \$880,000 was awarded in 2003 to six faith-based and community intermediary organizations to help build the capacity and knowledge of faith-based and community organizations to provide mentoring services to young people with disabilities.
- In March 2003, the Department of Education's Office of Special Education and Rehabilitative Services began an initiative with the Mitsubishi Electric America Foundation. The purpose of the partnership was to convene Federal agencies and foundations active in funding programs for youth with disabilities to explore working cooperatively, leveraging resources and expertise, jointly identifying priority goals and cultivating projects to improve outcomes for youth with disabilities.
- A set of model projects being funded by the Department of Education's Office of Special Education and Rehabilitative Services demonstrate new or improved approaches to participation and successful interagency collaboration in planning for the transition of youth with disabilities from school to post school goals and objectives like post secondary education or training, employment, independent living, and community participation.
- In September 2003, the Department of Education's Office of Special Education and Rehabilitative Services partnered with the National Center on Secondary Education and Transition (NCSET) to sponsor a National Leadership Summit in collaboration with fifteen Federal agencies and national organizations. The purpose of the national summit was to provide a forum for states to increase their capacity to work collaboratively on the issues of improved outcomes for youth with disabilities. A coordinated technical assistance plan based on the work of the summit is being developed to help guide technical assistance strategies targeted to state needs.
- The Partnerships for Effective Youth Transitions is a set of model projects that demonstrates the development of comprehensive services systems designed to meet unique developmental needs of transitioning youth with a serious emotional disturbance and/or emerging mental illness and their families. Model projects are currently being funded in Pennsylvania, Maine, Minnesota, Utah, and Washington. This is a collaborative effort between the Department of Health and Human Services, Center for Mental Health Services, and the Department of Education's Office of Special Education and Rehabilitative Services.

- In November 2003 the Department of Health and Human Services Family and Youth Services Bureau hosted the Second National Youth Summit which included sessions on transition issues for youth with disabilities This Summit drew approximately 1 200 participants including 300 youth leaders Sessions included information on youth with disabilities making a successful transition to employment and lifelong learning and highlighted particular youth development projects
- Since 2001 the Department of Labor's Office of Disability Employment Policy has hosted Disability Mentoring Day in collaboration with the American Association of People with Disabilities and corporate sponsors On October 15 2003 almost 7 000 young people from all 50 states Washington D C the Virgin Islands and Puerto Rico spent the day in hundreds of businesses nonprofit organizations and government institutions In addition, Disability Mentoring Day expanded its international reach with celebrations in Belgium, Bulgaria, Canada, France, Germany, Italy, Ireland, Kenya, Kosovo, New Zealand, Nigeria, Spain, and the United Kingdom.
- In 2003 the Department of Labor's Office of Disability Employment Policy provided approximately \$6.3 million in new grant monies to support workforce development systems change projects geared toward improving transition results for youth with disabilities through the incorporation of evidence based design features into the system of youth service delivery
- In FY 2003 the Social Security Administration provided more than \$5 million in grants to selected states to improve the way services are provided for youth transitioning from high school into adult life The project involves coordination of state and Federal resources and targets individuals ages 14 to 25 who receive Supplemental Security Income benefits The President has secured \$10.2 million for this project in FY 2004 and has requested \$9.9 million for FY 2005

Chapter 3 Integrating Americans with Disabilities into the Workplace

Expanding Telecommuting

Telework is continuing to gain in popularity in both the private and public sectors. President Bush believes that the ability to telework increases available employment options for individuals with disabilities and his New Freedom Initiative directs that activities be undertaken to promote the expansion of telework options.

Accomplishments

- The President established the Access to Telework Fund program to allow individuals with disabilities to work from home or from other remote sites away from the office. Under this program, individuals with disabilities, their families, guardians, advocates, and other authorized representatives will have increased access to computers and other equipment, including adaptive equipment, through state programs that offer alternative financing mechanisms. The Department of Education's Rehabilitation Services Administration has funded 20 projects under this program.
- The Departments of Labor, Health and Human Services, and Veterans Affairs are conducting a two-year study to evaluate the extent and manner in which various home-based telework/telecommuting arrangements, including call center and medical transcription services, can enhance the employment of people with disabilities. The three pilots required by this research project were launched during 2003, and an interim report to Congress will be sent in early 2004.
- In February 2003, the Equal Employment Opportunity Commission released a fact sheet to help employers and employees determine whether working at home is an appropriate form of reasonable accommodation under the Americans with Disabilities Act. See <http://www.eeoc.gov/facts/telework.html>.
- The Office of Personnel Management has recently produced a videotape to promote the use of telework and is currently developing two e-Learning modules to be posted on www.golc.gov (the website for the Federal government online learning center) on the telework program.

Next Steps

- The President continues to support in his FY 2005 budget a proposal allowing individuals to exclude from taxable income the value of computers, software, and other equipment provided by their employers for telecommuting.
- The Department of Labor will conduct post-pilot follow-up from its telework project to prepare a final report to Congress on the feasibility of various home-based telework arrangements for promoting employment opportunities for people with disabilities.

Implementation of Ticket to Work

The Bush Administration vigorously promoted implementation of the landmark Ticket to Work and Work Incentives Improvement Act (Ticket Act). Under the Ticket to Work program, eligible individuals receiving Social Security and/or Supplemental Security Income benefits due

to disability or blindness receive a ticket that they may use to obtain vocational rehabilitation services employment services or other support services from an employment network or a State vocational rehabilitation agency of their choice The Social Security Administration administers the Ticket to Work program

Accomplishments

- The Ticket to Work program is being rolled out in three phases the first two of which have already been completed During the first two phases approximately 4.9 million tickets were issued in 33 states and the District of Columbia As of December 2003 the Social Security Administration had awarded 1,067 contracts to public and private entities wishing to serve as employment networks for ticket holders
- In 2001 the Social Security Administration and the Department of Labor established Ticket to Hire a free national employer referral service to help beneficiaries participating in the Ticket to Work program find work Ticket to Hire links employment networks and state vocational rehabilitation agencies servicing job-ready Ticket beneficiaries to employers who are seeking qualified candidates for positions To date Ticket to Hire has enrolled over 800 employers and referred over 900 candidates See <http://www.ssa.gov/work/Ticket/TicketHire.html>

Next Steps

- The Social Security Administration will complete the third and final phase of the roll out of Ticket to Work During this phase 3.5 million tickets will be sent out in the remaining 17 states and the U.S. territories

Full Enforcement of the Americans with Disabilities Act

The President supports full enforcement of the Americans with Disabilities Act (ADA) but recognizes that more work needs to be done Federal agencies including the Department of Justice and the Equal Employment Opportunity Commission enforce the ADA through complaint investigations and litigation The New Freedom Initiative also calls upon agencies to develop new innovative strategies to educate covered employers about the ADA and about the benefits of hiring qualified individuals with disabilities

Accomplishments

- The Department of Justice created the ADA Business Connection a project to bring about increased compliance with the ADA by fostering a better understanding of ADA requirements among the business community and by increasing dialogue and cooperation between the business community and the disability community Continuing work has resulted in productive discussions and promising collaborations between the business and disability communities
- The Department of Justice created a new ADA Business Connection destination on its ADA website www.ada.gov that provides easy access to information of interest to businesses including a new series of ADA Business Briefs on specific compliance issues such as assistance at bus stations accommodation of individuals who use service animals and restriping parking lots These one sheet flyers are designed to be easily printed for direct distribution to a business's employees or contractors

- The Department of Justice released a new small business video *Ten Small Business Excuses Information on the Americans with Disabilities Act* to educate small businesses about their ADA obligations. It provides practical information and dispels common misunderstandings that small businesses have about the ADA. The tape can be used for ADA training and for presentation to local civic associations.
- In October 2002 the Department of Education announced a partnership with the U S Chamber of Commerce to acquaint businesses with programs and resources available at the Department of Education and at the Chamber to help employers tap into the disability community for qualified workers. The two organizations held a Webcast entitled *Disability Employment 101 Learn to Tap Your HIRE Potential* which featured government and private officials discussing current research, successful strategies and initiatives of the Department of Education related to employing people with disabilities. In October 2003 the Department of Education and the Chamber of Commerce released a guidebook with the same title to acquaint business leaders with programs and resources available to assist them in hiring people with disabilities.
- In December 2003 the Department of Labor and the Small Business Administration entered into a Strategic Alliance Memorandum creating the New Freedom Small Business Initiative. The agencies will work together to assist adult workers with disabilities in acquiring skills and resources necessary to become small business owners and educate small business owners about the benefits of hiring people with disabilities. The memorandum also calls for creation of a new interagency working group to develop and implement a coordinated plan for the New Freedom Small Business Initiative.
- In October 2003 the Equal Employment Opportunity Commission released the first in a series of fact sheets on how the ADA applies to particular disabilities in the workplace. These fact sheets convey information about the ADA in a user friendly format. The first fact sheet answers a series of frequently asked questions about diabetes. See <http://www.eeoc.gov/facts/diabetes.html>
- In August 2002 the Equal Employment Opportunity Commission released *The Americans with Disabilities Act A Primer for Small Business*. See <http://www.eeoc.gov/ada/adahtmlbook.html>. In addition to widespread Internet dissemination 15 000 hard copies of the *Primer* have been distributed throughout the country including through targeted distribution to local Chambers of Commerce in traditionally under served areas.
- In April 2002 the Equal Employment Opportunity Commission initiated its New Freedom Initiative Small Business Workshop project and thus far has delivered more than 50 free workshops for businesses with between 15 and 100 employees or businesses that expect to expand in the near future. The workshops include practical information about the ADA, as well as information about tax incentives for hiring and retaining qualified individuals with disabilities resources that small employers can consult to find appropriate reasonable accommodations and information about how to find qualified individuals with disabilities to fill jobs. A number of these workshops have been co-sponsored with local Chambers of Commerce minority business associations and workforce development centers in geographically under served areas. Many of these workshops are presented in partnership with the Department of Justice which provides information on the ADA's public accommodations provisions.

- During FY 2002 the Equal Employment Opportunity Commission successfully resolved over 4 000 complaints of disability discrimination and recovered almost \$50 million in monetary benefits for ADA claimants. Most of these complaints were resolved administratively or with the help of the agency's highly successful mediation program.

Next Steps

- The Department of Justice will expand the ADA Business Connection by reaching out to small businesses nationwide together with the Chamber of Commerce and the Small Business Administration, to help small businesses focus on persons with disabilities as customers and potential employees.
- The Department of Justice will establish a strategic partnership that takes advantage of the Small Business Administration's broad distribution network for the purpose of outreach to the business community on disability issues.
- The Department of Justice will develop new publications addressing important concerns of small businesses.
- The Department of Justice will focus more attention in litigation on cases that protect access to education, child care, and testing and licensing, all of which are gateways to employment and self-sufficiency for people with disabilities.
- The Equal Employment Opportunity Commission will release user-friendly fact sheets on how the ADA applies to other disabilities in the workplace.

Promoting Understanding and Use of Tax Incentives

Various tax incentives including the Work Opportunity Tax Credit seek to promote the hiring and advancement of qualified individuals with disabilities. Unfortunately, many businesses are not fully aware of them. The New Freedom Initiative calls for increased outreach to business about these tax incentives.

Accomplishments

- In 2002 and 2003 the Department of Justice sent newsletters to over seven million businesses containing articles about ADA-related tax incentives and other advantages of complying with the ADA. Readers were directed to the Department's ADA Information Line and the ADA Website for compliance assistance and a free ADA Tax Incentives packet.
- The Department of Labor's Office of Disability Employment Policy developed and disseminated a fact sheet *Tax Incentives for Business*.
- The Department of Labor joined the Department of Housing and Urban Development in Community Renewal Workshops to educate participants in disability-related tax matters and to disseminate the *Tax Incentives for Business* fact sheet. Participants of the workshops included economic development organizations and managers and operators of One Stop Career Centers.
- The Equal Employment Opportunity Commission regularly includes information about tax incentives as part of its New Freedom Initiative Small Business Workshops.

Enhancing the Workforce Investment System

The Workforce Investment Act (WIA) of 1998 requires the establishment of One Stop Employment Centers throughout the country. Governed by Local Workforce Investment Boards comprised of business and community leaders, the One Stop Centers provide a single source of information about a variety of Federal programs that provide employment and training services. The One Stop Centers must be accessible and offer their services in a non-discriminatory way to individuals with disabilities.

Accomplishments

- The Department of Labor and the Social Security Administration collaborated to provide \$18 million over two years for a pilot and evaluation of a new position within the One Stop Centers: the Disability Program Navigator. The Disability Program Navigator provides expertise on the many programs and services that impact the successful employment of people with disabilities. A primary objective of the Navigator is to increase employment and self-sufficiency for persons with disabilities by linking them to employers and by facilitating access to programs and services that will enable their entry or re-entry into the workforce.
- The Department of Labor developed a comprehensive checklist for use by One Stop Career Centers to aid in their compliance with WIA's disability non-discrimination requirements and conducted a series of training sessions and on-site evaluation reviews for specific One Stop Centers.
- The Department of Labor's Office of Disability Employment Policy's eighteen Customized Employment grants served 1,292 persons with significant disabilities with customized employment strategies through the One Stop Career Center programs. Of that group, 595 have secured employment earning an average hourly wage of \$8.99.
- The Department of Labor's Office of Disability Employment Policy awarded thirteen additional Customized Employment grants at the end of FY 2003, including five new grants extending customized employment services to persons with disabilities who are chronically homeless. These five collaborative grants are part of an unprecedented partnership between the Departments of Labor and Housing and Urban Development, with the assistance of the United States Interagency Council on Homelessness. They are designed to demonstrate the effectiveness of a coordinated effort to eradicate chronic homelessness by combining the efforts of local workforce development systems with their community's permanent housing service providers.
- The Department of Labor's Employment and Training Administration awarded 42 Work Incentive Grants totaling \$17 million during FY 2003. The Work Incentive Grant program addresses infrastructure inadequacies and programmatic access of the One Stop system for people with disabilities.

Removing Disincentives to Work

Last year, approximately 5.85 million disabled workers received Social Security Disability Insurance (SSDI) benefits, and nearly four million working age persons with disabilities received Supplemental Security Income (SSI) benefits. Fewer than one-half of one percent of these individuals ever join or re-enter the workforce. While SSDI and SSI benefits are essential for

some individuals who because of their disabilities are unable to obtain gainful employment the President is committed to removing disincentives to work that have long existed in the Social Security system and providing adequate supports for those wishing to move from the benefit rolls to work

Accomplishments

- The President has supported increases to the Social Security Administration's budget to fund several demonstration projects aimed at removing disincentives and providing appropriate employment supports for those who want to work
 - The President has committed \$7 million in FY 2004 and has requested \$25.5 million for FY 2005 for a project that would allow individuals to face a gradual reduction in benefits when they earn more than a certain amount rather than a complete loss of benefits. Certain employment supports would also be provided and individuals would be allowed to remain eligible for other benefits available under Title II of the Social Security Act including health coverage.
 - The President has committed \$8.6 million in FY 2004 and has requested \$18.7 million in FY 2005 for another project that would provide a number of interventions to enable applicants for SSDI benefits to find and maintain gainful employment. Interventions would include access to a wide range of necessary employment services, a one-year cash stipend equal to the applicant's estimated SSDI benefit, and Medicare for three years to locate and maintain gainful employment.
 - The President committed \$5.4 million for FY 2004 and has requested \$12.6 million in FY 2005 for a demonstration project that studies the effects of the availability of treatment funding on the health care and job seeking of individuals with mental disabilities. Social Security would pay the costs of outpatient treatment and vocational rehabilitation services not covered by other insurance for individuals with mental disabilities participating in the study.

Promoting Best Practices

Promoting public and private sector best practices that work to enhance employment opportunities for people with disabilities works hand in hand with technical assistance efforts to foster integration of people with disabilities into the workplace.

Accomplishments

- In October 2002, Secretary of Labor Elaine L. Chao established the New Freedom Initiative Awards to recognize organizations and individuals that demonstrated exemplary and innovative efforts in furthering the New Freedom Initiative's employment objectives. For information about the program and the 2003 recipients, see <http://www.dol.gov/odep/newfreedom/nfi03.htm>. For information about the 2002 recipients, see <http://www.dol.gov/odep/newfreedom/recipients.htm>.
- The Equal Employment Opportunity Commission has initiated a project in which the agency, in partnership with the governors from several states, will conduct a study of state best practices for promoting the hiring, retention, and advancement of individuals

with disabilities. Thus far, the governors of Maryland, Vermont, Washington, and Florida have agreed to participate in the project.

Next Steps

- The Equal Employment Opportunity Commission expects that additional states will participate in its review of best practices. EEOC will release a report on state best practices, disseminate it to all states, and post it on the agency's website www.eeoc.gov.

Promoting the Federal Government as a Model Employer

The Administration takes seriously the Rehabilitation Act's call for the Federal government to be a model employer of individuals with disabilities. In addition to efforts to promote compliance with Section 508 of the Rehabilitation Act, agencies have done or will do the following to further the hiring, retention, and advancement of qualified individuals with disabilities:

Accomplishments

- Seeking to substantially increase the number of individuals with disabilities employed by Federal agencies, the Office of Personnel Management is currently analyzing the excepted service Schedule A appointment authority for possible restructuring. This appointing authority is used when competitive examining is not practicable. After a period of satisfactory performance, individuals hired under Schedule A can be converted to competitive service appointments.
- The Department of Labor's Office of Disability Employment Policy hosted *Emergency Preparedness for People with Disabilities: An Interagency Seminar of Exchange for Federal Managers*. The seminar provided an opportunity for Federal managers in the fields of emergency preparedness, office safety, and disability programs to exchange effective practices that involve employees with disabilities in agency planning activities.
- In October 2002, the Office of Personnel Management provided a briefing for more than sixty agencies. Selective Placement Program Coordinators and other Federal human resources professionals regarding hiring flexibilities and the appointing authorities that permit agencies to hire persons with disabilities.
- The Department of Education's Office of Special Education and Rehabilitative Services is providing technical assistance to the Department of Homeland Security's Office of Civil Rights and Civil Liberties to assist in the recruitment and hiring of people with disabilities. Working with state vocational rehabilitation agencies and Centers for Independent Living, DHS hopes to attract qualified candidates with disabilities for opportunities at headquarters and in field offices.

Reaching out to Individuals with Disabilities

Efforts to educate individuals with disabilities complement outreach efforts to businesses. A number of initiatives aimed at individuals who have either never worked before or who are seeking to return to work help to inform potential employees of their rights and responsibilities as they seek employment with better informed employers.

Accomplishments

- In FY 2003 through the Workforce Recruitment Program the Department of Labor's Office of Disability Employment Policy helped 329 college students with disabilities obtain summer work experience in nineteen Federal agencies
- In October 2003 the Equal Employment Opportunity Commission released a fact sheet for individuals with disabilities seeking employment entitled *Job Applicants and the Americans with Disabilities Act*. See <http://www.eeoc.gov/facts/jobapplicant.html>
- The Equal Employment Opportunity Commission has begun providing free ADA workshops for individuals with disabilities seeking to enter the workforce. These workshops will be cosponsored by Centers for Independent Living and other organizations that provide employment related services to people with disabilities
- The Office of Personnel Management has launched a nationwide recruitment initiative at high schools that have a high concentration of people with disabilities

Other Employment Related Activities

There are a number of other Administration activities that are expected to contribute to reducing the unacceptably high unemployment rate among individuals with disabilities

Accomplishments

- On September 3, 2003 the Federal Motor Carrier Safety Administration (FMCSA) announced that it will exempt certain insulin treated diabetic truck and bus drivers from the diabetes prohibitions in the Federal Motor Carrier Safety Regulations. The new program for these exemptions will apply to drivers of commercial motor vehicles in interstate commerce. The FMCSA is not amending its diabetes standard
- As the result of a January 2003 meeting with individuals with psychiatric disabilities and professionals who serve this population the Rehabilitation Services Administration is developing a publication containing the most innovative practices currently used by vocational rehabilitation professionals in assisting individuals with psychiatric disabilities to become employed. RSA is consulting with representatives from the state vocational rehabilitation agencies, consumers, mental health advocates, community-based rehabilitation providers, and university personnel. A draft of the report will be available in May 2004. The final publication will be used in training rehabilitation professionals and as a technical assistance resource for other individuals interested in this topic
- In March 2003 the Rehabilitation Services Administration held the first in a series of meetings to highlight the vocational rehabilitation needs of individuals with traumatic brain injury. The one day meeting facilitated discussion with advocates, researchers, partner program administrators, consumers, and providers of services and resulted in a list of recommendations designed to improve the services provided to this population
- In November 2003 the Department of Labor joined the Department of Education, university personnel, and representatives from the state vocational rehabilitation agencies in forming a new study group on the topic of "Developing a New Paradigm for Vocational Evaluation." This group, which will release its draft report in May 2004, will make recommendations on how vocational evaluations can be provided more efficiently and effectively to improve the employment of individuals with disabilities

Chapter 4 Promoting Full Access to Community Life

Swift Implementation of the *Olmstead* Decision

The Supreme Court's landmark decision in *Olmstead v. L.C.* 527 U.S. 581 (1999) affirmed the right of individuals with disabilities to live in the community rather than in institutions whenever possible. The President recognizes, however, that making the promise of full integration a reality for people with disabilities means not only changing existing practices that favor institutionalization over community-based treatment, but also providing the affordable housing, transportation, and access to state and local government programs and activities that make community life possible.

As part of his promise in the New Freedom Initiative to swiftly implement the *Olmstead* decision, the President issued Executive Order 13217, which requires coordination among numerous Federal agencies that administer programs affecting access to the community for people with disabilities. On March 25, 2002, nine Federal agencies submitted to the President a report entitled *Delivering on the Promise*. The report summarizes agency activities that support *Olmstead*'s goal of integration, identifies barriers that exist within programs to full implementation of *Olmstead*, and proposes more than 400 solutions aimed at removing these barriers. Many of the accomplishments that follow are direct consequences of Executive Order 13217 and the recommendations made in *Delivering on the Promise*.

Accomplishments

- In October 2002, Health and Human Services Secretary Tommy Thompson established the Office on Disability to address the coordination of disability policies and programs across HHS agencies. It also oversees the implementation of the New Freedom Initiative within HHS, enhances Federal initiatives among individuals with disabilities, and coordinates interagency and interdepartmental actions.
- The Department of Health and Human Services, Centers for Medicare and Medicaid Services, has awarded approximately \$160 million since 2001 to states and other eligible entities under the Real Choice Systems Change Grants for Community Living to enable individuals with disabilities to reside in their homes and participate fully in community life. The President secured an additional \$40 million for this program in FY 2004.
- In FY 2003, the Department of Health and Human Services, Centers for Medicare and Medicaid Services, funded a \$6 million demonstration grant to improve the direct service community workforce, which enables state and community-based providers to test new strategies for recruiting, training, and retaining direct service workers. In FY 2004, \$6 million will be provided for this program.
- The Department of Health and Human Services Administration on Aging continues to support family caregivers through the National Family Caregiver Support Project. Established in 2001, this program has provided over \$400 million to states and tribes to develop multi-faceted systems of support to extend the caregiving efforts of families, friends, and neighbors.

- The Departments of Justice and Health and Human Services have entered into an agreement under which HHS refers *Olmstead* related complaints to DOJ's ADA mediation program. To date, several complaints have been successfully mediated.
- The Department of Justice evaluates residential placements in each new investigation under the Civil Rights of Institutionalized Persons Act (CRIPA) of healthcare facilities in light of the ADA's requirement that services be provided to residents in the most integrated setting appropriate to their needs. The Department has issued letters of findings citing violations of *Olmstead* involving four facilities for persons with developmental disabilities: six nursing homes and the children's unit of a psychiatric hospital.
- The Department of Justice has worked with officials in several states to help states and other jurisdictions provide community-based services to persons who are currently residing in publicly operated institutions.
- In September 2003, the Department of Labor's Office of Disability Employment Policy and Center for Faith-Based and Community Initiatives awarded \$500,000 to eight recipients to provide home modifications as a means of expanding the community integration of individuals with disabilities, particularly those seeking employment. The grant addresses a frequently cited barrier to participation in work and community: the lack of affordable home modifications, such as ramps, widened doorways, lowered countertops, and cabinetry accessible to those who use wheelchairs.

Next Steps

- In the FY 2005 budget, the President has proposed the following to establish demonstration projects aimed at removing barriers to community-based treatment and services for individuals with disabilities:
 - \$1.75 billion through FY 2009 for the "Money Follows the Individual Rebalancing Demonstration," with \$350 million targeted for FY 2005. This demonstration would assist states in rebalancing long-term care systems to support cost-effective choices between institutional and community options, including financing Medicaid services for individuals who move from institutions to the community.
 - \$327 million through FY 2009, with \$18 million for FY 2005, to fund three demonstrations that promote home and community-based care alternatives. Two of the demonstrations provide respite care services for caregivers of adults with disabilities or long-term illness and children with substantial disabilities. Another demonstration provides community-based care alternatives for children who are currently residing in psychiatric residential treatment facilities.
 - \$102 million through FY 2009, with \$17 million in FY 2005, to continue Medicaid eligibility for spouses of individuals with disabilities who return to work. Under current law, individuals with disabilities might be discouraged from returning to work because the income they earn could jeopardize their spouse's Medicaid eligibility. This proposal would extend to the spouse the same Medicaid coverage protection now offered to the worker with a disability.
 - \$40 million to continue the Real Systems Change Grants Program administered by the Department of Health and Human Services' Centers for Medicare and Medicaid Services.

- Nearly \$3 million to continue the demonstration program being administered by the Department of Health and Human Services Centers for Medicare and Medicaid Services to promote the recruiting training and retention of direct service workers

Promoting Homeownership for People with Disabilities

For many homeownership is an important part of what it means to achieve the American Dream. The New Freedom Initiative is committed to making the American Dream of homeownership a reality for more people with disabilities.

Accomplishments

- The Department of Housing and Urban Development is advancing homeownership for persons with disabilities with its voucher homeownership program. Currently thirty percent of families on the voucher homeownership program include a person with disabilities.
- On November 5, 2003, the Office on Disability within the Department of Health and Human Services co-sponsored with the Department of Housing and Urban Development, Fannie Mae, the Center for Medicare and Medicaid Services, and the National Institutes on Health the Symposium on Homeownership for Persons with Disabilities. The Symposium provided best practices and lessons learned from states that have effectively provided homeownership to individuals with disabilities. Presented as a live webcast, the symposium can be accessed for one year from the Office on Disability website www.hhs.gov/od. The Office on Disability, along with the homeownership co-sponsors, is continuing to provide information forums and think tank meetings targeted to national constituent organizations to help increase the availability of affordable housing for individuals with disabilities.

Next Steps

- Building on recent success, the Office on Disability, the Department of Housing and Urban Development, the Centers for Medicare and Medicaid Services, and the National Institutes on Health will sponsor a second webcast on homeownership in June 2004 as part of Homeownership Month.

Expanding Rental Housing Options

Individuals with disabilities seeking access to rental housing face a number of challenges – from physically inaccessible units and common areas to attitudinal barriers. The New Freedom Initiative is committed to removing these barriers, and much has been accomplished through a combination of outreach, technical assistance, and enforcement of the Fair Housing Act.

Accomplishments

- The Department of Housing and Urban Development will complete a study in the fall of 2004 on the nature and extent of discrimination that persons with disabilities face when they seek to rent housing. It will help the Department address such discrimination.
- The Departments of Housing and Urban Development, Health and Human Services, Veterans Affairs, and Labor have sponsored Policy Academies, a collaborative initiative that provides assistance to help state and local governments access mainstream supportive services for homeless people. The Policy Academy panels provide broad representation from many organizations, including advocates for persons with disabilities. Five academies have been conducted and two more are planned.
- The Department of Housing and Urban Development's Fair Housing Accessibility FIRST (FIRST) initiative is a major education and outreach program providing training and technical guidance on a national scale to assist architects and builders design and construct apartments and condominiums with legally required accessibility features. In FY 2003, FIRST trained over 1,500 housing professionals in 26 training events nationwide and responded to over 800 inquiries for technical guidance. In FY 2004, FIRST will continue to provide education and outreach through trainings, the FIRST website (www.fairhousingfirst.org) and a toll free technical guidance number (1-888-341-7781 V/TTY).
- In FY 2003, the Department of Housing and Urban Development provided \$30 million in grants to provide Service Coordinators in Federally supported housing for low-income elderly and people with disabilities. Service Coordinators work with residents to locate and access health care, meals, and other critical support services. These grants help residents to obtain supportive services that enable the elderly and people with disabilities to remain in community-based housing rather than be forced to move to nursing homes, segregated housing for persons with disabilities, or institutions.
- In collaboration with the Departments of Health and Human Services and Veterans Affairs, the Department of Housing and Urban Development has developed a \$35 million initiative to jointly fund eleven grants for three years to provide services and permanent housing to people with disabilities who are chronically homeless.
- The Department of Justice and the Department of Housing and Urban Development collaborated to provide training on the accessibility requirements of section 504 of the Rehabilitation Act of 1973 to public housing authorities across the country.
- During the past two years, the Department of Justice filed fifteen lawsuits under the Fair Housing Act against developers, architects, and civil engineers who designed and constructed inaccessible multi-family housing. Also during this time, the Department entered into fifteen consent decrees resolving FHA enforcement actions filed to require recently constructed apartments and condominiums to be made accessible to persons with disabilities.

Access to Transportation

Access to transportation is absolutely critical for achieving full integration of individuals with disabilities into the community. People with disabilities need reliable transportation so that they can get and keep jobs, access medical care, and participate in all of the activities a community has to offer.

President Bush requested \$145 million in new funding for the Department of Transportation in FY 2002 and FY 2003 to promote innovative programs that would remove transportation barriers that individuals with disabilities continue to face. Congress did not appropriate these funds. In May 2003, the Administration proposed a six-year reauthorization of surface transportation programs in the Safe, Accountable, Flexible, and Efficient Transportation Equity Act (SAFETEA), which included \$918 million from FY 2004 through FY 2009 to fund a New Freedom Initiative formula grants program. Under the program, states would allocate their Federal funding competitively to state or local public authorities, non-profits, or private operators of public transportation service to provide new transportation services and transportation alternatives beyond those required by the ADA for individuals with disabilities. Congress did not appropriate the \$145 million requested under SAFETEA for FY 2004.

Even without this requested funding, the Department of Transportation, often with Federal and non-governmental partners, has undertaken a number of activities that support the New Freedom Initiative's goal of providing better transportation options for people with disabilities.

Accomplishments

- The National Highway Traffic Safety Administration (NHTSA) recently issued a Final Rule effective December 2005 regulating platform lifts and their installation in new motor vehicles. These lifts are designed to carry standing passengers who may be aided by canes or walkers, as well as persons seated in wheelchairs, scooters, and other mobility aids into and out of motor vehicles.
- In June 2003, the Department of Transportation's Federal Railroad Administration (FRA) and the Access Board participated in a workshop on research needs related to rail crossings that can pose dangers for individuals with disabilities, particularly those who use mobility devices.
- The Department of Transportation's Bureau of Transportation Statistics has prepared a report entitled "Freedom to Travel" based on a survey of the views of people with disabilities about transportation. This is the first instance of such a specific national survey. The data compiled in this report will assist communities across the nation in designing paratransit and other services for transportation of people with disabilities and people who are homebound. The report can be viewed at http://www.bts.gov/publications/freedom_to_travel.
- Since the inception of its Job Access and Reverse Commute Program, the Department of Transportation has funded over 200 state and local grantees in 44 states to provide new employment transportation services for low-income persons, including persons with disabilities. This program funds additional transportation services to jobs and job training sites and addresses unmet transportation needs of persons with disabilities.

- During FY 2003 the Federal Transit Administration's Office of Civil Rights conducted paratransit assessments at seven transit agencies as well as compliance assessments of 80 key stations and new stations at fourteen rail transit systems nationwide. In addition, FTA conducted four pilot assessments to determine how to best integrate the construction requirements under the ADA Accessibility Guidelines into the Project Management Oversight (PMO) process for major transit investments to ensure that elements that affect the design and construction of rail transit stations are identified as early in the project development process as possible. These pilot assessments took place in Baltimore, Chicago, Minneapolis, and San Francisco.
- The "United We Ride" program is a five part initiative to assist states and communities in coordinating human service transportation. The Departments of Transportation, Health and Human Services, Labor, and Education are working together to remove barriers at the Federal level and to provide assessment tools, technical assistance, peer to peer sharing opportunities, and modest grants to help states and communities deliver appropriate and cost effective transportation services for all human service recipients.
- The Federal Transit Administration, the Center for Independent Living, Inc., the Disability Rights Education and Defense Fund (DREDF), and Easter Seals Project ACTION held a series of six Regional Dialogues on Accessible Transportation throughout 2003. These Regional Dialogues are a follow up to last year's two highly successful National Dialogues on Accessible Transportation.
- The Community-Based Transportation Planning Grant program, a coordinated effort between the Federal Transit Administration, the Community Transportation Association of America, and Easter Seals Project ACTION, will help selected communities create a partnership of community stakeholders who will develop community-based plans to expand transportation services for persons with disabilities.
- The Federal Aviation Administration will issue to primary airports an ADA self assessment package which will provide a checklist and other documentation to allow these entities to assess their compliance with the ADA Accessibility Guidelines.
- In September 2003 the Department of Transportation awarded a two year contract to the Key Bridge Foundation to support the Department's mission of ensuring nondiscrimination in air transportation. The Key Bridge Foundation will develop materials outlining Federal requirements that prohibit discrimination in air transportation including an easy-to-understand technical assistance manual and model training program describing the Air Carrier Access Act and related rules.

President's New Freedom Commission on Mental Health

On April 29, 2002, the President issued Executive Order 13263 establishing the New Freedom Commission on Mental Health. Composed of fifteen members representing providers, payers, administrators, and consumers of mental health services, as well as family members of consumers, and seven ex officio members, the Commission was charged with conducting a comprehensive study of the United States mental health service delivery system, including public and private sector providers, and was directed to advise the President on methods of improving the system. In July 2003, the Commission issued its recommendations in a final report entitled *Achieving the Promise: Transforming Mental Health Care in America*. See <http://www.mentalhealthcommission.gov/reports/reports.html>.

The report identifies barriers to care within the mental health system and examples of community-based care models that have proven successful in coordinating and providing treatment services

The Commission concluded that the mental health service delivery system in the United States must be substantively transformed. In the transformed system, 1) Americans understand that mental health is essential to overall health, 2) mental health care is consumer and family driven, 3) disparities in mental health services are eliminated, 4) early mental health screening, assessment, and referral to services are common practice, 5) excellent mental health services are delivered and research is accelerated, and 6) technology is used to access mental health care and information.

The Commission also concluded that the roles played by states must be central to the transformation process, but states must rely heavily upon the involvement of consumers in research, planning, and evaluation activities. At the same time, the coordinated efforts of more than 25 Federal agencies must undergird and reinforce the states' processes. Every adult with a serious mental illness or child with a serious emotional disturbance must have an individualized plan of care coordinating services among programs and across agencies. Every state must have a comprehensive mental health plan, the ownership of which is shared by all state agencies impacting the care of persons with serious mental illnesses.

Next Steps

- The Substance Abuse and Mental Health Services Administration (SAMHSA) is working with other Federal partners and outside stakeholders to develop a National Action Agenda designed to respond to the recommendations in *Achieving the Promise*. SAMHSA also plans to make technical assistance grants available to states to help them implement recommendations from the Commission.
- The Department of Health and Human Services' Centers for Medicare and Medicaid Services will release a technical assistance guide on six evidence-based practices (family psycho-education, integrated care of co-occurring disorders, personal illness management, supported employment, assertive community treatment, and medication management). The guide will clarify what services are billable under Medicaid.
- The Centers for Medicare and Medicaid Services are working with the Substance Abuse and Mental Health Services Administration and constituent representatives to configure how a consumer self-direction initiative can address persons with mental disorders as part of a series of planning meetings resulting in action steps.
- In 2004, the Office of the Assistant Secretary for Planning and Evaluation within the Department of Health and Human Services will complete a handbook that describes and clarifies Medicaid rules and regulations governing application of Medicaid options for people with mental illness.

Improving Access

Full access to community life means access to the political process, to civic organizations, to the range of programs and activities offered by state and local governments, and to places of public accommodation. The President fully supports efforts to achieve voluntary compliance with and,

where necessary to enforce laws such as Titles II and III of the Americans with Disabilities Act. The President also signed the Help America Vote Act (HAVA) into law on October 29, 2002, to improve access to voting process for all Americans, including individuals with disabilities.

Accomplishments

- The Solicitor General intervened in the Supreme Court case of *Tennessee v. Lane* to defend the constitutionality of Title II of the Americans with Disabilities Act, which prohibits state and local government entities from discriminating against qualified individuals with disabilities. The Solicitor General argued that Congress acted properly when it made states subject to private suits for monetary relief for violations of Title II. A decision in the case is expected in the spring or early summer of 2004.
- The Department of Justice has continued to carry out Project Civic Access with great success and is now expanding its efforts. Project Civic Access is a national effort to ensure that towns and cities across America are fully accessible to people with disabilities. So far, the Department of Justice has reached 36 agreements with cities and towns across the country requiring them to ensure that their public facilities, such as convention halls, arenas, municipal facilities, courthouses, libraries, polling places, and parks, are accessible to people with disabilities.
- In 2003, the Department of Justice achieved favorable action for persons with disabilities in well over 350 cases and matters through formal settlements, informal resolutions of complaints, successful mediations, consent decrees, and favorable ADA court decisions.
- The Department of Health and Human Services awarded \$13 million under the Help America Vote Act to states to make polling places accessible for individuals with disabilities, to ensure privacy and independence of voting, to train poll workers to meet the needs of individuals with disabilities, and to provide information to individuals with disabilities about their rights of accessibility. The Department also awarded \$2 million to provide advocacy services to individuals with disabilities on issues related to registering to vote, casting a vote, and accessing voting places.

Next Steps

- The Department of Justice will continue to carry out phase two of Project Civic Access, which involves additional communities in all 50 States and focuses on an expanded range of issues, including accessibility of sidewalks, voting technology, disaster response planning, and government websites.
- In addition to the employment priorities identified in Chapter 3, the Department of Justice will focus litigation on matters that are fundamental to people with disabilities, including transportation and travel, consumer access to the free market, polling place access, access to core activities of community living, and *Olmstead* implementation.

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President Commends Civil Rights Hero Dorothy Height

Capitol Rotunda

March 24 2004

THE PRESIDENT Thank you all (Applause) Thank you very much Mr Speaker and Leader Frist distinguished members of Congress I want to thank the authors of the bill that bestowed this high honor Senator Clinton and Senator Levin and Congresswoman Watson Thank you all for being here to honor such a fine American

Since the American Revolution Congress has awarded Gold Medals to the heroes of our country And today we recognize a citizen who has helped to extend the promise of our founding to millions We recognize a hero

I'm so pleased to join with the Congress in honoring this good and gracious woman and the great life she has lived And what a life it's been If you know in the presence of Dorothy Height you kind of she's such a calming influence You realize you're in the presence of grace But you've got to understand what she's done to realize that behind the grace there's a will of steel (laughter) and absolute determination (Applause)

She's been a leader and a witness to a lot of our great history We've heard a lot of talk about the Big Six As Leader Pelosi said I think it was Leader Pelosi I sure would have liked to have been in the room I would have liked to have seen Dorothy Height interface with some of the giants of the civil rights movement The truth of the matter is she was the giant of the civil rights movement They were interfacing with her (Laughter and applause)

She was there when they planned the march She was a few steps away from Dr King's great speech at the Lincoln Memorial She helped integrate the YWCA She was in the South during the 60s setting up freedom schools and voter registration drives She was in Mississippi bringing white and black women together She was in Birmingham in 1963 comforting the mothers of that city Condi Rice was there at the time She's told me the story about what it was like It would have taken a presence like Dorothy Height to instill hope and calm and confidence during that very troubled time She helped create the Black Family Reunion She's done a lot

She's a woman of enormous accomplishment She's a friend of First Ladies like Eleanor Roosevelt and Hillary Rodham Clinton She's known every President since Dwight David Eisenhower She's told every President what she thinks since Dwight David Eisenhower (Applause)

I find it really interesting that Dorothy Height has always stressed the importance of institutions closest to us our families our churches and our neighborhoods She understands that those institutions are important in shaping the character of an individual and therefore the character of the nation

In her recently published memoir Dr Height wrote It is in the neighborhood and communities where the world begins That is where children grow and families are developed where people exercise their power to change their lives Incredibly wise words from a strong leader

Few Americans have done more than Dorothy Height to help their fellow citizens discover and exercise their own life changing power Dorothy has always remembered what her mother told her when she was a girl of eight in 1920 She recalls My mother always so gentle and so firm put her arms around me She said You're a nice girl Dorothy You're a smart girl And there are many things you can do Mom was right There was a lot of things she could do and she did them and America is a better place for it (Applause)

We're proud of you Dorothy We're honored to be in your presence You're about to receive a Gold Medal but perhaps the best medal we can give as a society is to continue to work for equality and justice for all It's now my honor to join Speaker Hastert and Senator Stevens the Senate the President Pro Tem of the Senate in presenting this high award this important award to a great American

May God bless you (Applause)

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