TO:

FROM:

As we approach the anniversary of the ADA, we would like to move forward on a good idea that has been floating around for some time -- expanding the Defense Department's "CAP" program. It has minor budget implications.

The Defense Department's Computer Accommodations Program ("CAP") purchases equipment for DOD employees with disabilities to allows them to keep working if they become disabled, or for new employees just joining the workforce. By using a central $2 million fund for such purchases, individual offices do not have to bear the cost within their own budgets, and are less likely to be deterred from hiring a person with a disability. CAP is also able to get better prices on equipment through its bulk purchases and expertise. It has a showroom to help employees try out appropriate adaptive devices (CAP makes the decision on what equipment is purchased, not the employee). It has provided over 9,000 accommodations since its inception in 1990.

This program is a good example of how employers and employees are taking advantage of new (and increasingly cheap) technology, such as computers for the blind that talk and listen, and alternative computer keyboards for people with dexterity problems, that allow people with disabilities to work.

For some time, the Administration's appointees with disabilities have been pushing the idea of expanding the CAP program to cover all Federal employees, not just those at Defense. This is a particular priority for Tony Coelho, chair of the President's Committee on Employment of People with Disabilities. The idea was presented to Erskine when he met with the appointees several months ago, and he felt it was a promising idea.

OMB staff believe that a centralized fund is unnecessary because agencies are already obligated under current law (Section 504 of the Rehab Act) to provide such accommodations today. However, many do not, and a centralized fund has many advantages.

Defense has estimated that it would cost $8 million a year to expand CAP government-wide, but this is definitely overstated since CAP now serves the entire Defense Department for $2 million a year. A more realistic range is $2 - 5 million a year. While having DOD perform this service for all federal employees is a bit unusual, they have a great deal of expertise at this task and they are ready to take on the added responsibility.

If we were to announce this in connection with the ADA, the appointees with disabilities would view this as a positive step but would not be exceptionally grateful for it, since they view it as overdue and are also hoping that we will be able to come to an agreement on an executive order on employment of people with disabilities. We are continuing to work on that possibility.

Diana Fortuna 07/31/98 06:45:27 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP

cc:

Subject: more junk on DOD CAPDraft executive order on disability issues

---------- Forwarded by Diana Fortuna/OPD/EOP on 07/31/98 06:45 PM ----------

Diana Fortuna 03/10/97 12:08:55 PM

Record Type: Record

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

cc:

Subject: Draft executive order on disability issues

Here is OMB staff's standard reaction to the CAP idea. This is why it has never gone anywhere. They think Federal agencies should be doing this anyway, and shouldn't need a central pool of money for something they have been required by law to do for years. This is true, but doesn't get at the reality of the fact that a central pool would make it easier and more likely that folks with disabilities would be hired and/or retained.

---------- Forwarded by Diana Fortuna/OPD/EOP on 03/10/97 12:07 PM ----------

Lisa B. Fairhall 03/07/97 05:17:09 PM

Record Type: Record

To: Kenneth S. Apfel/OMB/EOP, Diana Fortuna/OPD/EOP

cc: Barry White/OMB/EOP, Robert M. Shireman/OMB/EOP, Keith J. Fontenot/OMB/EOP

Subject: Draft executive order on disability issues

I wanted to flag an issue we see with Diana's brief write-up of the executive order, dealing with expanding the DoD CAP program to other Federal agencies.

This is not the first time we have seen this issue -- last summer, Jack Lew asked staff to find out if there are any particular issues he should raise with Carol Rasco in regard to a July 17 memo from Carol to Jack. Rasco was at that time endorsing expansion of the Department of Defense's (DOD) CAP program, which provides a central fund within DOD to provide accommodations for employees with disabilities, to a Federal government-wide fund that would cover accommodations for all Federal employees with disabilities. While we understood that the DOD central fund has been quite successful at helping DOD agencies to choose appropriate adaptive technology and other accommodations, we did not support the initiative for the reasons explained below and sent you a brief note outlining those concerns. Although I have not seen the

draft E.O., I assume that these concerns would apply to the current proposal as well.

All Federal agencies have been required to provide reasonable accommodations for employees with disabilities under section 504 of the Rehabilitation Act since 1973, but many do not. Some technologies that enable individuals with disabilities to work are very expensive, and may have a chilling effect on Federal employers' decisions to hire or provide accommodations for employees with disabilities.

We believe that the DOD central fund may serve as a useful model for other Federal agencies (agencies could use their S&E funds to establish similar programs). However, we have reservations about a Federal government-wide central fund:

- Sections 501, 503 and 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act for 1990 (ADA) establish civil rights protections for individuals with disabilities. Employers governed by these laws must make "reasonable accommodations" for "otherwise qualified disabled individuals." No specific funding is provided to the Federal, State or local governments, or private sector businesses to enforce requirements of these laws. The proposed central fund for Federal agencies could establish a precedent for such incentive programs, sending the signal that compliance is only required to the extent that extra compensation is provided;

- The Federal government should be a model employer. Establishment of special government-wide incentives for Federal agencies to hire and provide accommodations for individuals with disabilities when discrimination on the basis of disability is illegal, could not only set a precedent for providing special incentives for civil rights legislation, but could also send the wrong signal to both the Agencies and the private sector that providing reasonable accommodations for individuals with disabilities is too difficult even for Federal Agencies to enforce;

- CAP has estimated that the average cost of an accomodation for employees with disabilities in their program was $993 in FY 1995. This low figure argues that agencies could easily provide reasonable accomodations for their employees without establishing a central fund;

- There has been an ongoing working group exploring ways to improve accommodations for Federal employees. We believe that this group would provide the appropriate forum to explore the DOD model further; and share effective approaches with other Agencies.

(Originally, Rasco was proposing that Tony Coelho, chair of the President's Committee on Employment of People with Disabilities (PCEPD) make an announcement on the plan for a central fund during the sixth anniversary celebration of the ADA on July 26. No announcement was made on the ADA anniversary.)

We continue to believe that it is probably premature to unveil a government-wide, centrally funded CAP program.

Let me know if you would like to discuss this further.

Diana Fortuna 07/31/98 06:44:11 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP

cc:
Subject: here's a bit more on that DOD CAP program

---------- Forwarded by Diana Fortuna/OPD/EOP on 07/31/98 06:43 PM ----------

Diana Fortuna
07/12/97 01:25:02 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc: Cynthia A. Rice/OPD/EOP, Laura Emmett/WHO/EOP
Subject: Draft memo on expanding Defense Dept's CAP program

If we want to push OMB to expand the DOD computer accommodations to the whole government, here is a draft memo explaining what the program is and why it should be expanded. I know I can't make it happen by talking to OMB, so if we want to do it, we have to convine Frank/Jack or, more likely, get Vicki to do something, given that Erskine made positive noises about it when he met with the appointees. At the moment, it's in the draft executive order.

cap.wpd