

NLWJC - Kagan

DPC - Box 012 - Folder 024

Disabilities - Executive Order [2]

Elena --

Here's John Lancaster's redraft of the disability executive order. There are many specific issues embedded in here, but Lancaster more or less did what we asked -- i.e., break the old draft into two parts, the first of which is a rather clean task force process to investigate this issue, and the second of which is a list of specific actions that the disability appointees believe we ought to take even prior to the task force's work. Many of these specific actions are potentially controversial with the agencies, but we could choose to deal with that through the OMB clearance process.

So we have to decide the threshold question of whether we want to run with something that looks approximately like this. I am getting copies to DOL, OMB, NEC, etc., in preparation for a meeting which may be later this week. I will get you an analysis prior to the meeting, but thought you'd be interested in seeing this now. I should probably figure out what people think of this prior to the meeting.

Just talked to Seth about it; he is still uncomfortable but undecided, so I told him to figure out where DOL is.

Diana

DRAFT # 13 - 9/2/97

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

Agenda 2002 for the Employment of People with Disabilities: A Renewed and Reinvigorated Executive Branch Commitment

This Order establishes a National agenda for the employment of people with disabilities and directs the key executive branch agencies charged herein to set in place the requisite policies and actions. This order is consistent with this Administration's efforts to further strengthen our economy by including and preparing all segments of working age Americans for the emerging workforce of the 21st century. The continued strength and expansion of our economy depend on our ability to make the most of the productive potential of all groups.

People with disabilities are at least twice as likely as people without disabilities to be unemployed. At the end of 1994, 19.5 percent of the population aged 18-64, or 30.7 million people, had a disability. Of these, 14.5 million had a severe limitation and were employed at the rate of only 24.7 percent. The artificially low employment rate of people with disabilities is estimated to cost society in excess of \$200 billion annually. This is a long standing problem in this country, and was a motivating factor in the enactment of the Americans with Disabilities Act in 1990.

In addition, the cost of many government subsidies to those judged unable to work because of disabilities is growing dramatically, including Social Security disability benefit programs and workers' compensation insurance programs. The Social Security Administration now pays more than \$36 billion a year in disability insurance benefits to 4.5 million disabled workers, and pays \$25 billion a year in Supplemental Security Income (SSI) to more than 5 million low-income people with disabilities. When Medicare and Medicaid costs are included, the Federal and State expenditures more than double. Yet less than 1 percent of the over 8 million beneficiaries return to work to become income earning tax paying citizens, and that an alarming percentage of children on disability benefits never make the transition off the rolls into work as they become adults.

High percentages of individuals with disabilities, both on these and other income maintenance rolls as well as others without any supports, can and want to work. Thousands of working adults with disabilities and their families are affected by welfare reform and should have an equal opportunity to realize its full promise, including the opportunity to work and keep their families healthy, safe, and intact. However, to enable them to work, it is essential that government and industry work together to remove discrimination and the remaining significant barriers to employment for people with disabilities: lack of appropriate access to health insurance, transportation, housing, long-term services and supports, telecommunications, assistive technology, community services, and child care. In addition, people with disabilities must have access to education, rehabilitation and job training services, job placement services, on-the-job supports, and fair and adequate wages.

The Americans with Disabilities Act of 1990, along with other Federal, State and local civil rights

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

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

The Administration's 1998 budget submission included proposals that would begin to reverse the trend of increasing dependence on government benefits by increasing the availability of health care insurance and rehabilitation services for individuals with disabilities who want to leave the Social Security rolls to enter the workforce. This will be an important first step in the realignment of our Federal policies and programs to consistently support people with disabilities in working. Millions of unemployed and underemployed Americans with disabilities can become productive citizens if government programs and policies are designed to encourage their employment, and if the importance and benefits of hiring people with disabilities is effectively presented to the private sector.

This order is intended to establish a national agenda for the employment of individuals with disabilities. It is the goal of this effort to move the Nation toward an employment rate for all adult individuals with disabilities approximating that of the employment rate of the general adult population.

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

Section 1. Establishment of National Task Force on Employment Policy for Individuals with Disabilities.

(a) There is established a National Task Force on the Employment Policy for People with Disabilities. The membership of this Task Force shall include the Secretary of Labor, Secretary of Education, Secretary of Health and Human Services, Commissioner of the Social Security Administration, Secretary of the Treasury, the Chair of the National Council on Disability, and the Chair of the President's Committee on Employment of People with Disabilities. The purpose of the Task Force

as close as possible

shall be to create a coordinated and aggressive national policy to bring people with disabilities into gainful employment at a rate that approximates that of the general population.

(b) The Chair of the Task Force shall be the Secretary of Labor. (DOE recommends co-chairs between DOL & DOE or how about the Chair of the President's Committee on Employment of People with Disabilities [this would get to Kitty Higgins' concerns], or no chair)

(c) The Task Force shall direct *determine pols - not operational* and coordinate programs within and between their agencies in a manner which enhances and increases the employment rate of working age individuals with disabilities. Task Force members shall develop and recommend to the President a coordinated federal policy to eliminate employment barriers for persons with disabilities; such as discrimination, inadequate access to health care, lack of consumer-driven long-term supports and services, transportation, accessible and integrated housing, telecommunications, assistive technology, community services, child care, education, vocational rehabilitation, training services, and on-the-job supports. Specifically, the Task Force members shall:

1. Devote at least one full-time FTE to the work of the Task Force; *weird in FE 0*
2. Conduct an annual analysis of all their existing programs and policies to determine what changes, modifications and innovations may be necessary to provide economic and other incentives for people with disabilities to go to work;
3. Develop and recommend a national plan to insure that the lack of affordable health care support is no longer a barrier to employment for people with disabilities; *!!!*
4. Establish direct and on-going linkages with employer groups and organized labor ;
5. Conduct an annual analysis of the status, trends and policies of State and private disability systems and the implications for federal programs and employment of people with disabilities (eg; worker' compensation, unemployment insurance, private insurance, TANF, State Mental Health and Mental Retardation Systems, etc.);
6. Obtain regular statistical analysis and updates on costs, research, policy studies and data analysis related to public subsidies, employment and return-to-work for individuals with disabilities; *+ do what...*
7. Collaborate on and coordinate future research and policy study priorities, discretionary funding priorities and demonstration funding priorities related to employment of people with disabilities;
8. Include a statistically significant sample of people with disabilities in all employment and training related studies, if resources permit; *?*
9. Obtain the input of the disability community on a regular basis;

- 10. Review and comment on the annual report to the President and the Congress from the National Council on Disability on employment related proposals and recommendations.
- 11. Conduct annual analysis of youth programs related to employment and the outcomes of those programs for young people with disabilities, specifically Employment and Training Administration Programs, Special Education, Vocational Rehabilitation, School-to-Work Transition, Vocational Education, Social Security Rehabilitation Programs and SSA Work Incentives, etc.
- 12. Recommend to the President ^{which way} additional steps that can be taken to advance the employment of people with disabilities; ~~to~~ include legislative proposals, regulatory changes, and program and budget initiatives. All activities enumerated in this sub-paragraph shall be initiated in time to be planned into the FY 2000 and subsequent budgets;

plan

(d) The members of the Task Force shall give the activities and initiatives enumerated in this Order the highest priority within their respective agencies' programs and budgets. These activities and initiatives are to be conducted consistent with the Budget Reconciliation Act of 1997 and government wide ~~effort~~ ^{effort} to balance the budget in Fiscal Year 2002. The Task Force shall continue to analyze and oversee their initiatives during each year between the date of this Order and July 26, 2002, the 10th anniversary of the initial implementation of the employment provisions of the Americans with Disabilities Act. The Task Force shall report to the President the steps taken by each department to advance this national agenda on a biannual basis. The first report shall be due on July 26, 1998. Subsequent biannual reports shall detail progress and indicate any adjustments that may be necessary.

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

Section 2. Other Specific Activities for a National Employment Agenda for People with Disabilities.

(a) All federal agencies shall review all their programs and services and make sure that they are being conducted and delivered in a manner which facilitates and promotes the employment of people with disabilities.

Should feed back into TF

(b) In order to make the federal government a model employer of people with disabilities, by July 26, 1998, the Office of Personnel Management and the Equal Employment Opportunity Commission shall review all federal government personnel laws, regulations and policies and, as appropriate, shall recommend or implement changes necessary to improve federal employment for people with disabilities. This review shall include personnel practices and actions including: hiring, promotion, benefits, retirement, workers' compensation, retention, and layoffs and reductions in force. The Equal Employment Opportunity Commission shall maintain and enhance its coordinating function with respect to the elimination of barriers to employment resulting from discrimination within the federal

government workforce.

(c) The Department of Defense's Computer/Electronics Accommodations Program shall be expanded to serve all government agencies, and funds shall be appropriated within the Department of Defense's budget to adequately fund and operate the program.

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

(e) The Departments of Education, Labor, Commerce, and Health and Human Services, as well as the Small Business Administration and the President's Committee on Employment of People with Disabilities, shall work together to develop and potentially implement small business and entrepreneurial opportunities for individuals with disabilities; as well as strategies for assisting low income individuals, including those with disabilities, to create small businesses and micro-enterprises to provide consumer-driven personal assistance and other work supports, with the goal of achieving the twin vital aims of putting people on welfare and individuals with disabilities to work.

(f) The Departments of Transportation and Housing and Urban Development shall examine their various programs for the purpose of creating new work incentives and removing barriers to work among the individual and organizational recipients of their financial assistance.

(g) The Department of Justice, the Equal Employment Opportunity Commission, and the Social Security Administration shall work together to propose remedies to the disturbing judicial trend of the estoppel of people with disabilities from successfully exercising their employment rights under the Americans with Disabilities Act because of the receipt monetary benefits based on their disability and lack of gainful employment.

(h) There is hereby created a new Subcommittee on Disability Employment Research of the Interagency Committee on Disability Research. The Department of Labor, the National Council on Disability, the Social Security Administration, the Department of Education, and the President's Committee on Employment of People with Disabilities shall assign Assistant Secretary-level participants to the new subcommittee.

(i) The Department of Justice, the Department of Health and Human Services, the Department of Education, the President's Committee on Employment of People with Disabilities, and the Equal Employment Opportunity Commission shall coordinate technical assistance, education, advocacy, mediation and enforcement efforts regarding the Americans with Disabilities Act in a manner that brings better coordination among Centers for Individuals with Disabilities, Protection and Advocacy Services, Disability and Business Technical Assistance Centers, state offices for people with disabilities and other federal, state and local civil rights enforcement agencies.

mechanisms?
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weird find?

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(j) All efforts taken by federal departments and agencies under this Sections 1 and 2 of this Executive Order shall, as appropriate, further partnerships and cooperation with public and private sector employers, disability advocacy groups, organized labor, veteran service organizations, and state and local governments whenever such partnerships and cooperation are possible and would promote the employment and gainful economic activities of individuals with disabilities. These efforts should also concentrate on the full array of employment opportunities including benefits, types of jobs, job promotion, part-time and episodic work, and education and re-training programs.

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

(l) Implementation on the activities enumerated in Section 2 of this order shall begin on the date of this order.

- 1) Rewrite mandate
- 2) Personnel / budget
- 3) Chair - commerce / labor??

Disabilities - executive order

BLS deadline

**DISABILITY EXECUTIVE ORDER
SUMMARY AND ISSUES**

- Threshold question is whether we want to put this into clearance in roughly the form it is in now. Would create a task force and outline a few specific tasks. Key question is how to balance it between internal "advocates" and others to ensure buy-in on both sides.
- Establishes "national agenda" on this issue, with goal to move US to employment rate of people with disabilities "approximating that" of the general employment rate. (Earlier drafts said rate should be "as close as possible" to general rate, which is preferable.)

Section 1 -- Task Force Organization and Mandate

- Establishes task force with 7 agencies:
 - Labor
 - Education
 - HHS
 - SSA
 - Treasury
 - NCD
 - President's Committee on Employment of PWD (PCEPD)

Commerce
SBA
EEOC

- Question of whether multitude of other agencies should be part of this is unclear.
- Chair to be decided. Options are (1) Labor; (2) Labor and Education; (3) PCEPD; and (4) Labor and PCEPD
- Description of task force's mandate is unclear, redundant, and gives them powers they can't or shouldn't have, but this can probably be fixed.
- Reporting structure and timeline is all over the place.

Section 2 -- Specific Activities Outside of Task Force

Good, Specific Items That Need Resolution:

- Make federal government a model employer (OPM and EEOC)
- Make Defense Dept: Computer Accommodations (CAP) program government-wide (budget implications)
- Move toward monthly or regular reporting rate of unemployment rate (issues are how quickly BLS can do it and budget) *labor objects.*

- see meeting

Vaguer Items that Need Discussion:

- Vague mandate that all agencies shall review everything they do
- Make sure welfare reform complies with disability rights (DOJ, DOL, HHS)
- Vague small business/microenterprise assignment (ED, DOL, Commerce, HHS, SBA, etc)
- Transportation and HUD to "examine programs to create incentives to work."
- Remedies to new judicial trend of estoppel (DOJ, EEOC, SSA)
- A few others

Disabilities - executive order

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People with disabilities are at least twice as likely as people without disabilities to be unemployed. At the end of 1994, 19.5 percent of the population aged 18-64, or 30.7 million people, had a disability. Of these, 14.5 million had a severe limitation and were employed at the rate of only 24.7 percent. The artificially low employment rate of people with disabilities is estimated to cost society in excess of \$200 billion annually. This is a long standing problem in this country, and was a motivating factor in the enactment of the Americans with Disabilities Act in 1990.

In addition, the cost of many government subsidies to those judged unable to work because of disabilities is growing dramatically, including Social Security disability benefit programs and workers' compensation insurance programs. The Social Security Administration now pays more than \$36 billion a year in disability insurance benefits to 4.5 million disabled workers, and pays \$25 billion a year in Supplemental Security Income (SSI) to more than 5 million low-income people with disabilities. When Medicare and Medicaid costs are included, the Federal and State expenditures more than double. Yet less than 1 percent of the over 8 million beneficiaries return to work to become income earning, tax paying citizens, and that an alarming percentage of children on disability benefits never make the transition off the rolls into work as they become adults.

High percentages of individuals with disabilities, both on these and other income maintenance rolls as well as others without any supports, can and want to work. Thousands of working adults with disabilities and their families are affected by welfare reform and should have an equal opportunity to realize its full promise, including the opportunity to work and keep their families healthy, safe, and intact. However, to enable them to work, it is essential that government and industry work together to remove discrimination and the remaining significant barriers to employment for people with disabilities: lack of appropriate access to health insurance, transportation, housing, long-term services and supports, telecommunications, assistive technology, community services, and child care. In addition, people with disabilities must have access to education, rehabilitation and job training services, job placement services, on-the-job supports, and fair and adequate wages.

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

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^{has proposed}
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(c) The Task Force shall direct and coordinate programs within and between their agencies in a manner which enhances and increases the employment rate of working age individuals with disabilities. Task Force members shall develop and recommend to the President a coordinated federal policy to eliminate employment barriers for persons with disabilities; such as discrimination, inadequate access to health care, lack of consumer-driven long-term supports and services, transportation, accessible and integrated housing, telecommunications, assistive technology, community services, child care, education, vocational rehabilitation, training services, and on-the-job supports. Specifically, the Task Force members shall:

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1. Devote at least one full-time FTE to the work of the Task Force; ?
2. ? Conduct an annual analysis of all their existing programs and policies to determine what changes, modifications and innovations may be necessary to provide economic and other incentives for people with disabilities to go to work; *improve*
3. Develop and recommend a national plan to insure that the lack of affordable health care support is no longer a barrier to employment for people with disabilities; *addresses on-going address the barrier*
4. Establish direct and on-going linkages with employer groups and organized labor; *disability community*
5. Conduct an annual analysis of the status, trends and policies of State and private disability systems and the implications for federal programs and employment of people with disabilities (eg; worker's compensation, unemployment insurance, private insurance, TANF, State Mental Health and Mental Retardation Systems, etc.); ? *Some federal, some not*
6. Obtain regular statistical analysis and updates on costs, research, policy studies and data analysis related to public subsidies, employment, and return-to-work for individuals with disabilities; *??*
7. Collaborate on and coordinate future research and policy study priorities, discretionary funding priorities and demonstration funding priorities related to employment of people with disabilities; *didn't NIDRR*
8. Include a statistically significant sample of people with disabilities in all employment and training related studies, if resources permit, *to the extent possible*; *See 2?*
9. Obtain the input of the disability community on a regular basis;

need to be sharpened

Progress Report

- 10. Review and comment on the annual report to the President and the Congress from the National Council on Disability on (employment related proposals and recommendations);
- 11. Conduct annual analysis of youth programs related to employment and the outcomes of those programs for young people with disabilities, specifically Employment and Training Administration Programs, Special Education, Vocational Rehabilitation, School-to-Work Transition, Vocational Education, Social Security Rehabilitation Programs and SSA Work Incentives, etc.
- 12. Recommend to the President additional steps that can be taken to advance the employment of people with disabilities; to include legislative proposals, regulatory changes, and program and budget initiatives. All activities enumerated in this sub-paragraph shall be initiated in time to be planned into the FY 2000 and subsequent budgets;

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vs later deadlines

(d) The members of the Task Force shall give the activities and initiatives enumerated in this Order the highest priority within their respective agencies' programs and budgets. These activities and initiatives are to be conducted consistent with the Budget Reconciliation Act of 1997 and government wide effort to balance the budget in Fiscal Year 2002. The Task Force shall continue to analyze and oversee their initiatives during each year between the date of this Order and July 26, 2002, the 10th anniversary of the initial implementation of the employment provisions of the Americans with Disabilities Act. The Task Force shall report to the President the steps taken by each department to advance this national agenda on a biannual basis. The first report shall be due on July 26, 1998. Subsequent biannual reports shall detail progress and indicate any adjustments that may be necessary.

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report to whom

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

report

(e) The Departments of Education, Labor, Commerce, and Health and Human Services, as well as the Small Business Administration and the President's Committee on Employment of People with Disabilities, shall work together to develop and potentially implement small business and entrepreneurial opportunities for individuals with disabilities, as well as strategies for assisting low income individuals, including those with disabilities, to create small businesses and micro-enterprises to provide cost-max-driven personal assistance and other work supports, with the goal of achieving the twin vital aims of putting people on welfare and individuals with disabilities to work.

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(h) There is hereby created a new Subcommittee on Disability Employment Research of the Interagency Committee on Disability Research. The Department of Labor, the National Council on Disability, the Social Security Administration, the Department of Education, and the President's Committee on Employment of People with Disabilities shall assign Assistant Secretary-level participants to the new subcommittee.

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Disability
opportunities

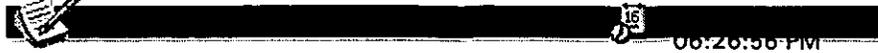
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SEC 3
(j) All efforts taken by federal departments and agencies under this Sections 1 and 2 of this Executive Order shall, as appropriate, further partnerships and cooperation with public and private sector employers, disability advocacy groups, organized labor, veteran service organizations, and state and local governments whenever such partnerships and cooperation are possible and would promote the employment and gainful economic activities of individuals with disabilities. These efforts should also concentrate on the full array of employment opportunities including benefits, types of jobs, job promotion, part-time and episodic work, and education and re-training programs.

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

(l) Implementation on the activities enumerated in Section 2 of this order shall begin on the date of this order.



Record Type: Record

To: Elena Kagan/OPD/EOP
cc: William H. White Jr./WHO/EOP
Subject: Meeting with BLS and disabled appointees

It went very well. It turns out that BLS has been working on this for the past year. The hard part is coming up with 2 or 3 questions that really measure disability -- a more complex concept to measure than race or sex. Adding more than a few questions to the monthly "CPS" (the monthly survey that produces the unemployment rate) is considered untenable because people won't want to answer the survey if it gets too long. BLS is now field testing 2 questions on disability, but they won't have results for a year. If the results are good, they would be added to the monthly CPS in about a year and a half. If it goes poorly, they will have to try again. The appointees were remarkably reasonable in the face of this timetable, and we agreed roughly on an approach to reflecting this in the draft executive order. And the person from CEA who came was very reasonable.

8-10-97

Disabilities EO

Lancaster: Estab. nat. agents to move emp rate as close as poss. to emp. rate of others (Old long term #s, Poags, etc.)

Set up task force - virtually any ag. w/ nothing to do w/ this.

DoL as chair (co-chairs - Lt/Ed/SSA?)

Activities - a. coord of efforts & resources

b. Fed gov step up efforts re hiring; model emp (incl. CAP)

c. Treas (SSA) - how to provide econ incentives to go to work

d. DOR/HHS - welfare-to-work programs

e. small businesses -

f. HUD/Transp - examine props to create incentives

g. Census - monthly stats

Very imp. If set up + done properly - could have real juice to it.

Issues: Membership of task force

Timing.

Identifying some resources to support task force.

Kitty: How does mandate overlap w/ that of emp?

Lanc: We don't have membership + we don't have resources.

Kitty: Date to promote emp ops in priv sector - not a policy why body-

Kitty: Permanent?

Lanc: Until 2002 (10th anniv of ADA)

Kitty: Hope project to do right. Needs to be chatted in some way - have to make sure that has resources to do right.

Futura: Appointees have a shared agenda. DoL not not have same agenda. Broad review or strike strategy

New smaller task force: Lt/HHS/SSA/Ed/Treas

DOL'S COMMENTS

Disabilities - EO

July 1, 1997

Note for: John Lancaster

From: Gary Reed
Stephanie Powers

Subject: Additional Proposed Changes to Draft Executive Order

We want to thank you for being so responsive to the changes in the draft Executive Order that we proposed in our June 17, 1997 note to you. Your June 24 draft is much more in line with what we believe needs to be in an Executive Order. In terms of major changes, we believe that there is just one more revision that needs to be done. The activities in Section 2 need to be revised in such a way that Task Force is charged with carrying out or addressing these activities, as opposed to mandating that specific agencies carry out the activities with the Task Force presumably only in charge of monitoring the specific directives of the E.O. This is a key issue. The Task Force should be responsible for ensuring that specific activities are carried out through coordinated Federal activities, as opposed to the Secretary of Labor being in charge of monitoring the specific assignments given to fellow Cabinet members.

To accomplish this, we would propose that Section 2 of the current draft of the E.O. be revised as follows:

Section 2: Specific Activities of the Task Force

~~The departments and agencies of the Task Force members shall coordinate their efforts and resources to ameliorate employment barriers for persons with disabilities, such as discrimination, inadequate access to health care, lack of consumer-driven long-term supports and services, transportation, accessible and integrated housing, telecommunications, assistive technology, community services, child care, education, vocational rehabilitation, training services, and on-the-job supports. It shall be the goal of this effort to move the Nation toward an employment rate of all adult individuals with disabilities as close as possible to the employment rate of the general adult population. Specific activities shall include the following:~~

(a) ~~In implementing this National employment agenda, In order to make the federal government shall be a model employer of people with disabilities, By July 26, 1998, the Office of Personnel Management and the Equal Employment Opportunity Commission shall review the Task Force shall undertake review of all federal government personnel laws, regulations and policies and, as appropriate, shall recommend or implement changes necessary to improve federal employment for people with disabilities. This review shall include personnel practices and actions including: hiring, promotion, benefits, retirement, workers' compensation, retention, and layoffs and reductions in force. The Equal Employment Opportunity Commission shall maintain and enhance its coordinating function with respect to the elimination of~~ ~~There may also will include a~~

~~Assessment of the need to maintain and enhance efforts to eliminate~~ barriers to employment resulting from discrimination within the federal government workforce.

(b). ~~Additionally, The Task Force shall assess the feasibility of expanding~~ the Department of Defense's Computer/Electronics Accommodations Program ~~is expanded to serve all government agencies, and will recommend the steps needed to achieve this goal, including adequate funding of the program~~ appropriations shall be sought within the Department of Defense's budget to adequately fund the program.

(c). ~~The Task Force shall undertake a coordinated review of existing programs that serve persons with disabilities, for the purpose of creating new work incentives and removing barriers to work. A primary goal of this effort will be recommendations with respect to The Social Security Administration and the Department of Treasury, in cooperation with the National Council on Disability and the President's Committee on Employment of people with Disabilities, shall designing and implementing innovative programs that provide economic and other incentives to both employers and individuals with disabilities to encourage persons with disabilities to leave the Social Security and other income maintenance rolls or to avoid enrollment altogether.~~

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

(e). ~~The Task Force shall assess the feasibility and make recommendations with respect to Departments of Education, Labor, and Health and Human Services, as well as the Small Business Administration, shall developing and carrying out strategies for assisting low income individuals, including people with disabilities, to create small businesses and micro enterprises to provide consumer driven personal assistance and other work related supports. This effort shall use the full buying power of the Federal Government to achieve the twin vital aims of putting people on welfare and individuals with disabilities to work. Additionally, the Department of Commerce and Small Business Administration shall develop and implement small business and entrepreneurial opportunities for individuals with disabilities that have a significant effect on the ability of such individuals to develop and sustain successful small business and entrepreneurial activities.~~
[NOTE: This last sentence is now redundant given the broadening of the first sentence.]

(f). ~~The Departments of Transportation and Housing and Urban Development shall examine their various programs for the purpose of creating new work incentives and removing barriers to work among the individual and organizational recipients of their financial assistance.~~ [NOTE: This is incorporated in a revision of (c). above]

(g). All efforts taken by federal departments and agencies under this Section 2 of this Executive Order shall further partnerships and cooperation with public and private sector employers, disability advocacy groups, organized labor, veteran service organizations, and state and local governments whenever such partnerships and cooperation are possible and would promote the employment and gainful economic activities of individuals with disabilities. These efforts should also concentrate on the full array of employment opportunities, including benefits, types of jobs, job promotion, part-time and episodic work, and education and re-training programs.

~~(h). The Task Force shall test and evaluate the feasibility of data on the employment status of disabled persons through the monthly labor force survey. The objective of this effort will be to develop recommendations for the Bureau of Labor Statistics of the Department of Labor and the Census Bureau of the Department of Commerce, in cooperation with the Department of Education, Department of Health and Human Services, National Council on Disability, and the President's Committee on Employment of People with Disabilities, shall design and implement a statistically reliable and accurate method to measure the employment rate of working age individuals with disabilities on a monthly more regular basis than is currently done.~~

~~(i). The Task Force shall report to the President the steps taken by each department and agency to advance this national agenda on a biannual basis. The first report shall be due on July 26, 1998, and it shall articulate the government-wide plan to advance this national effort and the statistical data necessary to measure progress. Subsequent biannual reports shall detail progress and indicate any adjustments that may be necessary in the overall plan and strategy [NOTE: This should be moved to Section 1.]~~

JOE'S COMMENTS

COMMENTS ON DRAFT 9 OF THE DRAFT EXECUTIVE ORDER ESTABLISHING A NATIONAL INITIATIVE FOR THE EMPLOYMENT OF PEOPLE WITH DISABILITIES

GENERAL COMMENTS

1. As a political strategy, draft 8 conveys a higher level of urgency and it may be desirable to take draft 8 to the highest levels now, and, if draft 8 is rejected, draft 9 is already in preparation.
2. In several places, the document is too general. Comments below are offered to present a more specific document.
3. The integration of welfare reform throughout the EO is detrimental and unnecessary. The President has already issued a series of EO's on welfare reform which did not include disability issues despite our best efforts that it do so. Obviously, in the preamble we need to speak to the need for working within the context of the President's broader agenda. But, we do not have to sacrifice the disability focus of the proposed EO. ✓
4. Each action item must have its own time line. The 504 compliance in the Fiscal Responsibility Act with the States should be immediate. The other time lines are too long. Taking a year to complete the study of the problems faced in disability employment and then making recommendations is absurd. We already know what many of the problems are, and have known for many years. The Task Force should be challenged to bring forth recommendations well before the end of the first year, if not within the first quarter after issuance of the EO. N.O. What to do.
5. Draft 9 does nothing to narrow the focus of what we are to concentrate on in the next four years. We have now promised to study and make recommendations on everything, and failed to provide a definite set of actions to accomplish. Within the five year budget deal, narrowing our focus becomes all the more compelling. The resources are not there to do everything, but we should be able to better define what it is we are going to attempt to accomplish. Ongoing research will result in additional recommendations, but we cannot allow a year to pass before recommendations are made. We can build on the HCFA proposal and VR reform immediately. How
6. Draft 9 does not require accountability at a desirable level. For all practical purposes, the submission of the President's FY 99 budget in February is the last opportunity this Administration has to put the money where it will reflect the Administration's policies. Thus, the accountability and time line language of Draft 8 is more compelling.
7. We would like to see specific language, perhaps in the introductory section (Page 2) which links the importance of special education, job training, and the need for life-long learning. For example, language similar to:

As our society faces the reality of an aging population, with older individuals becoming disabled, and as we confront the ever present challenges of helping our nation's disabled ✓

children reach their full potential through education and needed family and societal supports, we, as a nation, must view disability across the full spectrum of life. We must focus on the needs, especially the educational and employment needs, of disabled youth and adults, and how education and employment will merge to serve all disabled individuals.

SPECIFIC COMMENTS

Page 1, paragraph 2 "People with disabilities are at least...."

The focus of this paragraph should be changed. The paragraph highlights the societal costs and the benefits that would accrue from more disabled individuals in the workforce. However, it may be that we will still need to spend dollars at similar levels in the future, but perhaps in different ways. Therefore, we may not want to emphasize or imply cost savings, but rather emphasize the need to work to remove barriers to employment such as health care disincentives, welfare reform issues, etc. Our purpose is not necessarily to reduce the amount of dollars we are spending, but to get people back to work. This should be the focus of this opening section.

Yes

Page 1, paragraph 2

We need to insert here, or in another appropriate place, the need for comparative analyses of international experiences, systems, and outcomes. It is important for the U.S. to look at experiences of other nations in workforce issues relating to persons with disabilities.

ugh

Page 3, under Section 1 (a)

We recommend adding the Chair of the President's Committee on Mental Retardation (PCMR).

Page 3, Section 1(b)

Rewrite: "The Task Force shall be co-chaired by the Secretaries of the Departments of Labor, Education, and the Commissioner of the Social Security Administration."

3 part

Page 3, Section 2 (a)

This section covers too many important issues. More is required than simply coordination of efforts and resources to eliminate the significant disincentives to work that currently exist. This bullet doesn't convey the importance of the issues or the magnitude of the tasks. We suggest that separate bullets be developed for each of the issues discussed and that specific activities under each be directed. For example, separate bullets should be developed on the issue of access to health care with the requirement that the appropriate agencies address the issues of barriers and disincentives of health care.

Major

And include ground?

A separate bullet on rehab and training services should direct the Departments of Education and Labor to work together to ensure better access to these services. Such specificity under this section of the EO will enable the various Departments to leverage their internal resources to focus on these kinds of specific activities. Lack of such specific points makes the document appear to be too general and not focused on concrete activities. For example, as currently drafted, it doesn't give the reader the impression that investing in training and rehab is that important of an issue.

We would be happy to work with you in developing more specific bullets under this section.

Page 4, Section 2 (c)

added

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

Page 5, Section 2 (e)

✓ Rewrite by moving the last sentence to be the first sentence. This is the topical sentence in the paragraph. Also, the Department of Education role in the development of small businesses may be limited, although we can certainly explore ways in which we can be involved in this area.

Page 5, Section 2 (h)

? Add the President's Committee on Mental Retardation to the list of agencies.

Page 5

let know add later

The use of research to document what works is missing from the EO. There is a great deal of existing research and perhaps further research that needs to be done to ensure future progress in obtaining the employment of persons with disabilities. The EO should lay the groundwork for this. We recommend that a new element (Section 2 (h) and re-number subsequent items) be added to address this. Again, we would be happy to work with you on crafting language to address this issue.

Disabilities - EO

DRAFT #9 --- 6/24/97

Memorandum

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

From: President Clinton

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

Date: (mm/dd/97)

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

Please begin implementation of this Executive Order immediately.

DRAFT #9
6/24/97
[Signature]

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

2002

Agenda 2006 for the Employment of People with Disabilities: A Renewed and Reinigorated Executive Branch Commitment

This Order establishes a National agenda for the employment of people with disabilities and directs the key executive branch agencies charged herein to set in place the requisite policies and actions. This order is consistent with this Administration's efforts to further strengthen our economy by including and preparing all segments of working age Americans for the emerging workforce of the 21st century. The continued strength and expansion of our economy are dependent on our ability to include all groups that are presently excluded from work. It is important that this effort encompasses people on welfare and people with disabilities, many of whom are eager to work and whom federal entitlements and programs currently support.

75/25
where's vony?
source

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

52% vs 49m? 18-50
rate x2?
partic those w/ severe

edit for reader

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

people with disabilities; including lack of appropriate access to health insurance, transportation, housing, long-term services and supports, telecommunications, assistive technology, community services, and child care. Additionally, sufficient incentives and access to education, rehabilitation and job training services, job placement services, on-the-job supports, and fair and adequate wages must be available.

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

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

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

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

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

There is hereby established as a national agenda for the employment of individuals with

disabilities. It shall be the goal of this effort to move the Nation toward an employment rate for all adult individuals with disabilities as close as possible to the employment rate of the general adult population.

(a) To oversee and implement this initiative, there is established ^{by her} a National Task Force on the Employment of People with Disabilities. The membership of this Task Force shall include the Secretary of Labor, Secretary of Education, Secretary of Health and Human Services, Commissioner of the Social Security Administration, Secretary of the Treasury, Attorney General, Secretary of Defense, Secretary of Veterans' Affairs, Secretary of Commerce, Administrator of the Small Business Administration, Secretary of Transportation, Secretary of Housing and Urban Development, Director of the Office of Personnel Management, Chair of the Federal Communications Commission, Chair of the Equal Employment Opportunity Commission, Chair of the National Council on Disability, Chair of the Architectural and Transportation Barriers Compliance Board, and Chair of the President's Committee on Employment of People with Disabilities.
 why not like NOPR?

(b) The Chair of the Task Force shall be the Secretary of Labor.

Herman OK? Seth + Ray OK?

(c) The Task Force shall direct and coordinate programs within and between their agencies in a manner which enhances and increases the employment rate of working age individuals with disabilities. Additionally, the Task Force shall undertake or if necessary recommend to the President additional steps that can be taken to advance the employment of people with disabilities. *

(d) The members of the Task Force shall give the activities and initiatives enumerated in this Order the highest priority within their respective agencies' programs and budgets. These activities and initiatives are to be conducted consistent with the Budget Reconciliation Act of 1997 and government wide effort to balance the budget in Fiscal Year 2002. The Task Force shall maintain this initiative during each year between the date of this Order and July 26, 2002, the 10th anniversary of the initial implementation of the employment provisions of the Americans with Disabilities Act.

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

Section 2. Specific Activities of the National Employment Agenda.

(a) The departments and agencies of the Task Force members shall coordinate their efforts and resources to ameliorate employment barriers for persons with disabilities, such as discrimination, inadequate access to health care, lack of consumer-driven long-term supports and services, transportation, accessible and integrated housing, telecommunications, assistive technology,

community services, child care, education, vocational rehabilitation, training services, and on-the-job supports. The Task Force members shall also analyze all of their existing programs and policies to determine what changes, modifications and innovations may be necessary to encourage and provide incentives for the employment of people with disabilities.

(b) In implementing this National employment agenda, the federal government shall be a model employer of people with disabilities. By July 26, 1998, the Office of Personnel Management and the Equal Employment Opportunity Commission shall review all federal government personnel laws, regulations and policies and, as appropriate, shall recommend or implement changes necessary to improve federal employment for people with disabilities. This review shall include personnel practices and actions including: hiring, promotion, benefits, retirement, workers' compensation, retention, and layoffs and reductions in force. The Equal Employment Opportunity Commission shall maintain and enhance it's coordinating function with respect to the elimination of barriers to employment resulting from discrimination within the federal government workforce. Additionally, the Department of Defense's Computer/Electronics Accommodations Program is expanded to serve all government agencies, and appropriations shall be sought within the Department of Defense's budget to adequately fund the program.] CAP

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

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

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

Comm for Purchase - write about for hot
RSA

(f) The Departments of Transportation and Housing and Urban Development shall examine their various programs for the purpose of creating new work incentives and removing barriers to work among the individual and organizational recipients of their financial assistance.

(g) All efforts taken by federal departments and agencies under this Section 2 of this Executive Order shall further partnerships and cooperation with public and private sector employers, disability advocacy groups, organized labor, veteran service organizations, and state and local governments whenever such partnerships and cooperation are possible and would promote the employment and gainful economic activities of individuals with disabilities. These efforts should also concentrate on the full array of employment opportunities; including benefits, types of jobs, job promotion, part-time and episodic work, and education and re-training programs.

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

#1-2 more time

(i) The Task Force shall report to the President the steps taken by each department and agency to advance this national agenda on a biannual basis. The first report shall be due on July 26, 1998, and it shall articulate the government-wide plan to advance this national effort and the statistical data necessary to measure progress. Subsequent biannual reports shall detail progress and indicate any adjustments that may be necessary in the overall plan and strategy.

-1 yr

Whose? DoL's?

Summary of draft Executive Order on Employment of People with Disabilities

Note: This version is DPC's effort to reach a compromise between the appointees with disabilities and the Department of Labor, but it is much closer to the appointees' preferences.

Preamble

- Establishes national agenda for the employment of people with disabilities and directs agencies to set in place requisite policies to improve the employment rate of people with disabilities.
- Effort is consistent with Administration efforts to strengthen economy.
- High unemployment rate of people with disabilities and cost to society; and high cost of government programs (SSDI, SSI, workers' comp, welfare) to support those with disabilities who are not working; few on the rolls return to work.
- Many people with disabilities want to work, but face discrimination and a host of other barriers -- lack of health insurance, transportation, housing, long-term supports, etc.
- The ADA has begun to improve employment picture, but we must ensure our policies conform to ADA vision that people with disabilities be part of the economic mainstream.
- President's 1998 budget included proposals that move in the right direction.

Establishment of National Employment Agenda for Individuals with Disabilities

- Establishes goal of moving toward an employment rate for all adult individuals with disabilities as close as possible to the employment rate of the general adult population.
- Establishes National Task Force to oversee and implement agenda, chaired by DOL, with relevant federal agencies as members. Agencies shall give this a high priority, consistent with balanced budget. Task Force shall continue through 2002.

Activities of the Task Force on the National Employment Agenda

- To increase employment rate of people with disabilities and ameliorate employment barriers for persons with disabilities, the Task Force shall ensure the coordination of Federal efforts and identify changes to agency programs and policies; may recommend changes to the President.
- Task Force/OPM shall make the federal government a model employer: review federal personnel policy and recommend change where necessary, within a year. Vague role for EEOC.
- Expands Defense Department's Computer/Electronics Accommodations Program to serve all government agencies, saying "appropriations shall be sought within the Department of Defense's budget to adequately fund the program." (Cost of \$2-5 million.)
- Directs Task Force/SSA/Treasury to design and implement programs that "provide economic and other incentives to both employers and individuals with disabilities to encourage persons with disabilities to leave the Social Security and other income maintenance rolls or to avoid enrollment altogether" (the appointees are hoping for a tax credit).
- Directs Task Force/Justice/HHS to work with states to ensure that welfare reform is carried out in compliance with civil rights law (i.e., people with disabilities who are expected to work get reasonable accommodations if they need them).
- Directs Task Force/DOL/Commerce/HHS/SBA to increase small business opportunities for people with disabilities; and to help people leaving welfare to start micro-enterprises that provide personal assistance services to people with disabilities.
- Requires the Bureau of Labor Statistics to start reporting monthly unemployment rate of people with disabilities within one year after the executive order. (This may have a cost.)

Reporting Requirement

- Task Force shall report to the President on government-wide plan and steps taken by each department and agency to advance this agenda in July 1998 and every two years after that.

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

**Agenda 2002 for the Employment of People with Disabilities: A Renewed and
Reinvigorated Executive Branch Commitment**

This Order establishes a National agenda for the employment of people with disabilities and directs the key executive branch agencies charged herein to set in place the requisite policies and actions to improve the employment rate of people with disabilities. This order is consistent with this Administration's efforts to further strengthen our economy by including and preparing all segments of working age Americans for the emerging workforce of the 21st century. The continued strength and expansion of our economy depend on our ability to make the most of the productive potential of all groups.

People with disabilities are at least twice as likely as people without disabilities to be unemployed. At the end of 1994, 19.5 percent of the population aged 18-64, or 30.7 million people, had a disability. Of these, 14.5 million had a severe limitation and were employed at the rate of only 24.7 percent. The artificially low employment rate of people with disabilities is estimated to cost society in excess of \$200 billion annually. This is a long standing problem in this country, and was a motivating factor in the enactment of the Americans with Disabilities Act in 1990.

In addition, the cost of many government subsidies to those judged unable to work because of disabilities is growing dramatically, including Social Security disability benefit programs and workers' compensation insurance programs. The Social Security Administration now pays more than \$36 billion a year in disability insurance benefits to 4.5 million disabled workers, and \$25 billion a year in Supplemental Security Income (SSI) to more than 5 million low-income people with disabilities. When Medicare and Medicaid costs are included, total Federal and state expenditures more than double. Yet less than 1 percent of the over 8 million beneficiaries return to work to become income earning, tax paying citizens, and an alarming percentage of children on disability benefits never make the transition off the rolls into work as they become adults.

High percentages of individuals with disabilities, both on these and other income maintenance rolls as well as others without any supports, can and want to work. Thousands of working adults with disabilities and their families are affected by welfare reform and should have an equal opportunity to realize its full promise, including the opportunity to work and keep their families healthy, safe, and intact. However, to enable them to work, it is essential that government and industry work together to remove discrimination and the remaining significant barriers to employment for people with disabilities: lack of appropriate access to health insurance, transportation, housing, long-term services and supports, telecommunications, assistive technology, community services, and child care. In addition, people with disabilities must have access to education, rehabilitation and job training services, job placement services, on-the-job supports, and fair and adequate wages.

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

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

The Administration's 1998 budget submission included proposals that would begin to reverse the trend of increasing dependence on government benefits by increasing the availability of health care insurance and rehabilitation services for individuals with disabilities who want to leave the Social Security rolls to enter the workforce. Enacting this program will be an important first step in ensuring that our programs consistently support employment of people with disabilities. Millions of unemployed and underemployed Americans with disabilities can become productive citizens if government programs and policies encourage their employment [and private sector...?]

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

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

There is hereby established a national agenda for the employment of individuals with disabilities. It shall be the goal of this effort to move the Nation toward an employment rate for all adult individuals with disabilities as close as possible to the employment rate of the general adult population.

(a) To oversee and implement this national agenda, there is established a National Task Force on the Employment of People with Disabilities. The membership of this Task Force shall include the Secretary of Labor, Secretary of Education, Secretary of Health and Human Services,

Commissioner of the Social Security Administration, Secretary of the Treasury, Attorney General, Secretary of Defense, Secretary of Veterans' Affairs, Secretary of Commerce, Administrator of the Small Business Administration, Secretary of Transportation, Secretary of Housing and Urban Development, Director of the Office of Personnel Management, Chair of the Federal Communications Commission, Chair of the Equal Employment Opportunity Commission, Chair of the National Council on Disability, Chair of the Committee for Purchase from People who are Blind or Severely Disabled, Chair of the President's Committee on Mental Retardation, Chair of the Architectural and Transportation Barriers Compliance Board, and Chair of the President's Committee on Employment of People with Disabilities.

(b) The Chair of the Task Force shall be the Secretary of Labor. [Education suggests it be cochaired by Labor, Education, and SSA.]

(c) The members of the Task Force shall give the activities and initiatives enumerated in this Order the highest priority within their respective agencies' programs and budgets. These activities and initiatives are to be conducted consistent with the Budget Reconciliation Act of 1997 and the balanced budget agreement to balance the budget by Fiscal Year 2002. The Task Force shall maintain this initiative during each year between the date of this Order and July 26, 2002, the 10th anniversary of the initial implementation of the employment provisions of the Americans with Disabilities Act.

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

Section 2. Activities of the Task Force on the National Employment Agenda.

The Task Force shall ensure the coordination of Federal government efforts and resources within and among agencies in order to increase the employment rate of working age people with disabilities, and to ameliorate employment barriers for persons with disabilities. These include discrimination; inadequate access to health care; and lack of consumer-driven long-term supports and services, transportation, accessible and integrated housing, telecommunications, assistive technology, community services, child care, education [drop?], vocational rehabilitation, training services, and on-the-job supports. Task Force members shall analyze all of their existing programs and policies to determine what changes, modifications, and innovations may be necessary to encourage and provide incentives for the employment of people with disabilities. The Task Force shall undertake or if necessary recommend to the President additional steps that can be taken to advance the employment of people with disabilities. Specific activities shall include the following:

(a) In order to make the federal government a model employer of people with disabilities, by July 26, 1998, members of the Task Force, including the Office of Personnel Management shall review



all federal government personnel laws, regulations, and policies and, as appropriate, shall recommend or implement changes necessary to improve federal employment for people with disabilities. This review shall include personnel practices and actions including: hiring, promotion, benefits, retirement, workers' compensation, retention, and layoffs and reductions in force. The Equal Employment Opportunity Commission shall maintain and enhance[?] its coordinating function with respect to the elimination of discrimination in federal hiring and personnel practices. In addition, the Department of Defense's Computer/Electronics Accommodations Program is expanded to serve all government agencies, and appropriations shall be sought within the Department of Defense's budget to adequately fund the program.

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

© Members of the Task Force, including the Department of Justice and the Department of Health and Human Services, shall work with the States and others to ensure the Personal Responsibility and Work Opportunity Reconciliation Act is carried out as required by Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act, so that individuals with disabilities and their families can have equal opportunity to realize the full promise of welfare reform.

(d) Members of the Task Force, including the Departments of Labor, Commerce, Health and Human Services, and the Small Business Administration, shall work together to develop and potentially implement small business and entrepreneurial opportunities for individuals with disabilities; as well as strategies for assisting low income individuals, including those with disabilities, to create small businesses and micro-enterprises to provide consumer-driven personal assistance and other work supports, with the goal of achieving the twin vital aims of putting people on welfare and individuals with disabilities to work.

(e) Members of the Task Force, including the Departments of Transportation and Housing and Urban Development shall examine their programs for the purpose of creating new work incentives and removing barriers to work among the individual and organizational recipients of their financial assistance.

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

Section 3. Cooperation with Federal Partners.

All efforts taken by federal departments and agencies under this Section 2 of this Executive Order shall further partnerships and cooperation with public and private sector employers, state and local governments, disability advocacy groups, organized labor, and veteran service organizations whenever such partnerships and cooperation are possible and would promote the employment and gainful economic activities of individuals with disabilities. These efforts should consider the full array of employment opportunities; including benefits, types of jobs, job promotion, part-time and episodic work, and education and re-training programs.

Section 4. Reporting Requirement

The Task Force shall report to the President the steps taken by each department and agency to advance this national agenda on a biannual basis. The first report shall be due on July 26, 1998, and it shall articulate the government-wide plan to advance this national effort and the statistical data necessary to measure progress. Subsequent biannual reports shall detail progress and indicate any adjustments that may be necessary in the overall plan and strategy.

Elena

▶ Diana Fortuna

07/12/97 05:27:15 PM

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Record Type: Record

To: Victoria Radd/WHO/EOP
 cc: Elena Kagan/OPD/EOP, William H. White Jr./WHO/EOP
 bcc: Records Management
 Subject: Re: Disabilities Executive Order 

Attached is the executive order, and here's a summary of where we are.

The executive order is the brainchild of the group of administration appointees with disabilities that Erskine met with several months ago, led by Tony Coelho, Marca Bristo, and Judy Heumann. We have been working with them for some time on this project. Unfortunately, I am no longer confident that it can be ready by July 25, because discussions between the appointees and the Dept. of Labor have just fallen off track. Elena is going to talk to Kitty Higgins and Seth Harris of DOL this week to see if we can reach an agreement. But that doesn't leave us too much time to get this cleared through OMB and counsel, and 1 or 2 of the items in the EO have costs.

The EO sets up a task force led by DOL to improve employment of people with disabilities. The disabled appointees have a specific agenda they want enacted (e.g., tax credits, major funding for personal assistance services, being tough on states that won't give disabled people welfare accommodations so they can work). Therefore, they want the EO to include several bullets that are veiled references to these ideas, to set the stage to get them seriously considered. They also want to include 2 specific ideas -- having BLS and Census do monthly reporting of the unemployment rate of people with disabilities, which may cost money; and taking the Defense Department's computer accommodations program government-wide, at a cost of \$2-6 million (Erskine had a positive reaction to this idea when he met with them).

On the whole, this approach is fairly modest for this group, but managing the task force and meeting the appointees' desire for real change will be challenging for DOL.

However, DOL is now getting cold feet about the specifics, and they just proposed a much vaguer revision -- far enough over the line that the disabled appointees regard it as a waste of time. DOL is uncomfortable about being saddled with a specific agenda they don't yet know or share. DPC's position is that we shouldn't put the draft executive order into official clearance with OMB until we have Labor's buy-in, which Elena will try to get this week. Actually, Marca Bristo and Coelho's person (John Lancaster) feel that it would be better to miss the ADA and "get this right," while Judy Heumann thinks we should push to get this done for the ADA. DOL thinks it is unrealistic to have this settled by ADA.

Attached is the appointees' latest draft as edited somewhat by the DPC. Also attached is a one-page summary I did. I will also walk copies over to your office. I will be out on vacation next week, but Elena is up to speed on this.



eodisab.wpd



eodissum.wpd

▶ **Diana Fortuna**
07/12/97 11:34:39 AM
.....

Record Type: Record

To: Elena Kagan/OPD/EOP
cc: Cynthia A. Rice/OPD/EOP
Subject: Just got the attached from Vicki Radd...

I am doing an update for you on the status of the disability executive order today, complete with a draft. Do you want me to forward it to you so you can forward to Vicki, or do you want me to send it to you both simultaneously?

Actually, I'll run through the basic situation now: negotiations with DOL and the appointees have just fallen off track. The EO sets up a task force led by DOL to investigate how to improve employment of people with disabilities. The disabled appointees have a specific agenda they want enacted (e.g., tax credits, major funding for personal assistance services, being tough on states that won't give disabled people on welfare accommodations so they can work). Therefore, they want the EO to include several bullets that are veiled references to these ideas, to set the stage to get them seriously considered. They also want to include 2 specific ideas -- taking the Defense Department's computer accommodations program government-wide, at a cost of \$2-6 million; and having BLS and Census devise and implement monthly reporting of the unemployment rate of people with disabilities, which may cost money (Tony Coelho has been negotiating this with the agencies for some time.) My view of this approach is that it is fairly modest for this group; and that meeting the appointees' desire for real change will be challenging for DOL.

However, DOL (Seth Harris and staff) is getting cold feet about the specifics, and they just proposed a much vaguer revision -- far enough over the line that the disabled appointees regard it as a waste of time. DOL is new to disability issues -- Reich never focused on them, but Herman is apparently interested -- but they are uncomfortable about being saddled with a specific agenda they don't yet know or share. Seth is going to talk to Kitty about this, and I suspect she will want to be very cautious.

I'm not sure what to do next, especially with the ADA 7/25 date looming (although not clear what event we have). According to John Lancaster (Tony Coelho's good executive director at the President's Committee on Employment who is shepherding this through and whom you've met), he and Marca Bristo feel it's worth missing the ADA to get this right, but Judy Heumann thinks we should keep pushing. Seth feels strongly that it's unrealistic to have this settled by ADA. I am spending part of this afternoon doing a compromise draft that we could put into circulation through Mac Reed/OMB if you think it is a good idea to keep this moving. I assume if we don't get it into circulation this week, we can't be ready by the 25th.

By the way, you had asked me how we get the Defense Dept. CAP thing to happen. It is strictly an OMB question. Carol Rasco pushed it very ineffectively with them. Convincing Frank or Jack is not easy, so it's probably more realistic that Erskine's office would just tell them he wants to do this and they should find a way. I will send you a short rationale for why this is a good idea.

----- Forwarded by Diana Fortuna/OPD/EOP on 07/12/97 10:53 AM -----

 Victoria Radd
07/12/97 10:36:37 AM

DOL'S COMMENTS

July 1, 1997

Note for: John Lancaster
From: Gary Reed
Stephanie Powers
Subject: Additional Proposed Changes to Draft Executive Order

We want to thank you for being so responsive to the changes in the draft Executive Order that we proposed in our June 17, 1997 note to you. Your June 24 draft is much more in line with what we believe needs to be in an Executive Order. In terms of major changes, we believe that there is just one more revision that needs to be done. The activities in Section 2 need to be revised in such a way that Task Force is charged with carrying out or addressing these activities, as opposed to mandating that specific agencies carry out the activities with the Task Force presumably only in charge of monitoring the specific directives of the E.O. This is a key issue. The Task Force should be responsible for ensuring that specific activities are carried out through coordinated Federal activities, as opposed to the Secretary of Labor being in charge of monitoring the specific assignments given to fellow Cabinet members.

To accomplish this, we would propose that Section 2 of the current draft of the E.O. be revised as follows:

Section 2: Specific Activities of the Task Force

~~The departments and agencies of the Task Force members shall coordinate their~~ ~~The Task Force shall ensure the coordination of Federal Government~~ efforts and resources to ameliorate employment barriers for persons with disabilities, such as discrimination, inadequate access to health care, lack of consumer-driven long-term supports and services, transportation, accessible and integrated housing, telecommunications, assistive technology, community services, child care, education, vocational rehabilitation, training services, and on-the-job supports. It shall be the goal of this effort to move the Nation toward an employment rate of all adult individuals with disabilities as close as possible to the employment rate of the general adult population. ~~Specific activities shall include the following:~~

(a) ~~In implementing this National employment agenda, In order to make~~ the federal government shall be a model employer of people with disabilities, ~~By July 26, 1998, the Office of Personnel Management and the Equal Employment Opportunity Commission shall review~~ ~~the Task Force shall undertake review of~~ all federal government personnel laws, regulations and policies and, as appropriate, shall recommend or implement changes necessary to improve federal employment for people with disabilities. This review shall include personnel practices and actions including: hiring, promotion, benefits, retirement, workers' compensation, retention, and layoffs and reductions in force. ~~The Equal Employment Opportunity Commission shall maintain and enhance its coordinating function with respect to the elimination of~~ ~~The review also will include an~~

~~assessment of the need to maintain and enhance efforts to eliminate barriers to employment resulting from discrimination within the federal government workforce.~~

(b). ~~Additionally, The Task Force shall assess the feasibility of expanding the Department of Defense's Computer/Electronics Accommodations Program is expanded to serve all government agencies, and will recommend the steps needed to achieve this goal, including adequate funding of the program~~ appropriations shall be sought within the Department of Defense's budget to adequately fund the program.

(c). ~~The Task Force shall undertake a coordinated review of existing programs that serve persons with disabilities, for the purpose of creating new work incentives and removing barriers to work. A primary goal of this effort will be recommendations with respect to The Social Security Administration and the Department of Treasury, in cooperation with the National Council on Disability and the President's Committee on Employment of people with Disabilities, shall designing and implementing innovative programs that provide economic and other incentives to both employers and individuals with disabilities to encourage persons with disabilities to leave the Social Security and other income maintenance rolls or to avoid enrollment altogether.~~

this is the verbed reference to a tax credit

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

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

[NOTE: This last sentence is now redundant given the broadening of the first sentence.]

(f). ~~The Departments of Transportation and Housing and Urban Development shall examine their various programs for the purpose of creating new work incentives and removing barriers to work among the individual and organizational recipients of their financial assistance. [NOTE: This is incorporated in a revision of (c). above]~~

(g). All efforts taken by federal departments and agencies under this Section 2 of this Executive Order shall further partnerships and cooperation with public and private sector employers, disability advocacy groups, organized labor, veteran service organizations, and state and local governments whenever such partnerships and cooperation are possible and would promote the employment and gainful economic activities of individuals with disabilities. These efforts should also concentrate on the full array of employment opportunities, including benefits, types of jobs, job promotion, part-time and episodic work, and education and re-training programs.

~~(h). The Task Force shall test and evaluate the feasibility of data on the employment status of disabled persons through the monthly labor force survey. The objective of this effort will be to develop recommendations for the Bureau of Labor Statistics of the Department of Labor and the Census Bureau of the Department of Commerce, in cooperation with the Department of Education, Department of Health and Human Services, National Council on Disability, and the President's Committee on Employment of People with Disabilities, shall design and implementation of a statistically reliable and accurate method to measure the employment rate of working age individuals with disabilities on a monthly more regular basis than is currently done.~~

~~(i). The Task Force shall report to the President the steps taken by each department and agency to advance this national agenda on a biannual basis. The first report shall be due on July 26, 1998, and it shall articulate the government-wide plan to advance this national effort and the statistical data necessary to measure progress. Subsequent biannual reports shall detail progress and indicate any adjustments that may be necessary in the overall plan and strategy [NOTE: This should be moved to Section 1.]~~

JOE'S COMMENTS

EDUCATION'S COMMENTS

COMMENTS ON DRAFT 9 OF THE DRAFT EXECUTIVE ORDER ESTABLISHING A NATIONAL INITIATIVE FOR THE EMPLOYMENT OF PEOPLE WITH DISABILITIES

GENERAL COMMENTS

1. As a political strategy, draft 8 conveys a higher level of urgency and it may be desirable to take draft 8 to the highest levels now, and, if draft 8 is rejected, draft 9 is already in preparation.
2. In several places, the document is too general. Comments below are offered to present a more specific document.
3. The integration of welfare reform throughout the EO is detrimental and unnecessary. The President has already issued a series of EO's on welfare reform, which did not include disability issues despite our best efforts that it do so. Obviously, in the preamble we need to speak to the need for working within the context of the President's broader agenda. But, we do not have to sacrifice the disability focus of the proposed EO. ✓
4. Each action item must have its own time line. The S04 compliance in the Fiscal Responsibility Act with the States should be immediate. The other time lines are too long. Taking a year to complete the study of the problems faced in disability employment and then making recommendations is absurd. We already know what many of the problems are, and have known for many years. The Task Force should be challenged to bring forth recommendations well before the end of the first year, if not within the first quarter after issuance of the EO.
N.O.
What to do.
5. Draft 9 does nothing to narrow the focus of what we are to concentrate on in the next four years. We have now promised to study and make recommendations on everything, and failed to provide a definite set of actions to accomplish. Within the five year budget deal, narrowing our focus becomes all the more compelling. The resources are not there to do everything, but we should be able to better define what it is we are going to attempt to accomplish. Ongoing research will result in additional recommendations, but we cannot allow a year to pass before recommendations are made. We can build on the HCFA proposal and VR reform immediately.
How
6. Draft 9 does not require accountability at a desirable level. For all practical purposes, the submission of the President's FY 99 budget in February is the last opportunity this Administration has to put the money where it will reflect the Administration's policies. Thus, the accountability and time line language of Draft 8 is more compelling.
7. We would like to see specific language, perhaps in the introductory section (Page 2) which links the importance of special education, job training, and the need for life-long learning. For example, language similar to:

As our society faces the reality of an aging population, with older individuals becoming disabled, and as we confront the ever present challenges of helping our nation's disabled ✓

children reach their full potential through education and needed family and societal supports, we, as a nation, must view disability across the full spectrum of life. We must focus on the needs, especially the educational and employment needs, of disabled youth and adults, and how education and employment will merge to serve all disabled individuals.

SPECIFIC COMMENTS

Page 1, paragraph 2 "People with disabilities are at least...."

The focus of this paragraph should be changed. The paragraph highlights the societal costs and the benefits that would accrue from more disabled individuals in the workforce. However, it may be that we will still need to spend dollars at similar levels in the future, but perhaps in different ways. Therefore, we may not want to emphasize or imply cost savings, but rather emphasize the need to work to remove barriers to employment such as health care disincentives, welfare reform issues, etc. Our purpose is not necessarily to reduce the amount of dollars we are spending, but to get people back to work. This should be the focus of this opening section.

Yes

Page 1, paragraph 2

We need to insert here, or in another appropriate place, the need for comparative analyses of international experiences, systems, and outcomes. It is important for the U.S. to look at experiences of other nations in workforce issues relating to persons with disabilities.

ugh

Page 3, under Section 1 (a)

We recommend adding the Chair of the President's Committee on Mental Retardation (PCMR).

Page 3, Section 1(b)

Rewrite: "The Task Force shall be co-chaired by the Secretaries of the Departments of Labor, Education, and the Commissioner of the Social Security Administration."

2, 2014

Page 3, Section 2 (a)

This section covers too many important issues. More is required than simply coordination of efforts and resources to eliminate the significant disincentives to work that currently exist. This bullet doesn't convey the importance of the issues or the magnitude of the tasks. We suggest that separate bullets be developed for each of the issues discussed and that specific activities under each be directed. For example, separate bullets should be developed on the issue of access to health care with the requirement that the appropriate agencies address the issues of barriers and disincentives of health care.

major

Summary of draft Executive Order on Employment of People with Disabilities

Note: This version is DPC's effort to reach a compromise between the appointees with disabilities and the Department of Labor, but it is much closer to the appointees' preferences.

Preamble

- Establishes national agenda for the employment of people with disabilities and directs agencies to set in place requisite policies to improve the employment rate of people with disabilities.
- Effort is consistent with Administration efforts to strengthen economy.
- High unemployment rate of people with disabilities and cost to society; and high cost of government programs (SSDI, SSI, workers' comp, welfare) to support those with disabilities who are not working; few on the rolls return to work.
- Many people with disabilities want to work, but face discrimination and a host of other barriers -- lack of health insurance, transportation, housing, long-term supports, etc.
- The ADA has begun to improve employment picture, but we must ensure our policies conform to ADA vision that people with disabilities be part of the economic mainstream.
- President's 1998 budget included proposals that move in the right direction.

Establishment of National Employment Agenda for Individuals with Disabilities

- Establishes goal of moving toward an employment rate for all adult individuals with disabilities as close as possible to the employment rate of the general adult population.
- Establishes National Task Force to oversee and implement agenda, chaired by DOL, with relevant federal agencies as members. Agencies shall give this a high priority, consistent with balanced budget. Task Force shall continue through 2002.

Activities of the Task Force on the National Employment Agenda

- To increase employment rate of people with disabilities and ameliorate employment barriers for persons with disabilities, the Task Force shall ensure the coordination of Federal efforts and identify changes to agency programs and policies; may recommend changes to the President.
- Task Force/OPM shall make the federal government a model employer: review federal personnel policy and recommend change where necessary, within a year. Vague role for EEOC.
- Expands Defense Department's Computer/Electronics Accommodations Program to serve all government agencies, saying "appropriations shall be sought within the Department of Defense's budget to adequately fund the program." (Cost of \$2-5 million.)
- Directs Task Force/SSA/Treasury to design and implement programs that "provide economic and other incentives to both employers and individuals with disabilities to encourage persons with disabilities to leave the Social Security and other income maintenance rolls or to avoid enrollment altogether" (the appointees are hoping for a tax credit).
- Directs Task Force/Justice/HHS to work with states to ensure that welfare reform is carried out in compliance with civil rights law (i.e., people with disabilities who are expected to work get reasonable accommodations if they need them).
- Directs Task Force/DOL/Commerce/HHS/SBA to increase small business opportunities for people with disabilities; and to help people leaving welfare to start micro-enterprises that provide personal assistance services to people with disabilities.
- Requires the Bureau of Labor Statistics to start reporting monthly unemployment rate of people with disabilities within one year after the executive order. (This may have a cost.)

Reporting Requirement

- Task Force shall report to the President on government-wide plan and steps taken by each department and agency to advance this agenda in July 1998 and every two years after that.

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

**Agenda 2002 for the Employment of People with Disabilities: A Renewed and
Reinvigorated Executive Branch Commitment**

This Order establishes a National agenda for the employment of people with disabilities and directs the key executive branch agencies charged herein to set in place the requisite policies and actions to improve the employment rate of people with disabilities. This order is consistent with this Administration's efforts to further strengthen our economy by including and preparing all segments of working age Americans for the emerging workforce of the 21st century. The continued strength and expansion of our economy depend on our ability to make the most of the productive potential of all groups.

People with disabilities are at least twice as likely as people without disabilities to be unemployed. At the end of 1994, 19.5 percent of the population aged 18-64, or 30.7 million people, had a disability. Of these, 14.5 million had a severe limitation and were employed at the rate of only 24.7 percent. The artificially low employment rate of people with disabilities is estimated to cost society in excess of \$200 billion annually. This is a long standing problem in this country, and was a motivating factor in the enactment of the Americans with Disabilities Act in 1990.

In addition, the cost of many government subsidies to those judged unable to work because of disabilities is growing dramatically, including Social Security disability benefit programs and workers' compensation insurance programs. The Social Security Administration now pays more than \$36 billion a year in disability insurance benefits to 4.5 million disabled workers, and \$25 billion a year in Supplemental Security Income (SSI) to more than 5 million low-income people with disabilities. When Medicare and Medicaid costs are included, total Federal and state expenditures more than double. Yet less than 1 percent of the over 8 million beneficiaries return to work to become income earning, tax paying citizens, and an alarming percentage of children on disability benefits never make the transition off the rolls into work as they become adults.

High percentages of individuals with disabilities, both on these and other income maintenance rolls as well as others without any supports, can and want to work. Thousands of working adults with disabilities and their families are affected by welfare reform and should have an equal opportunity to realize its full promise, including the opportunity to work and keep their families healthy, safe, and intact. However, to enable them to work, it is essential that government and industry work together to remove discrimination and the remaining significant barriers to employment for people with disabilities: lack of appropriate access to health insurance, transportation, housing, long-term services and supports, telecommunications, assistive technology, community services, and child care. In addition, people with disabilities must have access to education, rehabilitation and job training services, job placement services, on-the-job supports, and fair and adequate wages.

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

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

The Administration's 1998 budget submission included proposals that would begin to reverse the trend of increasing dependence on government benefits by increasing the availability of health care insurance and rehabilitation services for individuals with disabilities who want to leave the Social Security rolls to enter the workforce. Enacting this program will be an important first step in ensuring that our programs consistently support employment of people with disabilities. Millions of unemployed and underemployed Americans with disabilities can become productive citizens if government programs and policies encourage their employment [and private sector...?]

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

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

There is hereby established a national agenda for the employment of individuals with disabilities. It shall be the goal of this effort to move the Nation toward an employment rate for all adult individuals with disabilities as close as possible to the employment rate of the general adult population.

(a) To oversee and implement this national agenda, there is established a National Task Force on the Employment of People with Disabilities. The membership of this Task Force shall include the Secretary of Labor, Secretary of Education, Secretary of Health and Human Services,

Commissioner of the Social Security Administration, Secretary of the Treasury, Attorney General, Secretary of Defense, Secretary of Veterans' Affairs, Secretary of Commerce, Administrator of the Small Business Administration, Secretary of Transportation, Secretary of Housing and Urban Development, Director of the Office of Personnel Management, Chair of the Federal Communications Commission, Chair of the Equal Employment Opportunity Commission, Chair of the National Council on Disability, Chair of the Committee for Purchase from People who are Blind or Severely Disabled, Chair of the President's Committee on Mental Retardation, Chair of the Architectural and Transportation Barriers Compliance Board, and Chair of the President's Committee on Employment of People with Disabilities.

(b) The Chair of the Task Force shall be the Secretary of Labor. [Education suggests it be cochaired by Labor, Education, and SSA.]

(c) The members of the Task Force shall give the activities and initiatives enumerated in this Order the highest priority within their respective agencies' programs and budgets. These activities and initiatives are to be conducted consistent with the Budget Reconciliation Act of 1997 and the balanced budget agreement to balance the budget by Fiscal Year 2002. The Task Force shall maintain this initiative during each year between the date of this Order and July 26, 2002, the 10th anniversary of the initial implementation of the employment provisions of the Americans with Disabilities Act.

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

Section 2. Activities of the Task Force on the National Employment Agenda.

The Task Force shall ensure the coordination of Federal government efforts and resources within and among agencies in order to increase the employment rate of working age people with disabilities, and to ameliorate employment barriers for persons with disabilities. These include discrimination; inadequate access to health care; and lack of consumer-driven long-term supports and services, transportation, accessible and integrated housing, telecommunications, assistive technology, community services, child care, education [drop?], vocational rehabilitation, training services, and on-the-job supports. Task Force members shall analyze all of their existing programs and policies to determine what changes, modifications, and innovations may be necessary to encourage and provide incentives for the employment of people with disabilities. The Task Force shall undertake or if necessary recommend to the President additional steps that can be taken to advance the employment of people with disabilities. Specific activities shall include the following:

(a) In order to make the federal government a model employer of people with disabilities, by July 26, 1998, members of the Task Force, including the Office of Personnel Management shall review

all federal government personnel laws, regulations, and policies and, as appropriate, shall recommend or implement changes necessary to improve federal employment for people with disabilities. This review shall include personnel practices and actions including: hiring, promotion, benefits, retirement, workers' compensation, retention, and layoffs and reductions in force. The Equal Employment Opportunity Commission shall maintain and enhance[?] its coordinating function with respect to the elimination of discrimination in federal hiring and personnel practices. In addition, the Department of Defense's Computer/Electronics Accommodations Program is expanded to serve all government agencies, and appropriations shall be sought within the Department of Defense's budget to adequately fund the program.

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

© Members of the Task Force, including the Department of Justice and the Department of Health and Human Services, shall work with the States and others to ensure the Personal Responsibility and Work Opportunity Reconciliation Act is carried out as required by Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act, so that individuals with disabilities and their families can have equal opportunity to realize the full promise of welfare reform.

(d) Members of the Task Force, including the Departments of Labor, Commerce, Health and Human Services, and the Small Business Administration, shall work together to develop and potentially implement small business and entrepreneurial opportunities for individuals with disabilities; as well as strategies for assisting low income individuals, including those with disabilities, to create small businesses and micro-enterprises to provide consumer-driven personal assistance and other work supports, with the goal of achieving the twin vital aims of putting people on welfare and individuals with disabilities to work.

(e) Members of the Task Force, including the Departments of Transportation and Housing and Urban Development shall examine their programs for the purpose of creating new work incentives and removing barriers to work among the individual and organizational recipients of their financial assistance.

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

Section 3. Cooperation with Federal Partners.

All efforts taken by federal departments and agencies under this Section 2 of this Executive Order shall further partnerships and cooperation with public and private sector employers, state and local governments, disability advocacy groups, organized labor, and veteran service organizations whenever such partnerships and cooperation are possible and would promote the employment and gainful economic activities of individuals with disabilities. These efforts should consider the full array of employment opportunities; including benefits, types of jobs, job promotion, part-time and episodic work, and education and re-training programs.

Section 4. Reporting Requirement

The Task Force shall report to the President the steps taken by each department and agency to advance this national agenda on a biannual basis. The first report shall be due on July 26, 1998, and it shall articulate the government-wide plan to advance this national effort and the statistical data necessary to measure progress. Subsequent biannual reports shall detail progress and indicate any adjustments that may be necessary in the overall plan and strategy.

▶ **Diana Fortuna**
08/04/97 09:26:26 AM
.....

Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
bcc:
Subject: Re: disabilities eo 

I was just planning to write you on this. Yes, there is a new deadline -- the meeting the President will have in early September (the 10th or 12th) with outside disability groups. This is the meeting that grew out of the agreement to meet with ADAPT on their unrelated issue of increasing home/community-based services in Medicaid and decreasing reliance on nursing homes. But Public Liaison wants to broaden it to all the groups and issues.

Here's where we are: under the EO, DOL would chair a task force with all the agencies as members on how to improve employment of people with disabilities. But DOL increasingly has cold feet about the specificity of tasks that the disabled appointees want in the EO. DOL wants the EO to be a blank slate on policy so that the task force can start from scratch in figuring out what to do, while the appointees want specific charges that reflect or at least allude to policies they already believe are the right ones (example -- tax credit). Another problem (presumably fixable) is that other agencies will object to the EO as written, saying they don't want DOL to determine their policies.

I think we need a meeting this week with Seth Harris and maybe Kitty Higgins of DOL, John Lancaster of the Presidents' Committee (he may want other disabled appointees to come), and us. The purpose would be to see whether there is a structure that would work. I would really like it if you could come. I can't decide where I am on the threshold question -- whether it's worse to give up on this and make the appointees angry, or push to shoehorn this into existence and risk creating a task force that is destined to fail. Do you want to have such a meeting?

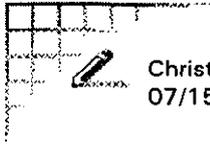
Elena Kagan

 Elena Kagan
08/03/97 02:25:19 PM

Record Type: Record

To: Diana Fortuna/OPD/EOP
cc:
Subject: disabilities eo

where are we on this? I did nothing while you were on vacation because the ADA deadline disappeared. But we should push this along. (wasn't there some other date that made sense?) Let me know what you need me to do, if anything. Thanks.



Christa Robinson
07/15/97 06:39:46 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP
cc: Diana Fortuna/OPD/EOP, Cynthia A. Rice/OPD/EOP
Subject: ADA Anniversary on the 26th

The President will be taping a radio PSA after the radio address on Saturday. (Bob Dole isn't doing one). Reno will unveil the President's PSA at her Thursday press availability next week. The Executive Order would then need to be ready by September 10 when POTUS can announce it at a White House meeting of members of the disability community. Is that a realistic time frame? Maria Echaveste and Vicki Radd talked about how they would help keep the pressure on Dept. of Labor to get it ready in time, fyi.

File: Disabilities: Executive Order

cc: Diana Futema
See reference to EO.



NATIONAL COUNCIL ON DISABILITY

Elena

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

MEMO

To: Erskine B. Bowles, Chief of Staff
From: Marca Bristo, NCD Chairperson
Judith E. Heumann, Assistant Secretary for Special Education and Rehabilitative Services
Subject: Proposal for July 25
Date: June 13, 1997

Attached for your review is a proposal to be considered as the primary event highlighting the seventh anniversary of the passage of the Americans with Disabilities Act (ADA) on July 25, which is presented with the support and advice of Clinton appointees with disabilities. To coordinate and plan such an event, we would appreciate your candid and prompt response.

As always, your continued support of positive policies and programs for people with disabilities is greatly appreciated.

cc: Maria Echaveste
Judith E. Heumann
✓ Elena Kagan
Victoria L. Radd
William H. White

PROPOSAL FOR JULY 25—ADA SEVENTH ANNIVERSARY
Working to Build an Accessible Bridge to the 21st Century

Each year the White House participates in a celebration of the enactment of the Americans with Disabilities Act (ADA). This year, in consultation with Clinton appointees with disabilities, the National Council on Disability (NCD) would like to engage the full participation of the President and the White House in an important commemorative event.

NCD is conducting a national youth leadership development conference, "New Voices: Youth With Disabilities Leadership Conference," which will take place July 24–26, 1997, at the Renaissance Washington Hotel in Washington, D.C. The conference will enable youth with disabilities to learn about their rights, work opportunities and employment-related programs, and to network with other youth with disabilities throughout the country.

This conference follows last weeks' highly visible and exciting signing by the President of the new Individuals with Disabilities Education Act (IDEA), and will be accompanied by the release of NCD's new report on the making of ADA.

After consultation with Clinton appointees with disabilities, we would like to invite the President to participate in a commemorative ADA event that would take place at a luncheon on Friday, July 25, 1997, 12:00 noon–1:30 p.m., at the National Press Club in Washington, D.C., in connection with NCD's national youth conference. This event will focus on leadership development and economic opportunity for youth with disabilities. More than 75 youth with disabilities who are currently receiving Social Security benefits will attend the luncheon, as well as key members of Congress and staff members, disability advocates, presidential appointees with disabilities, consumers, and the media. In addition, we would like to invite key Cabinet secretaries such as Richard Riley and Alexis Herman, and other high-level agency officials such as Judy Heumann. We expect approximately 400 attendees.

This also presents an opportunity for the White House to announce its Executive Order establishing a national goal for the employment of people with disabilities and directing the key executive branch agencies charged therein to set in place the requisite policies and actions to achieve this goal. John Lancaster of the President's Committee on Employment of People with Disabilities, Howard Moses of the Department of Education, and your staff have been working very hard on the Executive Order, and this would be a perfect time to announce it.

We believe that with the signing of IDEA, our conference with today's youth with disabilities and the announcement of the Executive Order present a tremendous opportunity for the President to continue to support disabilities issues by meeting with a diverse audience of youth with disabilities, parents, consumers, beneficiaries of welfare-to-work, and other disability advocates.

We look forward to working with you on this event. For additional information, please feel free to contact Marca Bristo or Mark Quigley at NCD.

Record Type: Record

To: Diana Fortuna/OPD/EOP
cc: Cynthia A. Rice/OPD/EOP, Bruce N. Reed/OPD/EOP
bcc:
Subject: Re: Executive order for employment of disabled 

It seems as if you're on track. I would get Mac Reed involved now (with an explanation that we've made no final decisions yet); he's more helpful when he feels as if he's been brought into the process from the start. On substance: it sounds as if it won't get us much press in the short run, but may be valuable in the long run -- and that's fine. You should make sure with Lancaster et al. that the community will say nice things about it, rather than rip into us for not doing enough or not doing something now, etc. I guess the one question I'd ask is whether we could join the order with some other action, so that we're not just examining/studying, but actually doing/changing something. The action could involve federal employment alone (like the EO) or could relate to employment issues more generally. On the former, wasn't there some proposal that OMB didn't like, but that Erskine thought was eminently reasonable involving DOD? On the latter, do we know where we are on CASA yet? Is there anything else that makes sense and that we could put together by the end of July? Let me know.

Diana Fortuna

 **Diana Fortuna**
06/27/97 05:28:08 PM
.....

Record Type: Record

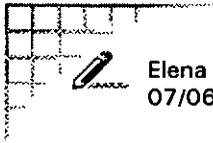
To: Elena Kagan/OPD/EOP
cc: Cynthia A. Rice/OPD/EOP
Subject: Executive order for employment of disabled

We just got a new and substantially revised version of this draft executive order, after advice from DOL. I just talked it through with John Lancaster of the President's Committee on Employment of People with Disabilities, who is shepherding it. It is now going through one more round of comments from the appointees with disabilities and DOL before the attention turns to us. DOL/Seth Harris is supposedly pretty positive on it. I have talked a bit to Anne Lewis of NEC on this and will talk to her more to get their perspective.

The current draft is much more benign than the previous one we saw. There is no "quota" or goal of employment. Instead, it has a long preamble on why this issue is important, a statement that the employment rate of the disabled should be "as close as possible" to the one for the non-disabled, and it establishes a federal agency task force, led by DOL, to examine all agency programs and policies to figure out how to encourage employment of the disabled. A few agencies are called on to do specific things, most of which are OK. The task force has to report in a year and then biannually after that until 2002.

The main problem is I'm not sure what it adds up to. On the other hand, if it focuses attention on this issue, pleases the community right before the ADA anniversary, and comes up with a few good ideas, maybe that's OK -- I'm not sure what our standard for executive orders are.

I can send it to you if you want to see it, but otherwise I am going to see what additional



Elena Kagan
07/06/97 01:47:31 PM

Record Type: Record

To: Diana Fortuna/OPD/EOP
cc: Cynthia A. Rice/OPD/EOP, Bruce N. Reed/OPD/EOP
bcc:
Subject: Re: Executive order for employment of disabled

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▶ Diana Fortuna
06/27/97 05:28:08 PM
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06/27/97 05:28:08 PM
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cc: Cynthia A. Rice/OPD/EOP
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Disabilities -
executive order

▶ Diana Fortuna
07/07/97 07:34:31 PM
.....

Record Type: Record

To: Elena Kagan/OPD/EOP
cc: Cynthia A. Rice/OPD/EOP, Bruce N. Reed/OPD/EOP
bcc:
Subject: Answers to your questions on executive order for employment of disabled

Thanks for the advice; I'll follow up with Mac Reed and company. NEC is positive on this with some significant editing. I'll check with Lancaster to make sure the disability community will be happy with this, but with the imprimatur of all the appointees it's hard to lose.

As I mentioned in a previous email, public liaison has put in a scheduling request for an event at a conference on youth with disabilities and work (again, the official preference of the appointees), and this would therefore fit right in. The President has always done an ADA commemorative event all the years I can recall, certainly going back to 1994, so I would be surprised if one doesn't ultimately make it on the schedule.

long

In terms of whether we could add some substance to the EO's more general call to make this a priority, there are a few good possibilities:

- You recall one of them correctly -- that we expand the Defense Department's CAP program government-wide. CAP provides electronic and computer accommodations to all disabled Defense Dept. employees who need them, through a centrally funded pool of money and expertise. It's a very good program and it would be good to have it go government-wide. It would cost \$2-6 million a year to do so.
- There are some specific Federal hiring things in the draft EO, but we wouldn't want to overdo this, a la welfare reform.
- We can talk up our "return to work" proposals, which will be under active, bipartisan consideration on the Hill at that time. To remind you what this is: (1) our "ticket" to reward performance for successful private or public rehab providers was just sent to the Hill; and it will be the subject of hearings held July 23 by Rep. Bunning, who has a ticket proposal of his own, so this is nice and bipartisan; (2) our Medicaid buy-in option for states for people leaving the SSI/SSDI rolls has been picked up by the Senate as part of reconciliation, although with an income cap we don't like; and (3) our Medicare demo, which was our least good idea, seems dead at this point. Sperling has expressed some interest in talking up this whole initiative.
- I doubt anything from CASA/ADAPT would be ready in time and besides I need to save up accomplishments for the September meeting with the President.

like what?

OK

Elena Kagan

Elena Kagan
07/06/97 02:01:42 PM

→ Diana -
What can we do to get this going? I think we should try to.
Elena
cc: Bruce

Disabilities - Exec Order

To: Diana
(+ return)

▶ Diana Fortuna
05/20/97 11:11:04 AM
.....

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: Disability EO

We will need something for July 26, so we should probably try to make this work. I do think calling in the NEC is a good idea. Plus, it would be great to engage Cabinet secretaries of departments that have traditionally not made this a priority -- Labor, Commerce, SBA, Treasury. What do you think?

Yes, I very much agree. So, do you want to set up an interagency process to work with the draft EO Lancaster gave us?

I also agree that July 26 is the target date.

Call me + let's talk.

Also - Sylvia wants to make a big deal about this new \$50 bill. Could you check around a bit and find out whether we'd be stepping ourselves in the foot?

Elena

5-21-97

Conrad/

1. subor revisions to EO

interag coord / strong attn

inclusion goals - how do you quantify that?

Severe - ass. w/ an activity of daily living

ADA definition - used - prob pick up w/ some w/ non-severe disability.

What would happen next?

↑s in budget for rehab prog / DOL progs

SBA / Commerce - incentives for EAs

ways of encouraging entrepreneurial + other efforts

VP - tech. - accessible

(c) - tax credit - analogous to Rubin

(b) - CAP - \$7m

Seth - 3 - Univ + Census - get info -

tentatively agreed to do

but no unit toward that

a budget issue - add a 2 - cost more // (H/W)

Compl of other reqs -

1) HUD to expand res. emp prog - incl. p. w/ disabili.

2) Ref re ignst King - enh of govt King
DOL - OFCCP -

Subparts E
near expected
to for you
to flow?

Talked w/ Seth Harris - he likes
th-visibility / forcing legs to work / put
shant setting some goals - broad pric sector goal.
higher level of attn!

7th Anniv of ADA - July 26

Aspirational goal / or benchmark

DRAFT #8 --- 3/12/97

Memorandum

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

From: President Clinton

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

Date: (mm/dd/97)

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

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

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

work together to remove discrimination and the remaining significant barriers to employment for people with disabilities; including lack of appropriate access to health insurance, transportation, long-term services and supports, telecommunications, assistive technology, community services, ^{housing} and child care. Additionally, sufficient incentives and access to education, rehabilitation and job training services, job placement services, on-the-job supports, and fair and adequate wages must be available.

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

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

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

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

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

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

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

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

There is hereby established as a national goal an employment rate for all adult individuals with disabilities as close as possible to the employment rate of the general adult population. Consistent with this goal, and in accordance with Sections 2 and 3 of this Order, the Secretary of Labor in consultation with the Secretaries of the Department of Education and the Department of Health and Human Services and the Commissioner of the Social Security Administration shall establish interim annual goals to increase the employment rate of working age individuals with disabilities during each year between the date of this Order and July 26, 2006, the 16th anniversary of the enactment of the Americans with Disabilities Act. As defined herein, a person with a disability is a person with a physical or mental impairment that substantially limits at least one major life activity. This definition comes from, and is to be read consistent with, the first prong of the definition of "individual with a disability" that appears in the Americans with Disabilities Act of 1990.

Section 2. Achievement of National Employment Goal.

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

agencies shall coordinate their efforts and resources to ~~eliminate~~ employment barriers for persons with disabilities, such as discrimination¹⁶ and inadequate access to health care, consumer-driven long-term supports and services, transportation, housing, telecommunications, assistive technology, community services, child care, education, vocational rehabilitation, training services, and on-the-job supports. The above named departments and agencies shall also analyze all of their existing programs and policies to determine if changes, modifications and innovations of said programs and policies would encourage and provide incentives for the employment of people with disabilities.

(b) In achieving this National employment goal, the federal government shall be a model employer of people with disabilities. By July 26, 1998, the Office of Personnel Management and the Equal Employment Opportunity Commission shall review all federal government personnel laws, regulations and policies and, as appropriate, shall recommend or implement changes necessary to improve federal employment for people with disabilities. This review shall include personnel practices and actions including: hiring, promotion, benefits, retirement, workers' compensation, retention, and layoffs and reductions in force. Additionally, the Department of Defense's Computer/Electronics Accommodations Program is expanded to serve all government agencies, and appropriations shall be sought within the Department of Defense's budget to adequately fund the program.

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

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

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

Diana Fortuna 03/05/97 03:12:44 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Angus S. King/WHO/EOP, William H. White Jr./WHO/EOP

cc:

Subject: Draft executive order from appointees

This is more problematic than I would have predicted. We would need to call in OMB and NEC for advice before we could agree to this. Also, I'm not familiar with the line we have drawn on affirmative action quotas; the draft calls for a set percentage of the federal work force to be people with disabilities, so we would have to measure this against our policies there.

Here is a briefing paper on it:



disabeo.wp

File-disability EO



Disabilities - Exec Order

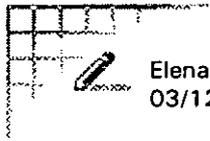
Diana Fortuna 03/12/97 11:43:51 AM

Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
bcc:
Subject: Re: Draft executive order on disability issues 

depends on whether we want to make it a priority. If we do, we should share the paper with NEC and OMB and then call a meeting with them, us, and Bill White.

Elena Kagan

 Elena Kagan
03/12/97 10:09:45 AM

Record Type: Record

To: Diana Fortuna/OPD/EOP
cc:
Subject: Re: Draft executive order on disability issues 

where should we go on this now?

DRAFT #7 --- 3/6/97

Memorandum

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

From: President Clinton

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

Date: (mm/dd/97)

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 2. Achievement of National Employment Goal.

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

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

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

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

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

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

(f) All efforts taken by federal departments and agencies under this Section 2 of this Executive Order shall further partnerships and cooperation with public and private sector employers, disability advocacy groups, organized labor, veteran service organizations, and state and local

Why do you really think he put cards on this?

How many GS4/S jobs out there?

Isn't he just firing people

governments whenever such partnerships and cooperation are possible and would promote the employment and gainful economic activities of individuals with disabilities. These efforts should also concentrate on the full array of employment opportunities; including benefits, types of jobs, job promotion, part-time and episodic work, and education and re-training programs.

Section 3. Measurement of Results.

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

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

Director to make it
100% like - do
- encourage to have.
- never

stop looking for
what that's worth
with you

complex but not innum
what we need to get
obscure auth - that's been overlooked.

When was it created?



Why don't we use other - trainee options?
Starts for how much (understand).

How many jobs in DC
vs. Elsewhere?

Current Director

Rosalie Carter - QAs
Fast club

2 or 3 ways to explain how diff the
depts are.

Rosalie Carter Deputy

Director

Ask VP to be the guy

VP, who knows more

then issues the anyone

in pos, will take lead

attach w/ some real

as reputation

In next 30 days

this office will do

— | — | —

Swat

Team

OPM?

NPR?

1 page for
press releases
trainers and
send like
something.

Howard