

Lisa M. Brown@OVP



08/03/99 05:33:32 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP@EOP

cc:

Subject: FW: SBA Americans With Disabilities Act (<http://www.sba.gov/ada>)

----- Forwarded by Lisa M. Brown/OVP on 08/03/99 05:33 PM -----



ogle-becky@dol.gov

08/03/99 05:25:00 PM

Record Type: Record

To: Lisa M. Brown@OVP@EOP

cc:

Subject: FW: SBA Americans With Disabilities Act (<http://www.sba.gov/ada>)

Could you make sure that Cynthia Rice sees this as well.

-----  
From: Bettie.Baca@sba.gov[SMTP:Bettie.Baca@sba.gov]  
Sent: Tuesday, August 03, 1999 11:37 AM  
To: Ogle Becky; Goldstraw Robert; Button Christopher;  
connieleblond@hotmail.com; Daly Ellen; Lancaster John; judy\_heumann@ed.gov;  
Davis R. (Speed); therkimer@cilberkeley.org  
Cc: Dana.Colarulli@sba.gov; darryl.dennis@sba.gov; james.oconnor@sba.gov  
Subject: SBA Americans With Disabilities Act  
(<http://www.sba.gov/ada/>)

<<SBA Americans With Disabilities Act.url>>

Please visit, on SBA's web site, a new publication of SBA and the U.S.  
Department of Justice--ADA Guide for Small Businesses.

Bettie Baca, Senior Advisor  
Entrepreneurial Development  
409 3rd Street, SW  
Washington, DC 20416  
(202)401-8276  
[bettie.baca@sba.gov](mailto:bettie.baca@sba.gov)

<http://www.sba.gov/ada/>



**MICHAEL WIDOMSKI <MICHAEL.WIDOMSKI@EEOC.GOV>**  
07/22/99 04:36:33 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP

cc:

Subject: Disability Announcements

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Cynthia,

This is in response to your e-mail to Ellen Vargyas of EEOC requesting information on "outreach actions to increase employment of adults with disabilities." I've attached the response from EEOC. I hope this information is what you are looking for. Please feel free to contact me at 202-663-4926 if you have any question regarding the attached document.

Thank you,

Michael Widomski  
EEOC  
Office of Communications and Legislative Affairs



- ada-whitehouse.wpd

**U.S. Equal Employment Opportunity Commission**  
**Outreach Actions to Increase Employment of Adults with Disabilities**

**ADA POLICY GUIDANCE**

In March 1999, the U.S. Equal Employment Opportunity Commission (EEOC) released a comprehensive policy guidance entitled *Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act (ADA)*. The guidance addresses the duty of employers to provide "reasonable accommodations" to applicants and employees with disabilities under Title I of the ADA. The Commission also released a shorter version of the guidance entitled *Small Employers and Reasonable Accommodation*, which is available on EEOC's website ([www.eeoc.gov](http://www.eeoc.gov)).

The guidance will not only help investigators to handle ADA charges more efficiently, but will also provide useful guidance to courts in deciding novel or complex reasonable accommodation issues. Perhaps most importantly, it will enable employers and individuals with disabilities to resolve reasonable accommodation issues in a practical, common sense way -- before they become the subject of an EEOC charge or lawsuit. The guidance also provides clear answers to the most frequently-asked questions concerning what reasonable accommodations are, when they must be provided, and when employers may refuse to provide them.

The following ADA issues are addressed in the policy guidance *Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act*:

- \* The responsibility of individuals with disabilities to request reasonable accommodation and the way an employer should respond to a request;
- \* The circumstances under which employers may ask for documentation showing the need for reasonable accommodation;
- \* Reasonable accommodations for job applicants;
- \* Reasonable accommodations to provide access to employer-sponsored training programs, services (such as the office cafeteria), and social functions;
- \* New information on many types of reasonable accommodations, including job restructuring, unpaid leave, part-time schedules, modified workplace policies, and reassignment;
- \* The relationship between the obligation to provide leave as a reasonable accommodation under the ADA and the requirements of the Family and Medical Leave Act (FMLA);
- \* Changes that employers are not required to make to a job, such as lowering production standards or removing a primary job duty; and
- \* Those instances in which employers may deny a request for a reasonable accommodation because it imposes an "undue hardship" (for example, when an accommodation would disrupt or prevent other employees from doing their jobs).

## **PROJECT IMPACT**

EEOC Chairwoman, Ida L. Castro is currently serving as chair of the Committee on Civil Rights of the Presidential Task Force on Employment of Adults with Disabilities. In this capacity, Chairwoman Castro is developing a comprehensive inter-agency effort aimed at educating and assisting under-served groups in the disability community, especially racial and ethnic minorities, about their civil rights in the work place.

Through this effort — known as Project IMPACT — Chairwoman Castro hopes to accomplish two objectives: (1) increase awareness about the unique needs of minorities with disabilities; and (2) provide minorities with disabilities with the requisite knowledge and opportunities about all aspects of securing gainful employment, including obtaining access to job training, affordable housing, effective transportation, and adequate healthcare. Put simply, Project IMPACT seeks to provide these groups with the necessary information and tools to become productive members of society.

The Committee recently announced that Baltimore, MD was selected for a pilot program. The Project IMPACT pilot program focuses on Federal agencies implementing new initiatives in a particular geographic area and will attempt to engage them in locally coordinated efforts to meet the complex needs of individuals with disabilities, especially racial and ethnic minorities.

## **ADA OUTREACH**

In the first two quarters of FY 1999 alone, EEOC field offices conducted 63 outreach events for disability rights audiences of nearly 2,000 persons. These included 35 oral presentations, 7 training sessions and 12 “stakeholder input” meetings where information was obtained on issues concerning this constituency. Overall, thus far in FY1999, EEOC conducted 1,161 field outreach events covering all laws enforced by the Commission. In approximately 25% of those outreach events, the major topic of discussion was the ADA and “reasonable accommodations.”

EEOC provides more specialized and in-depth training services, on a fee-basis, through its Revolving Fund. Programs sponsored by the Revolving Fund augment those activities that are provided at no cost to the public. Through a little over three quarters of FY 1999, EEOC conducted over 30 Technical Assistance Seminars, addressing topics on the ADA that included reasonable accommodation, psychiatric disabilities, leave issues, policy guidance, and a host of others. In those seminars EEOC reached over 5,000 participants all across the country.

Also through EEOC’s Revolving Fund activities, the Agency also provides fee based “customer specific” training. These are instances where constituency groups contact the Agency to provide detailed training on a specific topic related to employment discrimination. In FY 1999, EEOC conducted training exclusively focusing on the ADA in Dallas, Memphis, San Francisco, and St. Louis, reaching nearly 200 participants.

## Field Office Examples of ADA Outreach:

- \* **The Houston** District Office delivered a sample of its in-depth training course on the ADA at the March meeting of the Texas Governor's Committee for the Employment of People with Disabilities. The Committee requested that the full training program be provided to its employer members later in the year.
- \* Following an initial ADA training session conducted by the **Los Angeles** District Office for 50 small employers in Carson City, Nevada, several requests were received for low-cost ADA training for Reno area employers.
- \* The **San Diego** Area Office, in conjunction with the Imperial Valley EEO Advisory Council, sponsored a one-day ADA seminar for 75 small and mid-size employers in that area, with very positive audience feedback.
- \* The **Detroit** District Office manned an information booth and provided ADA information to participants at an Assistive Technology and Job Fair for Persons with Disabilities. More than 200 of the 1,000 persons attending received information and materials at EEOC's booth. Detroit staff also utilized this event for active networking with employers and disability rights advocates.
- \* The **Charlotte** District Office conducted a workshop on EEO laws for civil rights leaders from 21 Eastern North Carolina counties. The education provided at this session resulted in class ADA and ADEA charges filed against two North Carolina plants.

## OUTREACH INITIATIVES TO SMALL BUSINESS

In an effort to provide vital information on the ADA and other laws enforced by the Agency, EEOC is reaching out to critical stakeholder groups through enhanced customer service, education, and technical assistance. Chairwoman Castro announced a series of innovative actions to improve customer service to small and mid-sized employers. The announcement, part of EEOC's new Small Business Initiative is to promote voluntary compliance and to ease the EEO concerns expressed by many small business owners.

Implementation of the following actions to improve relations between EEOC and small businesses were announced in March 1999:

- Expansion of EEOC's voluntary mediation program on a national level;
- Designation of a small business liaison in every agency district office;
- Availability of public information material and guidance in a "plain language" format;
- Update of the small business information section on EEOC's web site ([www.eeoc.gov](http://www.eeoc.gov)); and
- Development of regional small business outreach plans by agency field offices.



Cynthia A. Rice

07/20/99 02:38:33 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: FYI: SBA Report on Outreach Campaign

FYI, per the question I emailed you all about yesterday (about follow up since last year)

----- Forwarded by Cynthia A. Rice/OPD/EOP on 07/20/99 12:14 PM -----



**Bettie.Baca@sba.gov**

07/20/99 11:24:24 AM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP

cc: goldstraw-robert@dol.gov, Clifton.Toulson@sba.gov

Subject: SBA Disability Outreach Campaign

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Cynthia, attached is an update on our Disability Outreach Campaign. For a full report on the Presidential Task Force, contact Bob Goldstraw at the Task Force.

The U.S. Small Business Administration Disability Outreach Campaign  
July 1999

Administrator Aida Alvarez sits on Presidential Task Force on Employment of Adults with Disabilities and chairs the Committee on Economic Incentives and Entrepreneurship. The Committee is co-chaired by John Lancaster, Executive Director of the President's Committee on Employment of People with Disabilities. It is staffed by Bob Goldstraw for the Task Force and Bettie Baca for SBA.

Our goals are to assure the delivery of SBA programs and services to people with disabilities, assist small businesses in need of qualified workers, and work to remove barriers to entrepreneurial opportunities faced by people with disabilities.

SBA has developed Disability Awareness Training for field staff and resource partners. We have developed resource information, fact sheets, talking points, stump speech, article, and other materials to support to field offices in their efforts to assist small business owners who have disabilities. For example- the L. A. District Office represented SBA at the first Town Hall meeting of

the Presidential Task Force on Employment of People with Disabilities on June 3. The San Antonio District Office held a full day of training on February 26 for disabled individuals interested in starting a business. The Georgia District Office represented SBA at the July 2 national meeting of the National Association of Blind Entrepreneurs in Atlanta, providing information on accessing SBA programs and services.

A cosponsorship agreement with the U.S. Department of Justice Civil Rights Division produced approximately 15,000 copies of a pamphlet entitled ADA Guide for Small Businesses which is being delivered to SBA field offices for distribution to small business clients. The City of Fresno, California has requested 1,000 copies for entrepreneurs there. A second printing will be in Spanish. The pamphlet contains information on the Americans with Disabilities Act (ADA), public accommodations, architectural barriers, tax credits, policies and procedures, communicating with customers, and sources of additional information.

The SBA Office of Veterans Affairs is conducting a Title VII program study related to the needs of small businesses owned by disabled veterans. They are also developing a desktop guide for entrepreneurial training, counseling, management and loan assistance for veterans with disabilities, and they announced a grant program for outreach to service-disabled vets.

Earlier this year, SBA delivered a set of books in braille entitled How to Set Up Your Own Small Business to the National Association of Blind Entrepreneurs for use by their members.

SBA contributed to Re-Charting the Course, the first report of the Task Force, which was delivered to President Clinton in December 1998.

SBA entered into a co-sponsorship agreement with the Small Business 2000 PBS Series to produce a show featuring a successful entrepreneur with a disability. The show aired on about 200 public television stations.

The disabilities issue is included in the Welfare to Work Tool Kit, with references and information on working with people with disabilities.

SBA is partnering with the President's Committee on Employment of People with Disabilities and the Presidential Task Force on Employment of Adults with Disabilities to conduct training in each of 10 regions. The training will: 1) Bring local public and private resources together in working groups to address all of the complex issues related to entrepreneurs with disabilities, and 2) Conduct entrepreneurial training for persons with disabilities. The President's Committee has committed funds to this project; other agencies will be asked to do the same

We are finalizing a Disabilities Web Page for use by small business owners, SBA offices, resource partners, entrepreneurs with disabilities, and potential entrepreneurs. The page will provide information on resources for small business owners and people with disabilities across the federal government.

Bettie Baca, Senior Advisor  
Entrepreneurial Development

409 3rd Street, SW  
Washington, DC 20416  
(202)401-8276  
bettie.baca@sba.gov



- att1.htm

Message Sent To:

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Lisa M. Brown/OVP@OVP  
Jonathan M. Young/WHO/EOP@EOP  
J. Eric Gould/OPD/EOP@EOP  
liz.savage@usdoj.gov @ inet  
Ellen.vargyas@eeoc.gov @ inet  
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Cynthia A. Rice

07/19/99 07:09:48 PM

Record Type: Record

To: liz.savage@usdoj.gov @ inet, Ellen.vargyas@eeoc.gov @ inet, dana.colarulli@sba.gov @ inet, ogle-becky@dol.gov @ inet

cc: J. Eric Gould/OPD/EOP@EOP, Lisa M. Brown/OVP@OVP, Jonathan M. Young/WHO/EOP@EOP  
Subject: Disability Announcements

Can you provide me with an update on actions highlighted in bold below by COB Thursday? (These actions were announced a year ago.) If there is someone else at your agency I should contact instead, please let me know who. Thank you. Cynthia Rice 456-2846 (p) 456-7431 (f)

THE WHITE HOUSE

Office of the Press Secretary

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For Immediate Release

July 29, 1998

July 29, 1998

MEMORANDUM FOR THE ATTORNEY GENERAL  
THE SECRETARY OF HEALTH AND HUMAN SERVICES  
THE CHAIR OF THE EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
THE ADMINISTRATOR OF THE SMALL BUSINESS  
ADMINISTRATION

SUBJECT: Outreach Actions to Increase Employment  
of Adults with Disabilities

As we commemorate the eighth anniversary of the Americans with Disabilities Act of 1990 (ADA), we have much to celebrate. This landmark civil rights law is making it possible for millions of Americans to participate more fully in society -- through employment, access to public facilities, and participation in community and leisure activities -- and to do their part to make us a stronger and better country. At the same time, we are reminded that significant challenges remain. Far too many of the 30 million working-age adults with disabilities are still unemployed, especially those with significant disabilities.

To address employment barriers for people with disabilities, I issued Executive Order 13078 on March 13, 1998, establishing the National Task

Force on Employment of Adults with Disabilities. The Task Force will issue in November the first in a series of reports on what the Federal Government can do to help bring the employment rate of adults with disabilities into line with that of the general population. The Task Force already has identified important ways to reduce barriers to work for people with disabilities, and I hereby direct you to act on these findings.

**First, although awareness of the ADA is increasing among persons with disabilities, employers, and the general public, too many people still are not aware of their rights and responsibilities under the ADA. There is a particular need to educate the small business community, which employs most of the private work force and includes the vast majority of employers.**

**I therefore direct the Attorney General, the Chair of the Equal Employment Opportunity Commission, and the Administrator of the Small Business Administration to expand public education regarding the requirements of the ADA to employers, employees, and others whose rights may be affected, with special attention to small businesses and underserved communities, such as racial and language minorities that may not have ready access to information that is already available.**

Second, lack of adequate private health insurance options is a disincentive to leave Social Security programs for work. Few private health plans cover the personal assistance and other types of services that make work possible for many people with disabilities. Recognizing this problem, I proposed and the Congress passed a new Medicaid option last year that allows people with disabilities to buy into Medicaid without having to receive cash assistance. A number of States have expressed an interest in offering this new option and the Secretary of Health and Human Services has been working with them to do so. Much more, however, needs to be done to increase the public outreach and education activities about these important laws and options.

I therefore direct the Secretary of Health and Human Services to continue to take all necessary actions to inform Governors, State legislators, State Medicaid directors, consumer organizations, employers, providers, and other interested parties about section 4733 of the Balanced Budget Act of 1997. Section 4733 allows States to provide Medicaid coverage for working individuals with disabilities who, because of their earnings, would not qualify for Medicaid under current law. Additional guidance, letters, technical assistance, and other efforts by the Department of Health and Human Services about the enormous benefits of this option can go a long way in encouraging States to adopt and use this Medicaid buy-in.

This memorandum is for the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

WILLIAM J. CLINTON

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**THE PRESIDENT COMMEMORATES SIGNING OF THE AMERICANS WITH  
DISABILITIES ACT BY TAKING ACTIONS TO  
INCREASE EMPLOYMENT AND IMPROVE HEALTH CARE FOR  
PEOPLE WITH DISABILITIES**

**July 29, 1998**

Today, in commemoration of the eighth anniversary of the Americans with Disabilities Act (ADA), the President is signing an Executive Memorandum aimed at increasing employment and health care options for people with disabilities. He is also announcing the release of a letter to Medicaid Directors clarifying that the ADA obligates states to offer appropriate community based services. Finally, to build on these actions, the President is also announcing his commitment to work with Senator Jeffords and Senator Kennedy to pass affordable, feasible legislation to help people with disabilities maintain their health care coverage and return to work. Today, the President met with his Task Force on Employment of People with Disabilities and advocates of people with disabilities. In this meeting, the President is:

**Signing A New Presidential Memorandum to Increase Employment and Health Care Options for People with Disabilities.** While the ADA has been critically important to people with disabilities, significant challenges remain. Since 1993, 15 million new jobs have been created. But the unemployment rate among the 30 million working-age adults with disabilities continues to be much higher than that of the general population -- close to 75 percent for people with significant disabilities. The President signed an Executive Memorandum that will direct the relevant agencies to:

- Expand Public Education About the Americans with Disabilities Act. Although more and more Americans are becoming aware of the ADA, too many employers and employees do not know their rights and responsibilities under the ADA. Today, the President is directing the Attorney General, the Chair of the Equal Employment Opportunity Commission, and the Administrator of the Small Business Administration to expand public education about the requirements of the Americans with Disabilities Act of 1990 to employers, employees, and others whose rights may be affected, with special attention to small businesses and under-served populations.
- Increase Information About New Medicaid Buy-in Option. Many people with disabilities are not able to leave Social Security programs to return to work because they will lose their health care coverage. As part of last year's Balanced Budget Act, the President signed into law a new state option to allow individuals with disabilities who return to work, the ability to purchase critically necessary Medicaid coverage as their earnings increase. Today, the President is directing the Secretary of the Department of Health and Human Services to ensure that Governors, state legislators, and state Medicaid directors work with consumer organizations to take advantage of this important option.

**Issuing Letter Clarifying That ADA Obligates States to Offer Appropriate Community Based Services.** Recent court cases, including Helen L. vs. DiDario, have interpreted the ADA to require states to provide Medicaid services in the “most integrated setting appropriate” to people with disabilities. Today, the Health Care Financing Administration (HCFA) is sending a letter to all State Medicaid Directors clarifying that under these standards, if an individual living in a facility could live in a community with the right mix of support services, reasonable steps should be taken to provide community based services provided it does not fundamentally alter the state program.

**Announcing Support For Policies to Improve Health Options for Working Adults With Disabilities.** The President also announced his strong commitment to work with Senators Jeffords, Kennedy, and other Members of Congress to pass affordable, feasible legislation that helps people with disabilities maintain their health care coverage and return to work. The Jeffords-Kennedy proposal would increase Medicaid options and state resources for people with disabilities. It would also allow all Americans receiving Social Security Disability Insurance to retain their Medicare when they return to work, eliminating a provision in current law that often requires people with disabilities to choose between work and health insurance. The President directs the Administration to utilize all of its policy and budgetary expertise at HHS, the Office of Management and Budget, and the White House to work towards the passage of affordable legislation before the Congress adjourns this year, consistent with the Administration’s commitment to preserving the budget surplus.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

July 29, 1998

July 29, 1998

MEMORANDUM FOR THE ATTORNEY GENERAL  
THE SECRETARY OF HEALTH AND HUMAN SERVICES  
THE CHAIR OF THE EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
THE ADMINISTRATOR OF THE SMALL BUSINESS  
ADMINISTRATION

SUBJECT: Outreach Actions to Increase Employment  
of Adults with Disabilities

As we commemorate the eighth anniversary of the Americans with Disabilities Act of 1990 (ADA), we have much to celebrate. This landmark civil rights law is making it possible for millions of Americans to participate more fully in society -- through employment, access to public facilities, and participation in community and leisure activities -- and to do their part to make us a stronger and better country. At the same time, we are reminded that significant challenges remain. Far too many of the 30 million working-age adults with disabilities are still unemployed, especially those with significant disabilities.

To address employment barriers for people with disabilities, I issued Executive Order 13078 on March 13, 1998, establishing the National Task Force on Employment of Adults with Disabilities. The Task Force will issue in November the first in a series of reports on what the Federal Government can do to help bring the employment rate of adults with disabilities into line with that of the general population. The Task Force already has identified important ways to reduce barriers to work for people with disabilities, and I hereby direct you to act on these findings.

First, although awareness of the ADA is increasing among persons with disabilities, employers, and the general public, too many people still are not aware of their rights and responsibilities under the ADA. There is a particular need to educate the small business community, which employs most of the private work force and includes the vast majority of employers.

I therefore direct the Attorney General, the Chair of the Equal Employment Opportunity Commission, and the Administrator of the Small Business Administration to expand public education regarding the requirements of the ADA to employers, employees, and others whose rights may be affected, with special attention to small businesses and underserved communities, such as racial and language minorities that may not have ready access to information that is already available.

Second, lack of adequate private health insurance options is a disincentive to leave Social Security programs for work. Few private health plans cover the personal assistance and other types of services that make work possible for many people with

more

(OVER)

disabilities. Recognizing this problem, I proposed and the Congress passed a new Medicaid option last year that allows people with disabilities to buy into Medicaid without having to receive cash assistance. A number of States have expressed an interest in offering this new option and the Secretary of Health and Human Services has been working with them to do so. Much more, however, needs to be done to increase the public outreach and education activities about these important laws and options.

I therefore direct the Secretary of Health and Human Services to continue to take all necessary actions to inform Governors, State legislators, State Medicaid directors, consumer organizations, employers, providers, and other interested parties about section 4733 of the Balanced Budget Act of 1997.

Section 4733 allows States to provide Medicaid coverage for working individuals with disabilities who, because of their earnings, would not qualify for Medicaid under current law. Additional guidance, letters, technical assistance, and other efforts by the Department of Health and Human Services about the enormous benefits of this option can go a long way in encouraging States to adopt and use this Medicaid buy-in.

This memorandum is for the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

WILLIAM J. CLINTON

# # #

Jordan Tamagni

07/29/98 11:31:41 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Revised ADA Draft

Revised Draft 7/29/98 11:30am

Sarah Bianchi/Jordan Tamagni

**TALKING POINTS FOR DROP BY MEETING  
ANNIVERSARY OF AMERICANS WITH DISABILITIES ACT  
THE WHITE HOUSE  
July 28, 1998**

**Acknowledgments:** Sec. Herman; SBA Administrator Aida Alvarez; Social Security Commissioner Ken Apfel; Office of Personnel Management Janice Lachance; Becky Ogle, Exec. Dir., President's Task Force; Tony Coelho, Vice Chair, President's Task Force; Justin Dart.

**Today, I am proud to join you in celebrating the eighth anniversary of the Americans with Disabilities Act.** I know I don't have to tell all of you what this historic law has meant for millions of adults and children with disabilities. It has opened doors that were closed for far too long -- from the workplace to the marketplace, from town halls to transportation systems, from restaurants to public restrooms, all across the country. But I can tell you what the ADA has meant to America. By helping to tap the incredible potential of people with disabilities, the ADA is helping us to build a stronger nation for the 21st Century.

**For nearly six years, you and I have worked hard to expand opportunity for every American, leaving no one behind.** Together, we fought to save the Medicaid program; we worked together to reauthorize the Individuals with Disabilities Education Act, insuring that all of our children can live up to their God-given potential. Now I am committed to working with you again to save Social Security first, and to pass a strong enforceable Patients' Bill of Rights that gives all Americans the protections they need to assure high quality health care.

**Today, people with disabilities are more fully a part of American life than ever before.** But when the unemployment rate for adults with disabilities is many

times higher than the national rate, when too many people with disabilities have to make an unthinkable choice between health care coverage and going to work, we must do more.

**Last Spring, I appointed the President's Task Force on Employment of People with Disabilities.** They have reported to me that too many workers and employers are not aware of the rights, responsibilities, and legal requirements of the ADA. Few, if any, states are acting on the new provision I fought for in last year's Balanced Budget Act that enables people with disabilities to buy into Medicaid, and keep their health insurance when they return to work.

**We must ensure that the laws that we have worked so hard to pass fully serve the millions of Americans with disabilities.** Today, I am signing an Executive Memorandum that directs the Justice Department, the Equal Employment Opportunity Commission, and the Small Business Administration to do everything in their power to insure that employers and workers across the country are fully aware of the ADA. I am also directing the Department of Health and Human Services to work with the states and the disability community to take full advantage of the Medicaid disability buy-in provision.

**I am committed to working with Senator Jeffords and Senator Kennedy to pass feasible, affordable legislation that builds on our efforts to help people with disabilities to keep their health insurance -- under Medicaid and Medicare -- when they return to work.** I want to thank Senator Jeffords and Senator Kennedy for their leadership. I am hopeful that working together we can pass a strong bill this year.

**Finally, we have to do more to make sure that our public programs help people with disabilities to live in their communities, not institutions.** We believe that the ADA -- and recent court opinions -- require states to provide more services to people with disabilities to help them live independently. Today, the Health Care Financing Administration is sending a letter to every state Medicaid director that says: if a person with a disability could live in a community with the right mix of support services, states must take reasonable steps to ensure they can.

**With these steps, we will help to realize the full promise of the ADA for millions of Americans.** This month, Vice President Gore announced our plan to build at the FDR Memorial a new statue of President Franklin Roosevelt in the wheelchair from which he led our nation -- a wheelchair he felt he had to hide. We have come a long way since those days -- but you and I know that we still have much to do. We cannot rest until every American is measured not by their disabilities, but by their drive and their dreams. I am confident that working together, we will reach that day soon.

**And now, I will sign the Executive Memorandum to improve health care and**

**expand employment opportunities for thousands of Americans with disabilities.**

**Message Sent To:**

---

Peter A. Weissman/OPD/EOP  
Melissa G. Green/OPD/EOP  
Sarah A. Bianchi/OPD/EOP  
Diana Fortuna/OPD/EOP  
Michelle Crisci/WHO/EOP

July 28, 1998

**AMERICANS WITH DISABILITIES ACT ANNIVERSARY EVENT**

**DATE:** July 29, 1998  
**LOCATION:** Roosevelt Room  
**TIME:** 1:15-1:30 pm  
**FROM:** Minyon Moore, Bruce Reed, and Gene Sperling

**I. PURPOSE**

To sign an Executive Memorandum directing federal agencies to increase public outreach and education about important requirements within the Americans with Disabilities Act and the Medicaid buy-in option within the Balanced Budget Act of 1997. This event is also an opportunity to commemorate the 8th anniversary of the historic Americans with Disabilities Act, which was signed into law on July 26, 1990, and to further your commitment to the Task Force on Employment of Adults with Disabilities that you created this spring.

**II. BACKGROUND**

While the Americans with Disabilities Act makes it possible for millions of Americans to participate more fully in society, the unemployment rate among the 30 million working-age adults with disabilities continues to be significantly higher than that of the general population. For this reason, you signed an executive order in March establishing the Task Force on Employment of People with Disabilities. With Secretary Herman serving as Chair and Tony Coelho serving as Vice-Chair, the Task Force is charged with recommending policies to help increase the employment rate of adults with disabilities. Although the Task Force will not issue its first formal report until November, it already has identified actions that the Administration can take to begin reducing barriers to work. You will issue an Executive Memorandum tomorrow to direct these actions.

The Executive Memorandum will direct relevant agencies to take appropriate actions to expand public education and outreach about regulations within the ADA and the Medicaid buy-in option within the Balanced Budget Act of 1997. Specifically, you will:

- Direct the Attorney General, the Chair of the Equal Employment Opportunity Commission, and the Administrator of the Small Business Administration to

expand public education about the requirements of the Americans with Disabilities Act of 1990 to employers, employees, and others whose rights may be affected -- including, in particular, small businesses and under-served populations.

- Direct the Secretary of Health and Human Services to inform governors, state legislators, state Medicaid directors, consumer organizations, and others about the new Medicaid buy-in option enacted as part of the Balanced Budget Act of 1997. This new option provides Medicaid coverage for individuals with disabilities who, because of their earnings, would not qualify for Medicaid under current law.

You also will announce your strong commitment to working with Senators Kennedy and Jeffords to pass affordable and feasible legislation that helps people with disabilities maintain their health care coverage and return to work. This legislation would allow people with disabilities who return to work to keep their Medicare coverage, eliminating a provision in current law that often requires people with disabilities to choose between work and health insurance. The legislation also would increase the number of people with disabilities able to buy into Medicaid by eliminating the requirement that they have income below 250 percent of poverty and giving states additional resources and bonuses to offer this return-to-work option. Although a prior version of the Kennedy-Jeffords bill was not affordable -- costing \$5 billion over 5 years -- we have worked hard with the Senators' staff to bring the pricetag down to about \$1 billion.

### **III. PARTICIPANTS**

#### PRE-BRIEF PARTICIPANTS

Bruce Reed

Minyon Moore

Chris Jennings

Diana Fortuna

#### EVENT PARTICIPANTS

##### **YOU**

Secretary Alexis Herman

Tony Coelho

\*The audience will consist of approximately 40 Members of the Presidential Task Force on Employment of Adults with Disabilities and representatives from disability advocacy organizations.

### **IV. PRESS PLAN**

Closed press.

### **V. SEQUENCE OF EVENTS**

- \* Prior to your arrival, Tony Coelho will deliver welcoming remarks and introduce Secretary Herman.
- \* Secretary Herman will deliver remarks.
- \* **YOU** will enter the room and deliver brief remarks.
- \* **YOU** will sign the executive memorandum.
- \* **YOU** will work a ropeline and then depart.

## **VI. REMARKS**

Talking points to be provided by Speechwriting.

## **VII. ATTACHMENTS**

- \* List of attendees.

## ADA ANNIVERSARY EVENT ATTENDEES

1. **Paul Marchand**, Director of Governmental Affairs for the ARC and Chair of the Consortium for Citizens with Disabilities
2. **James Brady**, President of the National Brain Injury Association  
**Mary Dixon** (attendant)
3. **Gina McDonald**, President National Council on Independent Living
4. **John Kemp**, CEO Very Special Arts
5. **Justin Dart, Jr.**  
**Shinya Suganuma** (Attendant)
6. **Paul Edwards**, President of American Council for the Blind
7. **Daniel Fisher**, President of National Empowerment Center
8. **Gordon Mansfiel**, CEO Paralyzed Veterans Association
9. **Alan Reich**, CEO National Organization on Disability  
**Mary Dolan** (attendant)
10. **Linda Anthony**, President Pennsylvania Coalition of Citizens with Disabilities
11. **Jeanette Harvey**, CEO United Cerebral Palsy Association
12. **I. King Jordan**, President Gallaudet University
13. **Wade Henderson**, Executive Director Leadership Conference on Civil Rights
14. **Joseph Romer**, Executive Vice President of Public Affairs, National Easter Seals Society

## Q&A on the Commemoration of the Americans with Disabilities Act Event

July 29, 1998

### Announcements Today

**Q: What did the President announce today?**

A: Today the President signed an executive memorandum aimed at increasing the employment of people with disabilities in commemoration of the eighth anniversary of the Americans with Disabilities Act (ADA). In addition, the President announced his commitment to work with Senator Jeffords and Senator Kennedy to pass affordable, feasible legislation to help people with disabilities maintain their health care coverage and return to work. Finally, the President announced that the Health Care Financing Administration is sending a letter to State Medicaid Directors today clarifying that, under the ADA, states must take reasonable steps to provide community-based services to persons with disabilities.

### Executive Memorandum Being Signed

**Q: What is the President signing today?**

A: The ADA is the landmark civil rights law that makes it possible for millions of Americans to participate more fully in society and to do their part to make us a stronger and better country. However, in spite of our strong economy, the unemployment rate among people with disabilities continues to be significantly higher than that of the general population.

To address this problem, last March the President signed an executive order establishing the Task Force on Employment of People with Disabilities, which is charged with recommending policies to help bring the employment rate of adults with disabilities to a rate as close as possible to that of the general population. Next November, the Task Force will issue its first formal report. However, as a result of its preliminary work, the President is taking two actions today to reduce barriers to work for adults with disabilities.

First, the President is directing the Attorney General, the Chair of the Equal Employment Opportunity Commission, and the Administrator of the Small Business Administration to expand public education about the requirements of the Americans with Disabilities Act of 1990 to employers, employees, and others whose rights may be affected, with special attention to small businesses and under-served populations. Although awareness of the ADA is increasing, too many people are still unaware of its requirements.

Second, the President is directing the Secretary of the Department of Health and Human Services to inform Governors, state legislators, state Medicaid Directors, consumer organizations, and others of a new Medicaid option first proposed by the President and enacted as part of the Balanced Budget Act. This new option provides Medicaid coverage for individuals with disabilities who, because of their earnings, would not qualify for Medicaid under current law. This will help address the fact that a lack of adequate private health insurance can often serve as a disincentive to leave Social Security programs for work.

## Public Education on the ADA

**Q: How is this public education campaign about the requirements of the Americans with Disabilities Act different from what you currently do?**

**A:** This directive reflects an expansion of our efforts to educate Americans about the ADA. In addition, it is the first time that the Department of Justice and EEOC will work collaboratively with the Small Business Administration to educate small businesses about their obligations under the ADA. For example, SBA will make information on the ADA available on-line to small businesses as part of their general outreach to that community. In addition, DOJ and EEOC will target more information to under-served populations that may not already have access to information about the ADA, such as non-English speakers, individuals with mental retardation, and minorities.

**Q: Will the public education campaign require a budget increase for the Department of Justice, the EEOC, and the SBA?**

**A:** No, the public education campaign will be funded using allocations in the current budget.

**Q: Are businesses complying with the Americans with Disabilities Act?**

**A:** There are no comprehensive surveys on compliance by the more than 600,000 employers covered by the ADA. Clearly large numbers of employers have taken steps to comply voluntarily with the ADA. Both the EEOC and the Department of Justice receive many complaints each year based on the ADA, and Justice Department's ADA Information got 16,000 calls last year from individuals relating instances of potential discrimination. The fact that so many individuals call and file complaints suggest that many people are beginning to understand their rights under the ADA. It also suggests that we need to ensure that employers understand their obligations.

**Q: Do we have a reason to believe that small business compliance with the Americans with Disabilities Act is worse than compliance by larger companies?**

**A:** Again, we have no comprehensive surveys on compliance. The fact that small businesses employ most of the private work force and include the vast majority of employers means that it is critical to focus on this group. In addition, there is evidence that many small businesses mistakenly believe they are exempt from the Americans with Disabilities Act. That's why we believe that the collaborative effort among DOJ, EEOC, and SBA is so promising -- because it will combine the ADA knowledge and outreach materials of DOJ and EEOC with SBA's small business network.

**Q: Hasn't the ADA not helped -- and even hurt -- people with disabilities by making employers afraid to hire individuals with disabilities because of concern over frivolous lawsuits? (This refers to article in Sunday's Washington Post Outlook Section.)**

**A:** No. The small number of frivolous lawsuits that have been filed are not unique to the ADA, and the EEOC and federal courts have the authority to dismiss claims that lack merit. In the absence of the ADA, people with disabilities would lack tools necessary for combating the myths, fears, and stereotypes that have long excluded them from the workplace and public accommodations.

## Health Care

**Q: The second directive instructs the Department of Health and Human Services to inform states about the new Medicaid options in the Balanced Budget Act, Section 4733. How many states have opted to use the new Medicaid buy-in options in the Balanced Budget Act?**

**A:** To date, we believe that no state has taken advantage of this option, although some are expressing an interest in doing so. This Medicaid option is very promising because it would enable individuals with disabilities to work without losing their health insurance by allowing them to buy-into Medicaid without having to receive cash assistance. The outreach campaign would increase state awareness of a Medicaid option that promises to increase employment of individuals with disabilities.

**Q: What did the President mean when he announced today that Administration officials are working with Kennedy and Jeffords? Is he endorsing the bill they have already introduced? What is the cost of that bill?**

**A:** The President referred to the fact that Administration officials have been meeting with Senators Kennedy and Jeffords staffs in an effort to develop affordable health care legislation that would make it possible for more people with disabilities to go to work through expansion of health coverage options, including the Balanced Budget Act's Medicaid buy-in. We have not endorsed the specific bill they have introduced, which has a cost of \$5 billion over 5 years.

**Q: Doesn't it create a burden on states to comply with the ADA by providing more Medicaid services so that people with disabilities can live in the community instead of in nursing homes?**

**A:** Recent court cases, including Helen L. vs. DiDario, have interpreted the ADA to require states to provide Medicaid services in the "most integrated setting appropriate" to people with disabilities. Today, the Health Care Financing Administration (HCFA) is sending a letter to all State Medicaid Directors clarifying that under these standards, if an individual living in a nursing home chooses to live and could live in a community with the right mix of support services, reasonable steps should be taken to provide community based services provided it does not fundamentally alter the state program. The language of this letter clarifies the proper balance between the concerns of states on the one hand, and the fact that people with disabilities should be able to live in their homes and communities if that is their choice.

## Task Force

**Q: What is the President's Task Force on Employment of People with Disabilities?**

**A:** On March 13, 1998 the President signed an executive order creating the Task Force on Employment of People with Disabilities to develop and recommend federal policies to reduce employment barriers for persons with disabilities. Secretary Herman chairs the Task Force and Tony Coelho, Chairman of the President's Committee on Employment of People with Disabilities, serves as Vice-Chair. The Task Force also includes many other members of President Clinton's Cabinet.



**DEPARTMENT OF HEALTH & HUMAN SERVICES**  
**Health Care Financing Administration**

**Center for Medicaid and State Operations**  
**7500 Security Boulevard**  
**Baltimore, MD 21244-1850**

JUL 29 1998

Dear State Medicaid Director:

In the Americans with Disabilities Act (ADA), Congress provided that "the Nation's proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for such individuals." 42 U.S.C. § 12101(a)(8). Title II of the ADA further provides that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity, or be the subject of discrimination by any such entity." 42 U.S.C. § 12132. Department of Justice regulations implementing this provision require that "a public entity shall administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities." 28 C.F.R. § 35.130(d).

We have summarized below three Medicaid cases related to the ADA to make you aware of recent trends involving Medicaid and the ADA.

In L.C. & E.W. v. Olmstead, patients in a State psychiatric hospital in Georgia challenged their placement in an institutional setting rather than in a community-based treatment program. The United States Court of Appeals for the Eleventh Circuit held that placement in an institutional setting appeared to violate the ADA because it constituted a segregated setting, and remanded the case for a determination of whether community placements could be made without fundamentally altering the State's programs. The court emphasized that a community placement could be required as a "reasonable accommodation" to the needs of disabled individuals, and that denial of community placements could not be justified simply by the State's fiscal concerns. However, the court recognized that the ADA does not necessarily require a State to serve everyone in the community but that decisions regarding services and where they are to be provided must be made based on whether community-based placement is appropriate for a particular individual in addition to whether such placement would fundamentally alter the program.

In Helen L. v. DiDario, a Medicaid nursing home resident who was paralyzed from the waist down sought services from a State-funded attendant care program which would allow her to receive services in her own home where she could reside with her children. The United States Court of Appeals for the Third Circuit held that the State's failure to provide services in the "most integrated setting appropriate" to this individual who was paralyzed from the waist down violated the ADA, and found that provision of attendant care would not fundamentally alter any State program because it was already within the scope of an existing State program. The Supreme Court declined to hear an appeal in this matter; thus, the Court of Appeals decision is final.

## Page 2 - State Medicaid Director

In Easley v. Snider, a lawsuit, filed by representatives of persons with disabilities deemed to be incapable of controlling their own legal and financial affairs, challenged a requirement that beneficiaries of their State's attendant care program must be mentally alert. The Third Circuit found that, because the essential nature of the program was to foster independence for individuals limited only by physical disabilities, inclusion of individuals incapable of controlling their own legal and financial affairs in the program would constitute a fundamental alteration of the program and was not required by the ADA. This is a final decision.

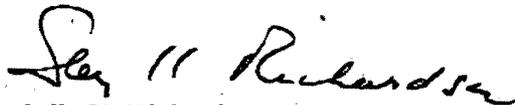
While these decisions are only binding in the affected circuits, the Attorney General has indicated that under the ADA States have an obligation to provide services to people with disabilities in the most integrated setting appropriate to their needs. Reasonable steps should be taken if the treating professional determines that an individual living in a facility could live in the community with the right mix of support services to enable them to do so. The Department of Justice recently reiterated that ADA's "most integrated setting" standard applies to States, including State Medicaid programs.

States were required to do a self-evaluation to ensure that their policies, practices and procedures promote, rather than hinder integration. This self-evaluation should have included consideration of the ADA's integration requirement. To the extent that any State Medicaid program has not fully completed its self-evaluation process, it should do so now, in conjunction with the disability community and its representatives to ensure that policies, practices and procedures meet the requirements of the ADA. We recognize that ADA issues are being clarified through administrative and judicial interpretations on a continual basis. We will provide you with additional guidance concerning ADA compliance as it becomes available.

I urge you also, in recognition of the anniversary of the ADA, to strive to meet its objectives by continuing to develop home and community-based service options for persons with disabilities to live in integrated settings.

If you have any questions concerning this letter or require technical assistance, please contact Mary Jean Duckett at (410) 786-3294.

Sincerely,



Sally K. Richardson  
Director

cc: All HCFA Regional Administrators

All HCFA Associate Regional Administrators  
for Medicaid and State Operations

**Page 3 - State Medicaid Director**

**Lee Partridge**  
**American Public Human Services Association**

**Joy Wilson**  
**National Conference of State Legislatures**

**Jennifer Baxendell**  
**National Governors' Association**

THE WHITE HOUSE  
WASHINGTON

July 27, 1998

MEMORANDUM TO: Bob Damus  
OMB General Counsel

FROM: Chris Jennings *CJ*  
Diana Fortuna *DF*

CC: Jack Lew  
Barbara Chow  
Mac Reed

SUBJECT: Attached Draft Executive Memorandum

Attached is a draft executive memorandum that directs the Department of Justice, Equal Employment Opportunity Commission, and Small Business Administration to conduct additional outreach about the requirements of the ADA, and directs the Department of Health and Human Services to conduct additional outreach about a new Medicaid state option authorized under Section 4733 of the Balanced Budget Act, to further our goal of increasing employment of people with disabilities. It was written by DPC in consultation with OMB and NEC.

We plan to have the President issue this memorandum at an event this coming Wednesday that will commemorate the eighth anniversary of the ADA and acknowledge the efforts to date of the President's Task Force on Employment of Adults with Disabilities. Therefore, we need agencies' clearance of this document by close of business today at the latest.

Thank you for your help.

DRAFT

MEMORANDUM FOR THE ATTORNEY GENERAL  
THE SECRETARY OF HEALTH AND HUMAN SERVICES  
THE CHAIRMAN OF THE EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
THE ADMINISTRATOR OF THE SMALL BUSINESS  
ADMINISTRATION

SUBJECT: OUTREACH ACTIONS TO INCREASE EMPLOYMENT OF PEOPLE  
WITH DISABILITIES

As we commemorate the eighth anniversary of the Americans with Disabilities Act, we have much to celebrate. This landmark civil rights law is making it possible for millions of Americans to participate more fully in society, including employment, public facilities, and community and leisure activities, and to do their part to make us a stronger and better country. At the same time, we are reminded that significant challenges remain since far too many of the 30 million working-age adults with disabilities are still unemployed, especially those with severe disabilities. [percent]

To address barriers to work for people with disabilities, I established a Task Force on Employment of Adults with Disabilities last March. By November, it will recommend what the federal government can do to help bring the employment rate of adults with disabilities to a rate "as close as possible" to that of the general population. However, it has already identified important barriers for people with disabilities who want to return to work that could be addressed immediately.

First, although awareness of the ADA is increasing among both persons with disabilities and the general public, too many people still are not aware of what the ADA offers and requires. There is a particular need for education among small business, which employs most of the private work force and includes the vast majority of employers.

Second, lack of adequate private health insurance options appear to be a disincentive to leave Social Security programs for work. Few private health plans cover the personal assistance and other types of services that enable work. Recognizing this problem, I proposed and the Congress passed a new Medicaid option last year that allows people with disabilities to buy into Medicaid without having to receive cash assistance. Unfortunately, no state has taken advantage of this option to date.

Both of these problems could be significantly addressed through actions to increase public outreach and education activities about these important laws and options. Therefore, I am directing the Attorney General, the Secretary of Health and Human Services, the Chairman of the Equal Employment Opportunity Commission, and the Administrator of the Small Business Administration to take the following actions.

First, I direct the Attorney General and the Chairman of the Equal Employment Opportunity Commission to develop a public education campaign to provide information regarding the requirements of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, to employers, employees, and others whose rights may be affected, with special attention to under-served constituencies.

Second, I direct the Attorney General, the Chairman of the Equal Employment Opportunity Commission, and the Administrator of the Small Business Administration to increase educational outreach to small businesses regarding their obligations under the Americans with Disabilities Act of 1990.

Third, I direct the Secretary of Health and Human Services (HHS) to take all necessary actions to inform Governors, state legislators, state Medicaid Directors, consumer organizations, employers, providers and other interested parties about Section 4733 of the Balanced Budget Act of 1997. Section 4733 allows states to provide Medicaid coverage for working individuals with disabilities who, because of their earnings, would not qualify for Medicaid under current law. Guidance, letters, technical assistance and other efforts by HHS about the enormous benefits of this option can go a long way in encouraging states to adopt this Medicaid buy-in.

Erskine briefing

**Briefing for Meeting with Secretary Herman and Tony Coelho  
on President's Task Force on Employment of Adults with Disabilities**

Summary

As Chair and Vice-Chair of the new President's Task Force on Employment of Adults with Disabilities, Secretary Herman and Tony Coelho want to brief you on their progress since their work began in March. They also will request that the President do an event in the coming days to commemorate the eighth anniversary of the Americans with Disabilities Act. (The anniversary is July 26.) Their concept is that the President would acknowledge the anniversary at a small event where he would sign some Presidential directives prepared by the Task Force. We are currently vetting these potential directives, some of which have significant budget implications. Moreover, the President may not have time to do such an event in the first place.

We recommend that you listen to their progress report, congratulate them on their work to date, and hear their arguments for an event, but hold open the question of whether an event is possible.

Background

In March of this year, the President signed an executive order creating this Task Force. Its mandate is to determine what the federal government can do to help bring the employment rate of adults with disabilities to a rate "as close as possible" to that of the general population. The Task Force is composed entirely of Administration agency heads, including those at HHS, SSA, Education, Treasury, Commerce, Transportation, SBA, VA, EEOC, OPM, and the National Council on Disability. It has met once so far, although its staff and subcommittees have been quite active.

The Task Force is mandated to issue its first report on November 15, with subsequent reports in 1999, 2000, and 2002. However, Alexis and Tony have decided to issue an early report now, at their second meeting in July, to show that the Task Force will move quickly to address issues so critical to the disability community.

The proposal for the President's signing of the Executive Order grew partly out of the disability community's dissatisfaction with our recent progress on issues important to them. In early 1997, you met with a group of Administration appointees with disabilities, led by Marca Bristo, where the group expressed its strong support for the President but stated that they felt disability issues too often took a back seat to other Administration initiatives. In September 1997, the President met with a group of disability advocates, where he spoke knowledgeably about disability issues, and endorsed the idea of a task force. He signed the executive order in March.

(Tony's role in the Task Force arises from his role as Chair of the President's Committee on Employment of People with Disabilities, as well as his own longstanding interest in this subject as a person with a disability. Alexis and DOL had not previously been very involved in these issues, but have embraced them since we made the decision to have DOL chair the Task Force.)

### Specifics of Event Request

Alexis and Tony would like an event in the Roosevelt Room with 25-30 representatives of the disability community. Their proposed format is (1) Alexis and Tony would present the President with their July report; (2) the President would sign some directives they have prepared; and (3) the President would make brief remarks acknowledging the anniversary.

Alexis and Tony submitted an earlier request to Scheduling for a much larger event -- for the President to attend a meeting of the Task Force before an audience of 200. There was little interest here in such an event, and they have now scaled back their request.

### Substantive Concerns

There are two unresolved problems with the task force's suggestions for immediate action by the President, and therefore with the concept of an event itself. First, most of their suggestions either cost money that we have not yet agreed to spend, or they are fairly small items that may not rise to the level of a Presidential directive. (See attached summary of suggestions.)

Therefore, we are trying to sort through this hodge-podge to determine whether there is enough meat to warrant a Presidential event, should we decide to hold one. Alexis and Tony are pushing us either to commit money in the FY2000 budget or, at a minimum, to have the President direct agencies to propose specific items for inclusion in the budget. OMB is concerned about boxing in the Administration at this early point, but may be open to a Presidential directive that would direct agencies to consider ways to help adults with disabilities participate in the workforce as they develop their proposals for the FY2000 budget, with the understanding that agencies still must operate within overall budget constraints.

Second, this event would come at an awkward point in the debate on health insurance for people with disabilities who go to work. The disability community's top priority is legislation to allow people to keep Medicaid or Medicare when they leave the SSI or SSDI rolls to return to work. Senators Jeffords and Kennedy have introduced a bill with a cost of \$5 billion over five years that is tremendously popular with the community. In addition to the tremendous difficulty of finding \$5 billion in offsets, we have major policy concerns with the bill (e.g., partial benefit package, means-testing of Medicare, not the most efficient use of resources).

We have been silent about the bill publicly, but are now working quietly with Jeffords and Kennedy on a lower-cost alternative. However, it is highly unlikely that we could reach agreement with the Hill on this issue within the next week or so. OMB strongly opposes any commitment on Kennedy-Jeffords at this juncture.

Alexis and Tony are aware of these issues, but are still optimistic that we will resolve the health issue or find some middle ground. They also believe that it would be worse for there to be no event at all. At the meeting, Tony may push very hard for the President to announce something substantive (like support for Kennedy-Jeffords or its principles) in July, and argue that it is critical for the Task Force to demonstrate early that it can move the Administration on a major issue. However, we could also wait until the Task Force's first official report in November to make any major policy announcements.

## Talking Points

- Thank you so much for your hard work on this critical issue in the four months since the President signed the Executive Order in March. I understand that the Task Force has gotten off to a very strong start.
- Thanks especially to Seth Harris [counselor to Secretary Herman, who has organized the work of the Task Force to date] and to Becky Ogle [newly named Executive Director of the Task Force; an activist who handled disability issues for the 1996 campaign].
- In spite of advances in civil rights and technology that should make it possible for more of the 50 million Americans with disabilities to work, I know that far too many do not, especially those with severe disabilities. Determining how to remove barriers to work for people with disabilities is the critical work that we have asked the Task Force to undertake. I assure you of our commitment to work constructively with you and to consider seriously all the recommendations you make.
- Because of the President's busy schedule, it is not clear at this time whether he can do an event. However, I know you have been working productively with staff from Scheduling, DPC, NEC, and OMB. I encourage you to continue to do so over the next few days as we determine whether an event is indeed possible.

[If you are pressed to announce support for Kennedy-Jeffords or one of the other proposals with a budget impact:]

- Unfortunately, at this point we have not completed the process we must go through that would allow us to announce support for a new health initiative or a new tax credit. As I think you know, staff here are very actively engaged in working with you to complete that process. At the same time, we are evaluating several of your other suggestions for Presidential directives that do not raise budget questions. The staff here can say more about that.

## **Suggestions by Task Force for Immediate Presidential Action**

### Major Proposals with Budget Impact

- New health initiative that is an “incremental step” toward Kennedy-Jeffords. (Anything less than Kennedy-Jeffords itself may not satisfy the disability community.)
- New tax credit for employers and/or individuals with disabilities with extraordinary disability-related expenses, such as assistive technology or a personal assistant.
- New BRIDGE grant program for states and locals to better coordinate assistance for those seeking to return to work.

The task force proposes that the President direct relevant agencies to propose these items for inclusion in the FY2000 budget. An alternative approach is for the President to direct agencies to consider ways to help adults with disabilities to participate in the workforce as they develop their proposals for the FY2000 budget, but recognize the challenges we face in maintaining fiscal discipline and be consistent with budget guidelines established by the Administration.

### Other Presidential Directives (still being vetted by OMB and agencies)

- Direct SBA to educate people with disabilities about eligibility for Section 8(a) program.
- Direct HHS to inform states and people with disabilities about a new Medicaid buy-in that the Administration proposed and championed, and that was enacted as part of the Balanced Budget Act last year. It will help people with disabilities keep health coverage under Medicaid as their earnings increase. (This is our answer to Kennedy-Jeffords, but unfortunately no states have yet embraced this state option.)
- Direct federal agencies to evaluate whether the technology they use is accessible to employees with disabilities, as called for in legislation we support.
- Direct federal agencies to make their Internet sites accessible by July 1999.
- Direct OMB to ensure that federal agencies know they are no longer under headcount ceilings that formerly served as a disincentive for them to hire people with disabilities who need a personal assistant, such as a reader for a blind employee.
- Challenge Congress to extend the Work Opportunity Tax Credit and Welfare-to-Work Tax Credit, and direct federal agencies to publicize that the credit can be used to hire people in the federal SSI and vocational rehabilitation programs.
- Direct DOJ and EEOC to develop a public education campaign on ADA requirements.
- Direct EEOC, DOJ, and SBA to educate small businesses about ADA requirements.
- Direct federal agencies to ensure that people with disabilities are integrated into One-Stop Centers, and that America’s Job Bank is accessible to people with disabilities.
- Direct VA and Labor to work better together to return disabled veterans to work.
- Direct federal agencies to increase the number of student interns with disabilities.
- Direct agencies to encourage universities to increase the number of candidates with disabilities for the Presidential Management Interns and Presidential Scholars programs.
- Direct DOT to do a better job on outreach on the ADA and other laws.

### Presidential Challenges or Statements

- Challenge Congress to enact “Ticket to Work and Self-Sufficiency” proposal that is based on an Administration proposal and has now been passed by the House.
- Challenge Congress to pass the Patient Bill of Rights, to help people with disabilities who move from the disability rolls to private employment and health insurance.
- Challenge Congress to reauthorize the Rehabilitation Act.

Cecilia's list

July 21, 1998

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

**PROPOSED PACKAGE DIRECTIVES FOR ANNOUNCEMENT**

The following is a proposal for the actual list of directives that would be announced at the end of July (grouped according to purpose):

Increased Outreach and Information

- No
1. ***The President directs the Small Business Administration to launch a new outreach campaign to educate Americans with disabilities who own or want to start their own businesses about increased access to the Section 8(a) program and to the untapped advantages of being "a small socially and economically disadvantaged business (SDB)."***

Section 8(a) provides contracting opportunities for disadvantaged businesses. An outreach campaign would improve information to the disabled community about their eligibility for this program. [This option is still be vetted with SBA and OMB.]

- Yes
2. ***The President directs the Department of Health and Human Services to take all necessary actions to inform Governors, state legislators, state Medicaid Directors, consumer organizations, employers, providers and other interested parties of the new Medicaid buy-in options in the Balanced Budget Act that would assure medical insurance for workers with disabilities and people with disabilities seeking employment.***

This directive is important because many Governors, state Medicaid Directors, consumer organizations, employers and other interested parties are simply unaware of the new provisions in the Balanced Budget Act.

- Yes
3. ***The President directs the Department of Justice and the EEOC to develop a public education campaign to provide information regarding the requirements of the Rehabilitation Act and the Americans with Disabilities Act to employers, employees and others whose rights may be affected, with special attention to under-served constituencies.***

- Yes
4. ***The President directs the EEOC, the Department of Justice, and the Small Business Administration to increase educational outreach to small businesses regarding their obligations under the Americans with Disabilities Act.***

The previous two proposed directives would increase information to employees, employers, and others regarding the rights of individuals with disabilities.

- No
5. ***The President directs the Office of Management and Budget to inform all federal agencies and departments about the rules governing the budget and personnel status of Schedule A readers, interpreters, or other personal assistance service providers providing reasonable accommodations to federal employees as required by Section 504 of the Rehabilitation Act. The President further directs Office of Personnel Management***

*periodically to distribute and update information on the use of special non-competitive hiring authorities, including those relating to disabled veterans and Schedules A and B for use by federal managers and supervisors with hiring authority.*

Because many departmental and agency officials are unaware of the rules governing the acquisition of special devices and services for the disabled, improving this information would increase hiring of adults with disabilities in the Federal government.

Improved Access to Information and Services via Technology — All VP event

1. *The President directs all federal agencies and departments to evaluate whether the electronic and information technology they use are accessible to federal employees with disabilities as required by the Administration's proposed reauthorization changes to Section 508 of the Rehabilitation Act of 1973, as amended. Each agency and department will submit a report containing this evaluation to the Attorney General by not later than 6 months after the enactment of the new law. The General Services Administration and the Access Board will provide technical assistance to other federal agencies and departments concerning existing technical and functional performance criteria and evaluation tools.*
2. *The President directs all federal agencies and departments to make their Internet sites accessible to individual with disabilities by July 1, 1999. The President further directs the Council of Chief Information Officers to provide technical assistance and guidance consistent with the universal design guidelines established through the joint Federal Government-World Wide Web Consortium Web Accessibility Initiative initiated by the White House last year.*

The previous two proposed directives would highlight that the Federal government is committed to making its computer and electronic devices accessible to individuals with disabilities.

3. *The President directs the Department of Labor to assure that America's Job Bank and America's Talent Bank are accessible to individuals with disabilities seeking employment.*

This directive highlights that the Federal government is committed to making its services accessible to individuals with disabilities.

Improved Access to Programs

- Went
1. *The President directs the Labor Department, Education Department, Social Security Administration, Small Business Administration, Transportation Department, Commerce Department, Health and Human Services Department, and Veterans Affairs Department to propose for inclusion in the President's FY 2000 budget the Building Resources for Individuals with Disabilities to Gain Employment (BRIDGE) program. The purpose of this proposed grants program is to increase the employment rate of adults with disabilities by fostering interdisciplinary consortiums of and service integration by providers of*

***services to adults with disabilities at the state and local level.***

Because adults with disabilities often require services and resources from a variety of places (such as health care and transportation), if agencies and departments are not well coordinated it can be difficult for the disabled to have adequate information to obtain and retain employment. This program would help facilitate such coordination by providing planning grants to organizations to create partnerships between the many agencies serving the disabled community.

- Wart
2. ***The President directs the Departments of Labor, Education, Health and Human Services, Veterans Affairs, Transportation, the Small Business Administration, and the Social Security Administration to assure that all appropriate programs relating to the employment of adults with disabilities are integrated into the One-Stop Career Center system.***

Because the interpretation of the principle of universality has been left to the local One-Stop Centers, the disability community concerned that their interests are not adequately represented in many One-Stop Centers. This directive would encourage the One-Stop System to integrate consumers with disabilities into their system.

Alternate "Budget" Option

X ***The President directs all agencies to consider ways of helping adults with disabilities to participate in the workforce as they develop their proposals for the FY2000 budget while recognizing the challenges that agencies and the government face in maintaining fiscal discipline in a manner that is consistent with the guidelines established by the Administration.***

Rhetoric  
Presidential Challenges (These could be part of the "message")

1. ***The President challenges Congress to enact, before adjourning this year, the Ticket to Independence. The Ticket would provide resources for and allow customer choice in the selection and purchase of necessary services to enable adults with disabilities to find and keep gainful employment.***

Both the Administration and the disability community actively support the Ticket to Independence provisions as passed by the House of Representatives last month.

2. ***The President challenges Congress to extend the work opportunity tax credit (WOTC) and the welfare-to-work tax credit through April 30, 2000. The President directs the Labor Department, the Education Department, the Small Business Administration, the Social Security Administration, and the Veterans Affairs Department to provide guidance to their respective systems and other interested parties to maximize opportunities for employers of vocational rehabilitation and Supplemental Security Income recipients to***

***use the Work Opportunities Tax Credit.***

Although they encourage the expansion and development of employment services for adults with disabilities, the work opportunity (WOTC) and welfare-to-work tax credits are not used widely by employers of vocational rehabilitation and Social Security Income recipients. Again, better information would increase utilization.

3. ***The President challenges Congress to enact, before adjourning this year, a Patients' Bill of Rights. The Bill of Rights would require a choice of providers including provider network adequacy provisions, access to specialist, information disclosure, transitional care provisions; access to emergency room services; participation in treatment decisions including anti-gag clauses and requiring disclosure of financial incentives; protection of the confidentiality of health information; anti-discrimination provisions; and access to an appeals process. All of these issues are relevant to the assessment made by adults with disabilities of whether seeking and remaining in employment will address their need for good-quality, responsive health care.***

Often adults with disabilities are left out of the mainstream debate over managed health care because many mistakenly believe that disabled individuals do not participate in such plans. It would be significant for the President to include the disabled community in this otherwise mainstream discussion of health care.

4. ***The President challenges Congress to reauthorize the Rehabilitation Act of 1973, as amended, before adjourning this year.***

The Rehabilitation Act authorizes provisions of anti-discrimination in the federal sector, and establishes and funds Centers for Independent Living across the country. Presidential support reinforces the Administration's recognition of its importance.

Forward to Ceci

Andrea Kane

07/17/98 09:03:39 AM

Record Type: Record

To: Diana Fortuna/OPD/EOP, Cynthia A. Rice/OPD/EOP

cc: Paul J. Weinstein Jr./OPD/EOP

Subject: Disability Task Force ideas

Here are my thoughts on the possible directives you wanted us to review:

1. Workforce Development #3 re: WOTC.

Our FY 99 budget called for extension through 4/30/2000 to synchronize it w/ WTW tax credit. Most people think WOTC will be included in an extenders bill, but timing of the bill and length of extension is not clear at this point. Challenging congress to extend through 2000 would be fine in principal--question is how to pay for it. Some people say we should be careful about singling out particular tax credits, since we several high priorities to be extended, but in the context of a disabilities event this would make sense. Treasury would need to weigh in as well. Directing the agencies to provide guidance on maximizing use of WOTC for employers of voc rehab and SSI recipients is probably useful. They are among the existing target groups, but data from DOL for 1st 2 Qs of 98 shows low usage for these groups -- 3,251 for VR and 906 for SSI, out of a total 115,118. I'd include Treasury on the list of agencies who should do outreach/provide guidance. Paul, any other thoughts?

2. Workforce Development #8 re: WTW grants.

There is a lot of interest in, and need for, focusing on this population, especially as we get to tougher cases. But, I think I'd reframe this to direct DOL to highlight, promote, encourage, provide TA to increase use of formula and competitive grants for welfare recipients, and non-custodial parents, with disabilities. They could reach out to groups that serve people with disabilities, promote successful models, maybe hold a conference etc. I'm not sure what directing them to use their discretion to provide funding for this population really means since it is up to locals to decide how, and on whom, to use 85% of formula grants, and the competitive grants are awarded through a competitive process. I suppose DOL could encourage Govs to use some of their 15% \$. Perhaps they could set aside a % of the competitive grants for projects that serve this population, but that sets a precedent. The SGA for compet grants listed people with learning disabilities as among the groups that applicants were encouraged to consider. This could be broadened to include other disabilities. A few of the 1st round competitive grant winners did focus on people with disabilities.

↓  
What did Ceci do w/ this one?

Record Type: Record

To: Diana Fortuna/OPD/EOP, Cecilia E. Rouse/OPD/EOP  
cc: Barry White/OMB/EOP, Larry R. Matlack/OMB/EOP  
Subject: Potential Presidential Directives--Disabled Employment

We circulated to OMB staff the Task Force on the Employment of Adults with Disabilities' July 13th draft of potential presidential directives and the Task Force's long term agenda. The items which raised concerns are discussed below.

### PRESIDENTIAL DIRECTIVES

There are several items which direct agencies to "propose for inclusion in the President's FY 2000 budget". This is an unacceptable by-pass of the budget process. Although the agencies are only proposing initiatives for inclusion, in reality by having the President publicly announce that he's asking for the proposal, it would create public pressure for OMB and the Administration to accept these proposals without analysis and weighing them against other budget priorities. We cannot agree to direct ives that potentially co-op the Administrations decisio on the FY00 Budget.

This language must be removed. The directives which contain this language are: Health Care #2 (Kennedy-Jeffords), Workforce Development #4 (Tax Credit), #5 (BRIDGE). Other concerns were raised about these three initiatives which are discussed below.

#### Not suitable for announcement

Expanding Medicaid Coverage (Health Care #2) This proposal has significant costs and needs offsets. The proposal would need to be weighed against other spending priorities. This one must be dropped.

Budget Initiative (Others #1) OMB will not ask agencies to include FY00 budget proposals to advance the E.O. We are willing to review programs addressing issues affecting the employment of people with disabilities.

#### Changes needed

Medicaid Buy-In (Health Care #3) Suggest changing "ensure" to "educate" or "advise", since we can't "ensure" that groups are fully aware of the buy-in provisions. OK

Accessible IT, per Proposed Section 508 of the Rehabilitation Act (Federal Government as Model Employer #4) The bullet does not accurately describe the Administration's proposal on Section 508 of the Rehab. Act. This needs to be rewritten as follows:

"The President directs all federal agencies and departments to evaluate whether the electronic ~~devices~~ and information technology they use are accessible to federal employees with disabilities as required by the Administration's proposed reauthorization changes to Section 508 of the Rehabilitation Act of 1973, as amended. Each agency and department will submit a report containing this evaluation to the Attorney General by ~~July 30, 1999~~ **not later than 6 months after the enactment of the new law.** The General Services Administration and the Access Board, ~~the~~

~~National Institute on Disability and Rehabilitation Research/DoED, Department of Commerce's NIST, and the Department of Defense CAPTEC program~~ will provide technical assistance to the other federal agencies and departments concerning existing technical and functional performance criteria and evaluation tools."

It is important that the provisions in the Administration's proposal for the reauthorization of the Rehab Act are all enacted together as there are some elements which have costs and others which have savings. The provisions proposed by the Task Force have costs and no offsets. Additionally, the Administration's Rehab Act proposal will require a standard to be promulgated establishing the criteria for accessibility. The legislation already puts the development of the standard and the agencies' evaluation of their IT on a fast track which will be a challenge for agencies to meet. GSA and the Access Board have primary responsibility for developing the standard, and will have other agencies advising them.

?  
Clear?

Work Opportunity and Welfare-to-Work Tax Credits (Workforce Development #3) The FY99 Budget includes expanding these tax credits through 4/30/00, not the end of FY00.

Continue Enforcement and develop single-point of contact (Transportation #1)

Delete "to continue its enforcement". Why should the President direct DOT to do what it is already supposed to do? It only makes DOT look like they aren't doing their job.

#### **Further Discussion Needed**

Tax Credit (Workforce Development #4)

We assume that the Office of Tax Policy at Treasury has seen this proposal, if not developed it.

As discussed above, we cannot direct Treasury to include it in the FY00 budget. Treasury could be directed to "explore" the options of using tax credits, which might be viewed as a more flexible option.

The Task Force may have more detail on this proposal than is included in the blurb. But since that's all we have, it raised many questions.

#### *Policy questions*

How, if at all, does the tax credit overlap with the following Rehabilitation Services Administration (RSA) funded programs? (1) State Vocational Rehab (VR) programs that, among other things, help people with severe disabilities who are interested in employment by assessing them for and providing them with assistive technologies; and (2) RSA's Projects with Industry Program, which works with employers to expand employment opportunities for people with disabilities. Activities supported by the program include the purchase and distribution of special aids, appliances or equipment adapted to the needs of the individual for use at the worksite.

X

The public policy behind this proposal is unclear. Do we want to encourage employers to incur "extraordinary disability related expenses" for their employees or individuals to make the purchases themselves?

What is the relationship of this proposal to the policy behind requiring employers to provide reasonable accommodations in the ADA?

Would the credit be offset by insurance coverage, or Medicare/Medicaid coverage?

What is the answer to the question, "Does the Federal Government already incur extraordinary disability related expenses for its employees?" which we usually ask before we do a new employer

S

tax credit.

BRIDGE Program (Workforce Development #5) Having just received the Task Force's paper detailing the BRIDGE program, we have not had time to receive comments from examiners. The following comments relate to the earlier draft's proposal of using FY99 funds to expand the program. How much would each agency commit in FY99? Given the current problems in the Labor/HHS/Ed appropriations, it could be a tight year for many of the affected agencies. We also have significant concerns about expanding a brand new program before the grants have even gone out, let alone an evaluation completed.

SBA Section 8(a) Program (Workforce Development #7) SBA needs to let us know how they plan to pay for this new initiative, given the tight 1999 funding constraints they are facing.

Status of Schedule A employees (personal assistants, readers, etc.) (Federal Government as Model Employer #3) There are no longer FTE ceilings, which previously had potentially negative impacts on the hiring of Schedule A employees. OMB has already done outreach on this issue to the President's Management Council, the CFO Council, the Personnel Directors' Group, and the Small Agency Council. There is also OPM guidance on this issue. Given these previous actions, are there other actions the Task Force thinks would be appropriate?

*a bit  
concerning*

**No Changes Needed:**

Health Care

#1 Patient Bill of Rights (already endorsed)

Workforce Development

#1 Ticket to Independence (already endorsed)

#2 Reauthorize Rehab Act (already endorsed)

#6 Make America's Job and Talent Banks Accessible (already endorsed)

#8 Welfare-to-Work Grants

#9 One Stops

#10 Veterans' Line Service Provider Training

Civil Rights

#1 Alternative Dispute Resolution

#2 Public Education on Rehab Act and ADA

#3 Outreach to Small Businesses on ADA

Transportation

#2 Prepare Materials on Transportation Equity Act's Disability Provisions

#3 Intelligent Transportation Systems R&D

**LONG-TERM AGENDA**

Comments received from OMB staff:

**Health Care**

As a general matter, the Task Force has a number of long-term agenda items relating to health care. We would note that any potential proposals arising from the Task Force's agenda for health care which involve statutory or other changes with budgetary effects would require further OMB review and analysis, including an assessment of overall Administration policy and spending priorities. One specific item on the long-term agenda calls for the Task Force to make recommendations relating to existing systems and possible new approaches for access to home and

community-based services, including personal assistance services. We would note that any specific statutory change to increase access for home and community-based services would be very costly and would require much further OMB review and analysis.

### **Youth and Employment**

#1 Analyze and make recommendations relating to youth programs. Why is one of the goals listed for youth programs... "avoiding incarceration"? Is there any evidence that there is a special need for this area with disabled youth (e.g., disabled youth are more proportionally incarcerated than non-disabled youth)? This has been an immensely sensitive issue in the context of Education's promulgation of the IDEA rule. Do we want to imply that there is a need to seek ways for disabled youth to avoid incarceration without at least some evidence as to the existence of this need?

### **Federal Government as Model Employer**

#5 Examine and make recommendations relating to accessibility of federal facilities How does this differ from what the Access Board already does?

*Goal: increase earnings - MA, hCBS, VR, SE, SSA*  
*Must have authority*

**DRAFT 7/13/98**

### CONCEPT PAPER

On March 13, 1998 the President issued an Executive Order entitled "Increasing Employment of Adults with Disabilities." The purpose of this Executive Order is to increase the employment of adults with disabilities to a rate that is as close as possible to the employment rate of the general adult population. The principal means identified by the Executive Order for achieving this result is the formulation and implementation of a coordinated approach across departments and disciplines.

**TITLE:** Building Resources for Individuals with Disabilities to Gain Employment  
( BRIDGE Program)

#### **FEDERAL DEPARTMENTS AND AGENCIES PARTICIPATING IN THIS INITIATIVE:**

Labor Department, Education Department, Social Security Administration, Small Business Administration, Transportation Department, Commerce Department, Health and Human Services Department, and the Veterans Affairs Department.

#### **PURPOSE OF PROGRAM:**

The purpose of this proposed grants program is to increase the employment rate of adults with disabilities by fostering the development of interdisciplinary consortiums which promote system integration of services to adults with disabilities at the state, local and private provider level. The emergence of a few progressive employment models designed to increase work opportunities and the dawning awareness that incorporating the needs of adults with disabilities into these approaches may frame the beginnings of a deliberate process of collaboration and genuine inclusion.

This proposal builds on existing grant programs in the Social Security Administration, Labor Department, and the Education Department. Grants would support the creation and early implementation of integrated and coordinated service systems at the state, and local levels designed to put into practice the best approaches to the employment of adults with disabilities.

Grants would be made, primarily or exclusively on a competitive basis, from a national account of \$150 million in FY 2000. Grants would last for three years with funding in FY 2001 and FY 2002 being subject to subsequent appropriations. Grant-seeking consortiums consisting of local and/or state agencies involved in the provision of services to adults with disabilities that relate to employment would describe approaches they will use to address the multiple barriers that prevent full engagement of persons with disabilities in the world of work. Current funding for traditional disability employment programs would not be supplanted by this initiative. The grants funds could be used only for coordinating and service integration functions. As a result, the grants will effect a reorganization of service delivery already undertaken using existing

sources of federal, state, and private sources. In addition, there would be a cap on the amount of each grant.

### **ELIGIBLE APPLICANTS:**

Applicants must demonstrate that they represent a consortium of state and/or local agencies that provide or could provide a range of supports and services to adults with disabilities which lead to identification, access and maintenance of employment. These consortiums may also include not-for-profit providers of employment related services to adults with disabilities.

For example, a consortium could consist of a local Private Industry Council, the local Small Business Administration office, the local metropolitan planning organization, the state vocational rehabilitation agency, the local school district, and the state Medicaid Directors and agencies providing access to the Medicare program. Successful applicants must demonstrate that they have identified means to integrate and coordinate the services they provide across disciplines to remove barriers to employment for adults with disabilities. The consortium must also demonstrate that their consortium has consulted with diverse elements within the community of adults with disabilities in the planning, implementation, and evaluation of the project.

Finally, each applicant would be required to demonstrate an ability and willingness to expend some percentage of the funds provided to evaluate the effectiveness of their systems integration in a valid and thorough way.

### **EXPECTED OUTCOMES:**

These grants should produce a diverse array of integrated and coordinated service systems in states and local areas across the country resulting in an increased employment rate for adults with disabilities in those states and local areas. Among the issues that consortiums would seek to address are:

- The degree to which coordinated and integrated service systems affects accessibility, utilization and effectiveness of employment and other support services received by adults with disabilities.
- The types of coordinated and integrated service systems that are more likely to be successful and require shorter periods of time to achieve implementation than others.
- Factors that need to be considered in providing coordinated and integrated employment and support services (such as transportation, health care/insurance, education, workforce training, housing, assistive technology, onsite and offsite job accommodations and long-term follow-along services) that improve job acquisition and retention for adults with disabilities.

- Local, state, or regional economic conditions and trends which impact positively or negatively on the employment rate of adults with disabilities and may directly effect coordinated and integrated service systems.
- Costs and cost offsets of providing employment and support services to adults with disabilities in a coordinated and integrated manner.
- Reliable and valid indicators that successfully monitor the performance of coordinated and integrated service systems designed by local or state entities to employ disabled adults and provide ongoing supports to promote job retention and career advancement.

#### **OUTSTANDING POLICY ISSUES TO BE DECIDED:**

1. Which federal agency will receive the money in the President's budget?
2. Which federal agencies' local affiliates/systems must participate in a consortium for it to be a qualified applicant?
3. What is an appropriate money cap for the grants?
4. Should grants be given out exclusively on a competitive basis, or should there be a formula component to assure that every state participates in this activity? For example, should some portion of the money be given to states or cities by formula and the remained given to local consortiums by competition?
5. How will the grantees be evaluated? Should there be a reward for achieving certain outcomes?

U.S. Department of Labor

Office of the Assistant  
Secretary for Policy  
Washington, D.C. 20210



DATE: 7-13-98

TO: Ceci Rouse

FAX NO: 456-2223

COMPANY: NEC

PHONE NO: \_\_\_\_\_

FROM: Becky Ogles

PHONE NO: \_\_\_\_\_

FAX NO: (202) 219-6523

NUMBER OF PAGES INCLUDING COVER: 5

MESSAGE: \_\_\_\_\_  
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**PRESIDENTIAL  
TASK FORCE ON  
EMPLOYMENT  
OF ADULTS  
WITH  
DISABILITIES**

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MEMORANDUM

TO: Ceci Rouse, NEC  
Diana Fortuna, DPC  
Larry Matlack, OMB

FROM: Becky Ogle, Executive Director  
PTFEAD

DATE: July 13, 1998

RE: Proposed Expansion of SPDP

Enclosed is a 'draft' proposal for the expansion of the SPDP project as discussed. The proposal language has gone through multiple revisions given the number of potential allies in this project and it is likely that more are to come.

We apologize for the delay in providing this overdue proposal and hope that your schedules will allow a meeting at the earliest possible time for group discussion.

Please do not hesitate to call if you have any questions. We look forward to the next meeting where we can discuss further details.

***Put Ability to Work!***

Ssa and Ed both have grants worth \$7m total

SSA to state orgs (25 states asked for \$; they'll fund 4 @\$4m) -- consortia of state agencies

Ed to consortia -- \$4.5m:

glue money

better coordinated, interdisciplinary svcs to pwd

(like regional skill alliances would have been)

DOL added a few bucks (also HHS?)

also DOT, SBA, Commerce

Do double w/contributions for FY99

FY00: flagship of cross-cut: much more, so that every state and as many localities as possible can do this

Good idea: b/c fits with our greatest criticism: spend \$100 billion, but ue rate low

Ever been evaluated? Just now getting underway; RWJ?

DBTAC's -- just on ADA compliance

have paper cob tomorrow on what exists more  
new paper asap; then meeting a few days later

Final 7/15/98

## POSSIBLE PRESIDENTIAL DIRECTIVES

### HIGHEST PRIORITY:

No It is imperative, essential and critical that the President raise awareness about health care since health care is a key issue to the employment of adults with disabilities. The following health care directive is on the list because it improves upon an existing provision of the BBA that enables adults with disabilities to seek employment and retain their health care status under the Medicaid program. The disability community is actively involved in the efforts to pass the Kennedy/Jeffords legislation which does more to address the needs of employment of adults with disabilities than any current legislative initiatives. This directive is an incremental step or place-holder toward Kennedy/Jeffords. Chris Jennings and others at DPC are diligently working toward a compromise with Kennedy/Jeffords. Our current placeholder is #2 under Health Care Issues:

\*2. The President directs the Department of Health and Human Services, Social Security Administration, Office of Management and Budget, and the Treasury Department to propose for inclusion in the President's FY 2000 budget provisions that would expand Section 4733 of the Balanced Budget Act of 1997, which currently allows states to provide Medicaid coverage to working individuals with disabilities at a premium according to an income-related sliding scale.

*The tax credit proposal* takes the issue of employment of adults with significant disabilities a large step closer to reality with this initiative. Many working adults with disabilities find themselves paying exorbitant cost for personal attendant services while not getting any type of tax break in return. Often it is cheaper in the long run for these individuals to stay home and collect a benefit than for them to just barely squeeze by with work, since so much of their income goes to the PAS. Meanwhile employers often see the issue of hiring a person with a disability in dollar signs and for many employers the cost of a PAS for the person with a disability is generally an undue hardship. If there was a tax break this dilemma could be broached. The community has worked on legislative initiatives to address this issue for years and years, but has had little to no success. This would be a huge step forward for all parties involved and #4 under Workforce

### Development states our efforts:

\*4. The President directs the Department of Treasury to propose, as part of the President's FY 2000 Budget, a tax credit for employers and/or individuals with disabilities who have extraordinary disability-related expenses such as assistive technology or personal assistance services.

? *The BRIDGE program* is a gigantic step toward improving the lives of individuals with disabilities who confront one of the most fragmented, discombobulated systems in the country when search for assistance of any type. This proposal pulls together all resources needed to successfully help adults with disabilities get and retain employment with all the necessary amenities, such as health care, transportation, etc. The disability community would be thrilled with the BRIDGE program because it is one which they could actively participate in as equal partners. It also gets agencies/departments at both the federal and state level talking and working

with each other on a common goal. This aspect in and of itself would be a historic endeavor and **#5 under Workforce Development states our intended goal:**

\*5. The President directs the Labor Department, Education Department, Social Security Administration, Small Business Administration, Transportation Department, Commerce Department, Health and Human Services Department, and Veterans Affairs Department to propose for inclusion in the President's FY 2000 budget the Building Resources for Individuals with Disabilities to Gain Employment (BRIDGE) program. The purpose of this proposed grants program is to increase the employment rate of adults with disabilities by fostering interdisciplinary consortiums of and service integration by providers of services to adults with disabilities at the state and local level.

*The expansion of the Section 8(a) program* is a goal of the disability community and should be ours as well. Currently the following directive is being used as a placeholder until expansion talks can begin in earnest. The expansion of Section 8(a) is another way of simplyfying another fragmented eligibility system for adults with disabilities. Currently they have to prove they are eligible by going through all sorts of variables, but if disability were expanded into a recognized, eligible class this would eliminate troublesome variables. The disability community has long sought the expansion of 8(a), but to date has been unsuccessful. The following is a good placeholder, but is not the ultimate goal. **It is #7 under Workforce Development:**

\*7. The President directs the Small Business Administration to launch a new outreach campaign to educate Americans with disabilities who own or want to start their own businesses about increased access to the 8(a) program and to the untapped advantages of being "a small socially and economically disadvantaged business (SDB)".

## **IMPORTANT INITIATIVES:**

*The following directive* is important because educating and re-educating the provisions in the BBA that allow adults with disabilities to buy-in to Medicaid and work are critical to employment. Secretary Shalala and Administrator Nancy-Ann Min DeParle have already begun this work, but this provision goes a step further by educating consumers and other interested parties in the provisions. It is our hope that by doing this the consumer and other interested parties can begin to advocate at the state level for this very important change to take place; **#3 under Health Care states:**

\*3. The President directs the Department of Health and Human Services to take all necessary actions to ensure that Governors, state Medicaid Directors, consumer organizations, employers, providers and other interested parties are fully aware of the Medicaid buy-in provisions in the Balanced Budget Act that would assure medical insurance for workers with disabilities and people with disabilities seeking employment.

*The following two accessibility issues* are on the list because of their importance to the disability community at-large. Given the hype and hysteria around the accessibility and the new millennium it would be wise to include these issues regarding access for adults with disabilities in this set of directives. The majority of individuals with disabilities are light years ahead of the rest of society when it comes to accessing technology because for many their lives' depend upon it; **#4 and 5 under Federal Government as a Model Employer states:**

\*4. The President directs all federal agencies and departments to evaluate whether the electronic devices and information technology they use are accessible to federal employees with disabilities as required by the Administration's proposed reauthorization changes to Section 508 of the Rehabilitation Act of 1973, as amended. Each agency and department will submit a report containing this evaluation to the Attorney General by July 1, 1999. The General Services Administration, the Access Board, the National Institute on Disability and Rehabilitation Research/DoED, the Department of Commerce's NIST and the Department of Defense CAP-TEC program will provide technical assistance to other federal agencies and departments concerning existing technical and functional performance criteria and evaluation tools.

\*5. The President directs all federal agencies and departments to make their Internet sites accessible to individual with disabilities by July 1, 1999. The President further directs the Council of Chief Information Officers to provide technical assistance and guidance consistent with the universal design guidelines established through the joint Federal Government-World Wide Web Consortium Web Accessibility Initiative initiated by the White House last year.

*The following item* is on the list because many departmental/agency officials brought to our attention that this was an outstanding barrier in the employment of adults in the federal government. This would be a gigantic step forward toward the hiring of adults with disabilities in the federal workplace; **#3 under Federal Government as Model Employer states:**

\*3. The President directs the Office of Management and Budget to explain and educate all federal agencies and departments regarding the rules governing the budget and personnel status of Schedule A readers, interpreters, or other personal assistance service providers providing

reasonable accommodations to federal employees as required by Section 504 of the Rehabilitation Act. The President further directs Office of Personnel Management periodically to distribute and update information on the use of special non-competitive hiring authorities, including those relating to disabled veterans and Schedules A and B for use by federal managers and supervisors with hiring authority.

*The following directive* is of importance because it will further consumer independence by maximizing consumer choice of providers and services. Beneficiaries with a disability will receive a "ticket to independence" to use with any participating public or private employment vendor of their choice. The disability community is actively involved in the efforts to pass the Kennedy-Jeffords legislation that currently incorporates the Ticket provisions as passed by the House of Representatives last month; **#1 under Workforce Development states:**

\*1. The President challenges Congress to enact, before adjourning this year, the Ticket to Independence. The Ticket would provide resources for and allow customer choice in the selection and purchase of necessary services to enable adults with disabilities to find and keep gainful employment.

*This directive* is of importance because the work opportunity tax credit (WOTC) and the welfare-to-work tax credit are not being used widely by employers of vocational rehabilitation and Social Security Income recipients. The disability community considers these tax credits as one method of encouraging expansion and development of employment services for adults with disabilities. The other listed agencies can help further spread the message of the importance of using these tax provisions while furthering the goals of employment of adults with disabilities. The President's acknowledgment of this goes a long way in bridging the current disconnect in this area; **#3 of the Workforce Development states:**

#3. The President challenges Congress to extend the work opportunity tax credit (WOTC) and the welfare-to-work tax credit through the end of Fiscal Year 2000. The President directs the Labor Department, the Education Department, the Small Business Administration, the Social Security Administration, and the Veterans Affairs Department to provide guidance to their respective systems and other interested parties to maximize opportunities for employers of vocational rehabilitation and Supplemental Security Income recipients to use the Work Opportunities Tax Credit.

This initiative is included in the important category because historically DOL has not included/taken into account the needs of adults with disabilities in its design, funding and administering of a large variety of employment and training programs, projects and system-building activities. For adults with disabilities and especially those who are on TANF recipients, it is of utmost importance to their success in the world of work and their economic independence that major DOL grants programs such as "welfare-to-work" be designed and administered in ways that ensure adults with disabilities are fully integrated into the overall grants activities and **#8 under Workforce Development states this goal:**

\*8. The President directs the Department of Labor to exercise its discretion under the Welfare-to-Work grants programs, consistent with statutory and regulatory guidelines, to provide funding under the welfare-to-work program to appropriate projects addressing the needs of welfare recipients with disabilities.

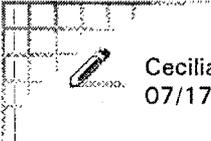
*The following civil rights directives* are of importance to the community because of their ongoing commitment by this administration to enforce the rights and protections of individuals with disabilities. The disability community views this President and his administration as the "enforcer" of their rights. The community also understands that enforcement comes in many shapes and sizes and recognizes that not all enforcement results in litigation. The community is a big proponent of technical assistance and alternative dispute resolution. The latter directive also ties in the business community into learning more about their responsibilities from reputable sources;

**#s 1, 2 and 3 of the Civil Rights state:**

\*1. The President directs the EEC and Department of Justice to effectively utilize alternative dispute resolution to resolve issues involving discrimination arising under the Rehabilitation Act and the Americans Disabilities Act.

#2. The President directs the Department of Justice and the EEC to develop a public education campaign to provide information regarding the requirements of the Rehabilitation Act and the Americans with Disabilities Act to employers, employees and others whose rights may be affected, with special attention to under served constituencies.

#3. The President directs the EEC, the Department of Justice and the Small Business Administration to increase educational outreach to small businesses regarding their obligations under the Americans with Disabilities Act.



Cecilia E. Rouse  
07/17/98 07:35:39 PM

Record Type: Record

To: Diana Fortuna/OPD/EOP, Larry R. Matlack/OMB/EOP, Lori Schack/OMB/EOP

cc:

Subject: Disability Directives List



taskfrce.71

Enclosed is the latest version of the Task Force's list of directives, in descending order of importance (or "excitement"). I have left the first three directives on the list until we can further consider our options. I am sending you this document before I send it back to DOL so that you can make sure that I have accurately described the directives (I was flying blind for some of them). I have also incorporated the comments of OMB. Please send your comments back to me as soon as possible.

-- Ceci

July 17, 1998

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

**PROPOSED DIRECTIVES FOR THE END OF JULY**

The following list of proposed directives are in descending order of importance to the disabled community. (Directives 1-4 would be considered the most exciting; 5-12 would be moderately exciting; and 13-22 would be, well, interesting to the community.)

Most Exciting Directives

1. ***The President directs the Department of Health and Human Services, Social Security Administration, Office of Management and Budget, and the Treasury Department to propose for inclusion in the President's FY 2000 budget provisions that would expand Section 4733 of the Balanced Budget Act of 1997, which currently allows states to provide Medicaid coverage to working individuals with disabilities at a premium according to an income-related sliding scale.*** (This directive is an incremental step or place-holder toward Kennedy/Jeffords. Chris Jennings and others at DPC are diligently working toward a compromise with Kennedy/Jeffords.)

The disability community is actively involved in efforts to pass the Kennedy/Jeffords legislation which does more to address the needs of employment of adults with disabilities than any current legislative initiatives. And, they would like the Administration to support the bill as well. This directive would support the principles in Kennedy/Jeffords without supporting specifics in the bill and therefore would meet the disability community part-way. The downside is that the disability community may not view this support as adequate.

2. ***The President directs the Department of Treasury to propose, as part of the President's FY 2000 Budget, a tax credit for employers and/or individuals with disabilities who have extraordinary disability-related expenses such as assistive technology or personal assistance services.***

Working adults with disabilities often have a disincentive to work because of the high cost of personal attendant services. Similarly, the cost to employers of hiring an individual requiring personal attendant services can be prohibitive. Therefore, a tax credit for work-related assistance services would have a positive impact on the employment of individuals with

disabilities.

3. ***The President directs the Labor Department, Education Department, Social Security Administration, Small Business Administration, Transportation Department, Commerce Department, Health and Human Services Department, and Veterans Affairs Department to propose for inclusion in the President's FY 2000 budget the Building Resources for Individuals with Disabilities to Gain Employment (BRIDGE) program. The purpose of this proposed grants program is to increase the employment rate of adults with disabilities by fostering interdisciplinary consortiums of and service integration by providers of services to adults with disabilities at the state and local level.***

Because adults with disabilities often require services and resources from a variety of places (such as health care and transportation), if agencies and departments are not well coordinated it can be difficult for the disabled to have adequate information to obtain and retain employment. This program would help facilitate such coordination by providing planning grants to organizations to create partnerships between the many agencies serving the disabled community.

***NOTE: OMB would like to replace proposals 1-3 with something along the lines of the following:***

***The President directs all agencies to consider ways of helping adults with disabilities to participate in the workforce as they develop their proposals for the FY2000 budget while recognizing the constraints that all agencies face in developing their budgets.***

4. ***The President directs the Small Business Administration to launch a new outreach campaign to educate Americans with disabilities who own or want to start their own businesses about increased access to the Section 8(a) program and to the untapped advantages of being "a small socially and economically disadvantaged business (SDB)."***

Section 8(a) provides contracting opportunities for disadvantaged businesses. An outreach campaign would improve information to the disabled community about their eligibility for this program. [This option is still be vetted with SBA and OMB.]

Moderately Exciting Directives

5. ***The President directs the Department of Health and Human Services to take all necessary actions to inform Governors, state Medicaid Directors, consumer organizations, employers, providers and other interested parties of the Medicaid buy-in provisions in the Balanced Budget Act that would assure medical insurance for workers with disabilities and people with disabilities seeking employment.***

This directive is important because many Governors, state Medicaid Directors, consumer organizations, employers and other interested parties are simply unaware of the new provisions in the Balanced Budget Act.

6. ***The President directs all federal agencies and departments to evaluate whether the electronic and information technology they use are accessible to federal employees with disabilities as required by the Administration's proposed reauthorization changes to Section 508 of the Rehabilitation Act of 1973, as amended. Each agency and department will submit a report containing this evaluation to the Attorney General by not later than 6 months after the enactment of the new law. The General Services Administration and the Access Board will provide technical assistance to other federal agencies and departments concerning existing technical and functional performance criteria and evaluation tools.***

7. ***The President directs all federal agencies and departments to make their Internet sites accessible to individual with disabilities by July 1, 1999. The President further directs the Council of Chief Information Officers to provide technical assistance and guidance consistent with the universal design guidelines established through the joint Federal Government-World Wide Web Consortium Web Accessibility Initiative initiated by the White House last year.***

The previous two proposed directives would highlight that the Federal government is committed to making its computer and electronic devises accessible to individuals with disabilities.

8. ***The President directs the Office of Management and Budget to inform all federal agencies and departments about the rules governing the budget and personnel status of Schedule A readers, interpreters, or other personal assistance service providers providing reasonable accommodations to federal employees as required by Section 504 of the Rehabilitation Act. The President further directs Office of Personnel Management periodically to distribute and update information on the use of special non-competitive hiring authorities, including those relating to disabled veterans and Schedules A and B for use by federal managers and supervisors with hiring authority.***

Because many departmental and agency officials are unaware of the rules governing the acquisition of special devices and services for the disabled, improving this information would increase hiring of adults with disabilities in the Federal government.

9. ***The President challenges Congress to enact, before adjourning this year, the Ticket to Independence. The Ticket would provide resources for and allow customer choice in the selection and purchase of necessary services to enable adults with disabilities to find and keep gainful employment.***

Both the Administration and the disability community actively support the Ticket to Independence provisions as passed by the House of Representatives last month.

10. ***The President challenges Congress to extend the work opportunity tax credit (WOTC) and the welfare-to-work tax credit through April 30, 2000. The President directs the Labor Department, the Education Department, the Small Business Administration, the Social Security Administration, and the Veterans Affairs Department to provide guidance to their respective systems and other interested parties to maximize opportunities for employers of vocational rehabilitation and Supplemental Security Income recipients to use the Work Opportunities Tax Credit.***

Although they encourage the expansion and development of employment services for adults with disabilities, the work opportunity (WOTC) and welfare-to-work tax credits are not used widely by employers of vocational rehabilitation and Social Security Income recipients. Again, better information would increase utilization.

11. ***The President directs the Department of Justice and the EEOC to develop a public education campaign to provide information regarding the requirements of the Rehabilitation Act and the Americans with Disabilities Act to employers, employees and others whose rights may be affected, with special attention to under-served constituencies.***

12. ***The President directs the EEOC, the Department of Justice, and the Small Business Administration to increase educational outreach to small businesses regarding their obligations under the Americans with Disabilities Act.***

The previous two proposed directives would increase information to employees, employers, and others regarding the rights of individuals with disabilities.

Interesting Directives

13. ***The President challenges Congress to enact, before adjourning this year, a Patients' Bill of Rights. The Bill of Rights would require a choice of providers including provider network adequacy provisions, access to specialist, information disclosure, transitional care provisions; access to emergency room services; participation in treatment decisions including anti-gag clauses and requiring disclosure of financial incentives; protection of the confidentiality of health information; anti-discrimination provisions; and access to an appeals process. All of these issues are relevant to the assessment made by adults with disabilities of whether seeking and remaining in employment will address their need for good-quality, responsive health care.***

Often adults with disabilities are left out of the mainstream debate over managed health care because many mistakenly believe that disabled individuals do not participate in such plans. It would be significant for the President to include the disabled community in this otherwise mainstream discussion of health care.

14. ***The President challenges Congress to reauthorize the Rehabilitation Act of 1973, as amended, before adjourning this year.***

The Rehabilitation Act authorizes provisions of anti-discrimination in the federal sector, and establishes and funds Centers for Independent Living across the country. Presidential support reinforces the Administration's recognition of its importance.

15. ***The President directs the Department of Labor to assure that America's Job Bank and America's Talent Bank are accessible to individuals with disabilities seeking employment.***

This directive highlights that the Federal government is committed to making its services accessible to individuals with disabilities.

16. ***The President directs the Departments of Labor, Education, Health and Human Services, Veterans Affairs, Transportation, the Small Business Administration, and the Social Security Administration to assure that all appropriate programs relating to the employment of adults with disabilities are integrated into the One-Stop Career Center system.***

Because the interpretation of the principle of universality has been left to the local One-Stop Centers, the disability community concerned that their interests are not adequately represented in many One-Stop Centers. This directive would encourage the One-Stop System to integrate consumers with

disabilities into their system.

17. ***The President directs the Veteran's Administration Vocational Rehabilitation and Counseling Service (VR&C), in cooperation with Department of Labor's Veterans' Employments and Training Services (VETS) and State Employment Security Agencies, to conduct a program of training for line service providers in skills related to competent and progressive employment services case management. VR&C and VETS management shall report the results of this training initiative to the Task Force by December 1, 1998.***

This directive attempts to minimize duplication within the Federal government by encouraging two systems that have historically not worked together to do so in order to achieve the common goal of increasing the employability of adults with disabilities.

18. ***The President directs all federal agencies and departments to work with the President's Committee on Employment of People with Disabilities to increase the number of qualified student interns with disabilities who are hired in FY 1999 and beyond.***
19. ***The President directs the Department of Education, the Social Security Administration, the National Council on Disability, and the President's Committee on Employment of People with Disabilities, in cooperation with the Office of Personnel Management, to encourage colleges and universities to increase the number of qualified candidates with disabilities nominated to be hired by federal agencies and departments in FY 1999 under the Presidential Management Interns and Presidential Scholars programs.***

The previous two directives are aimed at increasing the employment of young adults with disabilities in the Federal workplace. Youth with disabilities are often overlooked and underutilized in activities that relate to opportunities for employment in the Federal government and improved access to these programs would provide them with long-sought opportunities.

20. ***The President directs the Department of Transportation to develop a single point-of-contact and extensive outreach strategy for technical assistance and public information that clearly explains the rights and protections of these Acts.***
21. ***The President directs the Department of Transportation to analyze and prepare materials explaining the new Transportation Equity Act's provisions applicable relating to people with disabilities and to include these materials in DOT's outreach and public meetings on the law.***

**22. *The President directs the Department of Transportation to address disability-related transportation issues in the deployment of the Intelligent Transportation System.***

The previous three proposed directives highlight the importance of accessible transportation for adults with disabilities. The disability community has been unhappy with DOT's unwillingness to enforce the rights and protections of the ADA, Air Carriers Access Act, and other provisions that they enforce. These proposed directives would ease some of their concerns about DOT, but would fail to address the larger concerns of vigorous enforcement of their rights.

July 14, 1998

✓  
LF  
TO: Chris Jennings and Jeanne Lambrew  
Cynthia Rice and Andrea Kane  
Paul Weinstein  
Julie Fernandes  
Mike Cohen and Tanya Martin

CC: Elena Kagan  
Laura Emmett

FR: Diana Fortuna *Diana*

I need your help in vetting the attached draft list of directives. It was done by the Labor Department and the staff of the new Task Force on Increasing Employment of Adults with Disabilities, which we created by executive order in March. The co-chairs of the task force, Alexis Herman and Tony Coelho, are pushing to have the President attend the second meeting of the task force sometime in late July to commemorate the anniversary of the ADA. Such an event doesn't appear to be terribly likely, but it's possible there will be some mini-ADA observance that might include some of the attached actions. Alexis is pushing to meet with Erskine on this soon.

Seth Harris of DOL and Becky Ogle (task force executive director based at DOL) came up with the attached list of possible Presidential actions. Supposedly they all have some degree of clearance from the agencies responsible for them. I am working with NEC (Ceci Rouse) and OMB (Chow/Matlack) to coordinate the reactions/clearances of our three offices.

I expect many of these will get knocked off the list because they have budget implications or because they are not appropriate executive actions to take or because they have some other problem.

Please let me know your reaction to items in your area, by Thursday COB if possible.

*Final 7/13/98*

## POSSIBLE PRESIDENTIAL DIRECTIVES

### HEALTH CARE:

1. The President challenges Congress to enact, before adjourning this year, a Patients' Bill of Rights. The Bill of Rights rights would require a choice of providers including provider network adequacy provisions, access to specialist, information disclosure, transitional care provisions; access to emergency room services; participation in treatment decisions including anti-gag clauses and requiring disclosure of financial incentives; protection of the confidentiality of health information; anti-discrimination provisions; and access to an appeals process. All of these issues are relevant to the assessment made by adults with disabilities of whether seeking and remaining in employment will address their need for good-quality, responsive health care.
2. The President directs the Department of Health and Human Services, Social Security Administration, Office of Management and Budget, and the Treasury Department to propose for inclusion in the President's FY 2000 budget provisions that would expand Section 4733 of the Balanced Budget Act of 1997, which currently allows states to provide Medicaid coverage to working individuals with disabilities at a premium according to an income-related sliding scale.
3. The President directs the Department of Health and Human Services to take all necessary actions to ensure that Governors, state Medicaid Directors, consumer organizations, employers, providers and other interested parties are fully aware of the Medicaid buy-in provisions in the Balanced Budget Act that would assure medical insurance for workers with disabilities and people with disabilities seeking employment. 7

### WORKFORCE DEVELOPMENT

1. The President challenges Congress to enact, before adjourning this year, the Ticket to Independence. The Ticket would provide resources for and allow customer choice in the selection and purchase of necessary services to enable adults with disabilities to find and keep gainful employment.
2. The President challenges Congress to reauthorize the Rehabilitation Act of 1973, as amended, before adjourning this year.
3. The President challenges Congress to extend the work opportunity tax credit (WOTC) and the welfare-to-work tax credit through the end of Fiscal Year 2000. The President directs the Labor Department, the Education Department, the Small Business Administration, the Social Security Administration, and the Veterans Affairs Department to provide guidance to their respective systems and other interested parties to maximize opportunities for employers of vocational *Andrea*

rehabilitation and Supplemental Security Income recipients to use the Work Opportunities Tax Credit.

4. The President directs the Department of Treasury to propose, as part of the President's FY 2000 Budget, a tax credit for employers and/or individuals with disabilities who have extraordinary disability-related expenses such as assistive technology or personal assistance services. 7

5. The President directs the Labor Department, Education Department, Social Security Administration, Small Business Administration, Transportation Department, Commerce Department, Health and Human Services Department, and Veterans Affairs Department to propose for inclusion in the President's FY 2000 budget the Building Resources for Individuals with Disabilities to Gain Employment (BRIDGE) program. The purpose of this proposed grants program is to increase the employment rate of adults with disabilities by fostering interdisciplinary consortiums of and service integration by providers of services to adults with disabilities at the state and local level. ?

6. The President directs the Department of Labor to assure that America's Job Bank and America's Talent Bank are accessible to individuals with disabilities seeking employment.

7. The President directs the Small Business Administration to launch a new outreach campaign to educate Americans with disabilities who own or want to start their own businesses about increased access to the 8(a) program and to the untapped advantages of being "a small socially and economically disadvantaged business (SDB)". Julie

8. The President directs the Department of Labor to exercise its discretion under the Welfare-to-Work grants program, consistent with statutory and regulatory guidelines, to provide funding under the welfare-to-work program to appropriate projects addressing the needs of welfare recipients with disabilities. Andrea

9. The President directs the Departments of Labor, Education, Health and Human Services, Veterans Affairs, Transportation, the Small Business Administration, and the Social Security Administration to assure that all appropriate programs relating to the employment of adults with disabilities are integrated into the One-Stop Career Center system.

10. The President directs the Veteran's Administration Vocational Rehabilitation and Counseling Service (VR&C), in cooperation with Department of Labor's Veterans' Employments and Training Services (VETS) and State Employment Security Agencies, to conduct a program of training for line service providers in skills related to competent and progressive employment services case management. VR&C and VETS management shall report the results of this training initiative to the Task Force by December 1, 1998.

## FEDERAL GOVERNMENT AS MODEL EMPLOYER

1. The President directs all federal agencies and departments to work with the President's Committee on Employment of People with Disabilities to increase the number of qualified student interns with disabilities who are hired in FY 1999 and beyond.
2. The President directs the Department of Education, the Social Security Administration, the National Council on Disability, and the President's Committee on Employment of People with Disabilities, in cooperation with the Office of Personnel Management, to encourage colleges and universities to increase the number of qualified candidates with disabilities nominated to be hired by federal agencies and departments in FY 1999 under the Presidential Management Interns and Presidential Scholars programs.
3. The President directs the Office of Management and Budget to explain and educate all federal agencies and departments regarding the rules governing the budget and personnel status of Schedule A readers, interpreters, or other personal assistance service providers providing reasonable accommodations to federal employees as required by Section 504 of the Rehabilitation Act. The President further directs Office of Personnel Management periodically to distribute and update information on the use of special non-competitive hiring authorities, including those relating to disabled veterans and Schedules A and B for use by federal managers and supervisors with hiring authority.
4. The President directs all federal agencies and departments to evaluate whether the electronic devices and information technology they use are accessible to federal employees with disabilities as required by the Administration's proposed reauthorization changes to Section 508 of the Rehabilitation Act of 1973, as amended. Each agency and department will submit a report containing this evaluation to the Attorney General by July 1, 1999. The General Services Administration, the Access Board, the National Institute on Disability and Rehabilitation Research/DoED, the Department of Commerce's NIST and the Department of Defense CAP-TEC program will provide technical assistance to other federal agencies and departments concerning existing technical and functional performance criteria and evaluation tools.
5. The President directs all federal agencies and departments to make their Internet sites accessible to individual with disabilities by July 1, 1999. The President further directs the Council of Chief Information Officers to provide technical assistance and guidance consistent with the universal design guidelines established through the joint Federal Government-World Wide Web Consortium Web Accessibility Initiative initiated by the White House last year.

## CIVIL RIGHTS ISSUES

1. The President directs the EEOC and Department of Justice to effectively utilize alternative dispute resolution to resolve issues involving discrimination arising under the Rehabilitation Act and the Americans with Disabilities Act.

*File*

2. The President directs the Department of Justice and the EEOC to develop a public education campaign to provide information regarding the requirements of the Rehabilitation Act and the Americans with Disabilities Act to employers, employees and others whose rights may be affected, with special attention to under served constituencies.

3. The President directs the EEOC, the Department of Justice and the Small Business Administration to increase educational outreach to small businesses regarding their obligations under the Americans with Disabilities Act.

### **TRANSPORTATION**

1. The President directs the Department of Transportation to continue its enforcement of the rights and protections for individuals with disabilities in the Americans with Disabilities Act, the Air Carriers Access Act, and the Federal Highways Transportation Act, and to develop a single point-of-contact and extensive outreach strategy for technical assistance and public information that clearly explains the rights and protections of these Acts.

2. The President directs the Department of Transportation to analyze and prepare materials explaining the new Transportation Equity Act's provisions applicable relating to people with disabilities and to include these materials in DOT's outreach and public meetings on the law.

3. The President directs the Department of Transportation to address disability-related transportation issues in the Intelligent Transportation Systems (ITS) research and development activities.

### **OTHERS**

1. The President directs all agencies to include proposals that would advance the purposes of Executive Order No. 13078 in their FY 2000 budget submissions to the Office of Management and Budget. The President further directs the Office of Management and Budget to create a special, separate section of the President's FY 2000 that includes all appropriate proposals relating to the employment of adults with disabilities.

*Final 7/13/98*

## **POSSIBLE PRESIDENTIAL DIRECTIVES**

### **HEALTH CARE:**

1. The President challenges Congress to enact, before adjourning this year, a Patients' Bill of Rights. The Bill of Rights rights would require a choice of providers including provider network adequacy provisions, access to specialist, information disclosure, transitional care provisions; access to emergency room services; participation in treatment decisions including anti-gag clauses and requiring disclosure of financial incentives; protection of the confidentiality of health information; anti-discrimination provisions; and access to an appeals process. All of these issues are relevant to the assessment made by adults with disabilities of whether seeking and remaining in employment will address their need for good-quality, responsive health care.
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3. The President challenges Congress to extend the work opportunity tax credit (WOTC) and the welfare-to-work tax credit through the end of Fiscal Year 2000. The President directs the Labor Department, the Education Department, the Small Business Administration, the Social Security Administration, and the Veterans Affairs Department to provide guidance to their respective systems and other interested parties to maximize opportunities for employers of vocational

rehabilitation and Supplemental Security Income recipients to use the Work Opportunities Tax Credit.

4. The President directs the Department of Treasury to propose, as part of the President's FY 2000 Budget, a tax credit for employers and/or individuals with disabilities who have extraordinary disability-related expenses such as assistive technology or personal assistance services.
5. The President directs the Labor Department, Education Department, Social Security Administration, Small Business Administration, Transportation Department, Commerce Department, Health and Human Services Department, and Veterans Affairs Department to propose for inclusion in the President's FY 2000 budget the Building Resources for Individuals with Disabilities to Gain Employment (BRIDGE) program. The purpose of this proposed grants program is to increase the employment rate of adults with disabilities by fostering interdisciplinary consortiums of and service integration by providers of services to adults with disabilities at the state and local level.
6. The President directs the Department of Labor to assure that America's Job Bank and America's Talent Bank are accessible to individuals with disabilities seeking employment.
7. The President directs the Small Business Administration to launch a new outreach campaign to educate Americans with disabilities who own or want to start their own businesses about increased access to the 8(a) program and to the untapped advantages of being "a small socially and economically disadvantaged business (SDB)".
8. The President directs the Department of Labor to exercise its discretion under the Welfare-to-Work grants program, consistent with statutory and regulatory guidelines, to provide funding under the welfare-to-work program to appropriate projects addressing the needs of welfare recipients with disabilities.
9. The President directs the Departments of Labor, Education, Health and Human Services, Veterans Affairs, Transportation, the Small Business Administration, and the Social Security Administration to assure that all appropriate programs relating to the employment of adults with disabilities are integrated into the One-Stop Career Center system.
10. The President directs the Veteran's Administration Vocational Rehabilitation and Counseling Service (VR&C), in cooperation with Department of Labor's Veterans' Employments and Training Services (VETS) and State Employment Security Agencies, to conduct a program of training for line service providers in skills related to competent and progressive employment services case management. VR&C and VETS management shall report the results of this training initiative to the Task Force by December 1, 1998.

## **FEDERAL GOVERNMENT AS MODEL EMPLOYER**

1. The President directs all federal agencies and departments to work with the President's Committee on Employment of People with Disabilities to increase the number of qualified student interns with disabilities who are hired in FY 1999 and beyond.
2. The President directs the Department of Education, the Social Security Administration, the National Council on Disability, and the President's Committee on Employment of People with Disabilities, in cooperation with the Office of Personnel Management, to encourage colleges and universities to increase the number of qualified candidates with disabilities nominated to be hired by federal agencies and departments in FY 1999 under the Presidential Management Interns and Presidential Scholars programs.
3. The President directs the Office of Management and Budget to explain and educate all federal agencies and departments regarding the rules governing the budget and personnel status of Schedule A readers, interpreters, or other personal assistance service providers providing reasonable accommodations to federal employees as required by Section 504 of the Rehabilitation Act. The President further directs Office of Personnel Management periodically to distribute and update information on the use of special non-competitive hiring authorities, including those relating to disabled veterans and Schedules A and B for use by federal managers and supervisors with hiring authority.
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2. The President directs the Department of Justice and the EEOC to develop a public education campaign to provide information regarding the requirements of the Rehabilitation Act and the Americans with Disabilities Act to employers, employees and others whose rights may be affected, with special attention to under served constituencies.
3. The President directs the EEOC, the Department of Justice and the Small Business Administration to increase educational outreach to small businesses regarding their obligations under the Americans with Disabilities Act.

### **TRANSPORTATION**

1. The President directs the Department of Transportation to continue its enforcement of the rights and protections for individuals with disabilities in the Americans with Disabilities Act, the Air Carriers Access Act, and the Federal Highways Transportation Act, and to develop a single point-of-contact and extensive outreach strategy for technical assistance and public information that clearly explains the rights and protections of these Acts.
2. The President directs the Department of Transportation to analyze and prepare materials explaining the new Transportation Equity Act's provisions applicable relating to people with disabilities and to include these materials in DOT's outreach and public meetings on the law.
3. The President directs the Department of Transportation to address disability-related transportation issues in the Intelligent Transportation Systems (ITS) research and development activities.

### **OTHERS**

1. The President directs all agencies to include proposals that would advance the purposes of Executive Order No. 13078 in their FY 2000 budget submissions to the Office of Management and Budget. The President further directs the Office of Management and Budget to create a special, separate section of the President's FY 2000 that includes all appropriate proposals relating to the employment of adults with disabilities.

U.S. Department of Labor

Office of the Assistant  
Secretary for Policy  
Washington, D.C. 20210



*Becky  
x 6001  
x 147*

DATE: 7-13-98

TO: Ceci Rouse

FAX NO: 456-2223

COMPANY: NEC

PHONE NO: \_\_\_\_\_

FROM: Becky Ogle

PHONE NO: \_\_\_\_\_

FAX NO: (202) 219-6523

NUMBER OF PAGES INCLUDING COVER: 5

MESSAGE: \_\_\_\_\_  
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**U.S. Department of Labor**

**Office of the Assistant  
Secretary for Policy  
Washington, D.C. 20210**



**DATE:** 7-13-98

**TO:** Diana Fortuna

**FAX NO:** 456-7028

**COMPANY:** DPC

**PHONE NO:** \_\_\_\_\_

**FROM:** Becky Ogle

**PHONE NO:** \_\_\_\_\_

**FAX NO: (202) 219-6523**

**NUMBER OF PAGES INCLUDING COVER:** 5

**MESSAGE:** \_\_\_\_\_  
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**PRESIDENTIAL  
TASK FORCE ON  
EMPLOYMENT  
OF ADULTS  
WITH  
DISABILITIES**

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Room S2312  
Washington, DC 20210  
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Fax: 202-219-6523  
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MEMORANDUM

TO: Ceci Rouse, NEC  
Diana Fortuna, DPC  
Larry Matlack, OMB

FROM: Becky Ogle, Executive Director  
PTFEAD *B. Ogle*

DATE: July 13, 1998

RE: Proposed Expansion of SPDP

---

Enclosed is a 'draft' proposal for the expansion of the SPDP project as discussed. The proposal language has gone through multiple revisions given the number of potential allies in this project and it is likely that more are to come.

We apologize for the delay in providing this overdue proposal and hope that your schedules will allow a meeting at the earliest possible time for group discussion.

Please do not hesitate to call if you have any questions. We look forward to the next meeting where we can discuss further details.

***Put Ability to Work!***

**DRAFT 7/13/98**

## **CONCEPT PAPER**

On March 13, 1998 the President issued an Executive Order entitled "Increasing Employment of Adults with Disabilities." The purpose of this Executive Order is to increase the employment of adults with disabilities to a rate that is as close as possible to the employment rate of the general adult population. The principal means identified by the Executive Order for achieving this result is the formulation and implementation of a coordinated approach across departments and disciplines.

**TITLE:** Building Resources for Individuals with Disabilities to Gain Employment  
( BRIDGE Program)

### **FEDERAL DEPARTMENTS AND AGENCIES PARTICIPATING IN THIS INITIATIVE:**

Labor Department, Education Department, Social Security Administration, Small Business Administration, Transportation Department, Commerce Department, Health and Human Services Department, and the Veterans Affairs Department.

### **PURPOSE OF PROGRAM:**

The purpose of this proposed grants program is to increase the employment rate of adults with disabilities by fostering the development of interdisciplinary consortiums which promote system integration of services to adults with disabilities at the state, local and private provider level. The emergence of a few progressive employment models designed to increase work opportunities and the dawning awareness that incorporating the needs of adults with disabilities into these approaches may frame the beginnings of a deliberate process of collaboration and genuine inclusion.

This proposal builds on existing grant programs in the Social Security Administration, Labor Department, and the Education Department. Grants would support the creation and early implementation of integrated and coordinated service systems at the state, and local levels designed to put into practice the best approaches to the employment of adults with disabilities.

Grants would be made, primarily or exclusively on a competitive basis, from a national account of \$150 million in FY 2000. Grants would last for three years with funding in FY 2001 and FY 2002 being subject to subsequent appropriations. Grant-seeking consortiums consisting of local and/or state agencies involved in the provision of services to adults with disabilities that relate to employment would describe approaches they will use to address the multiple barriers that prevent full engagement of persons with disabilities in the world of work. Current funding for traditional disability employment programs would not be supplanted by this initiative. The grants funds could be used only for coordinating and service integration functions. As a result, the grants will effect a reorganization of service delivery already undertaken using existing

sources of federal, state, and private sources. In addition, there would be a cap on the amount of each grant.

### **ELIGIBLE APPLICANTS:**

Applicants must demonstrate that they represent a consortium of state and/or local agencies that provide or could provide a range of supports and services to adults with disabilities which lead to identification, access and maintenance of employment. These consortiums may also include not-for-profit providers of employment related services to adults with disabilities.

For example, a consortium could consist of a local Private Industry Council, the local Small Business Administration office, the local metropolitan planning organization, the state vocational rehabilitation agency, the local school district, and the state Medicaid Directors and agencies providing access to the Medicare program. Successful applicants must demonstrate that they have identified means to integrate and coordinate the services they provide across disciplines to remove barriers to employment for adults with disabilities. The consortium must also demonstrate that their consortium has consulted with diverse elements within the community of adults with disabilities in the planning, implementation, and evaluation of the project.

Finally, each applicant would be required to demonstrate an ability and willingness to expend some percentage of the funds provided to evaluate the effectiveness of their systems integration in a valid and thorough way.

### **EXPECTED OUTCOMES:**

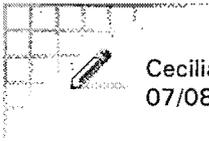
These grants should produce a diverse array of integrated and coordinated service systems in states and local areas across the country resulting in an increased employment rate for adults with disabilities in those states and local areas. Among the issues that consortiums would seek to address are:

- The degree to which coordinated and integrated service systems affects accessibility, utilization and effectiveness of employment and other support services received by adults with disabilities.
- The types of coordinated and integrated service systems that are more likely to be successful and require shorter periods of time to achieve implementation than others.
- Factors that need to be considered in providing coordinated and integrated employment and support services (such as transportation, health care/insurance, education, workforce training, housing, assistive technology, onsite and offsite job accommodations and long-term follow-along services) that improve job acquisition and retention for adults with disabilities.

- Local, state, or regional economic conditions and trends which impact positively or negatively on the employment rate of adults with disabilities and may directly effect coordinated and integrated service systems.
- Costs and cost offsets of providing employment and support services to adults with disabilities in a coordinated and integrated manner.
- Reliable and valid indicators that successfully monitor the performance of coordinated and integrated service systems designed by local or state entities to employ disabled adults and provide ongoing supports to promote job retention and career advancement.

#### **OUTSTANDING POLICY ISSUES TO BE DECIDED:**

1. Which federal agency will receive the money in the President's budget?
2. Which federal agencies' local affiliates/systems must participate in a consortium for it to be a qualified applicant?
3. What is an appropriate money cap for the grants?
4. Should grants be given out exclusively on a competitive basis, or should there be a formula component to assure that every state participates in this activity? For example, should some portion of the money be given to states or cities by formula and the remained given to local consortiums by competition?
5. How will the grantees be evaluated? Should there be a reward for achieving certain outcomes?



Cecilia E. Rouse  
07/08/98 12:41:15 PM

Record Type: Record

To: Diana Fortuna/OPD/EOP

cc:

Subject: Re: ADA/Disability Task Force Scheduling Request from Tony Coelho and Alexis Herman 

That sounds fine.

Meanwhile, I've just heard from Courtney Timberlake that the SBA Section 8A proposal is not such "low hanging fruit." She talked to Richard Hayes, the director of the Section 8A program. It turns out that it was extremely difficult for SBA to define who was covered in the first place so that to re-open the issue would be an extremely long and controversial process. (For example, Veterans groups have requested the same thing and instead have gotten an MOU stating that they should be given a priority in contracting. A similar MOU may be an option here, too). Hayes is going to talk to Director Alvarez about something else (largely symbolic) that SBA could do to contribute.

-- Ceci

**PROPOSED AGENDA**

**MEETING WITH SETH HARRIS ABOUT THE PRESIDENTIAL  
TASK FORCE ON THE EMPLOYMENT OF ADULTS WITH DISABILITIES**

Most of LHF have no cost  
- exc tax + tax credit  
+ Sec 8A for PAF

Seth + Becky 6/26

Jon Kaplan - NEC

- how might people know
- process
- Ceci Rouse

Finish Nov rpt in Sept/Oct

4 sections - 1 state

- 2 pre agenda 4 yrs

- 3 Summary Sec 2 (5/16)

- due Labor Day

4 Recs to P. - low hanging fruit

July - real people  
Will know Nov content in Sept.

**I. Proposed Operating Principles**

**II. Proposed Presidential Directives**

**III. Draft Task Force Agenda**

**IV. Task Force Subcommittees**

How Sec 2 coord'd w/  
Subcomm's

Direct updates - July report

these

July mtg - Sec 2 leaders  
report

Circulars  
Matta, OMB  
Rouse, NEC  
We, DRC

## POSSIBLE PRESIDENTIAL DIRECTIVES

### HEALTH CARE:

1. The President issues a Presidential Memorandum modeled on the memorandum relating to the Children's Health Program directing the Department of Health and Human Services and other agencies with programs relating to people with disabilities (Labor, Social Security Administration, Small Business Administration, Commerce, Education etc.) to ensure that Governors, state medicaid directors, and other interested parties are fully aware of the Medicaid buy-in provisions in the Social Security Act and the Balanced Budget Act that would assure medical insurance for workers with disabilities and people with disabilities seeking employment.
2. The President challenges Congress to enact, before adjourning this year, a Patients' Bill of Rights. The Bill of Rights rights would require a choice of providers including provider network adequacy provisions, access to specialist, information disclosure, transitional care provisions; access to emergency room services; participation in treatment decisions including anti-gag clauses and requiring disclosure of financial incentives; protection of the confidentiality of health information; anti-discrimination provisions; and access to an appeals process. All of these issues are relevant to the assessment made by adults with disabilities of whether seeking and remaining in employment will address their need for good-quality, responsive health care.
3. The President directs the Department of Health and Human Services, Social Security Administration, Office of Management and Budget, and the Treasury Department to propose to Congress no later than November 15, 1999 statutory or regulatory provisions that would expand Section 4733 of the Balanced Budget Act of 1997, which currently allows states to provide Medicaid coverage to working individuals with disabilities at a premium according to an income-related sliding scale.

### WORKFORCE DEVELOPMENT

1. The President challenges Congress to enact, before adjourning this year, the Ticket to Independence. The Ticket would provide resources for and allow customer choice in the selection and purchase of necessary services to enable adults with disabilities to find and keep gainful employment.
2. The President challenges Congress to reauthorize the Rehabilitation Act of 1973, as amended, before adjourning this year. *May be done before July*
3. The President challenges Congress to extend the work opportunity tax credit (WOTC) and the welfare-to-work tax credit through the end of Fiscal Year 2000. The President also directs the Treasury Department to work with Congress to modify the WOTC to assure equity in the later

*SBA, SSA, will exhort*

*dropped for future discussion*

*Andrew NEC*

Barbara Chow - not seen.  
Tom Kalit  
1/2-3/4 to edue citizens  
Teach trust.

**DRAFT**  
2000-50-100m

years of an employer's tax credit for any employee who is both a welfare recipient and an employee with a disability.

4. The President charges the Social Security Administration, the Departments of Labor, Education, and Health and Human Services to work with the Departments of Commerce, Transportation, and Housing and Urban Development, using the available FY 99 budget resources, to expand the State Partnership Demonstration Program (SPDP). The SPDP fosters the creation of comprehensive, integrated programs that significantly increase employment opportunities, health care, and supportive service for adults with disabilities.

SSA red-give \$ now - Now \$ 7m  
changed

Flagship of crosscut

5. The President directs the Department of Labor to assure that America's Job Bank and America's Talent Bank are fully accessible to individuals with disabilities seeking employment.

NEC

6. The President directs the Small Business Administration to take administrative action to expand Section 8A to include an appropriately defined group of individuals with disabilities.

7. The President directs the Department of Labor to exercise its discretion under the Welfare-to-Work grants program, consistent with statutory and regulatory guidelines, to provide funding under the welfare-to-work program to appropriate projects addressing the needs of welfare recipients with disabilities.

Andrea

8. The President directs the Departments of Labor, Education, Health and Human Services, and Transportation, and the Social Security Administration to assure that all appropriate programs relating to the employment of adults with disabilities are integrated into the One-Stop Career Center system.

9. The President directs the Veteran's Administration Vocational Rehabilitation and Counseling Service (VR&C), in cooperation with Department of Labor's Veterans' Employments and Training Services (VETS) and State Employment Security Agencies, to conduct a program of training for from line service providers in skills related to competent and progressive employment services case management. VR&C and VETS management shall report the results of this training initiative to the Task Force by December 1, 1998.

dr  
dmg

**FEDERAL GOVERNMENT AS MODEL EMPLOYER**

1. The President directs all federal agencies and departments to work with the President's Committee on Employment of People with Disabilities to increase the number of qualified student interns with disabilities who are hired in FY 1999 and beyond.

2. The President directs the Department of Education, the Social Security Administration, the National Council on Disability, and the President's Committee on Employment of People with Disabilities, in cooperation with the Office of Personnel Management, to increase the number of qualified candidates with disabilities nominated by colleges and universities and hired by federal agencies and departments in FY 1999 under the Presidential Management Interns and Presidential Scholars programs.

Heumann - central pool  
for readers + interprets.

**DRAFT**

3. The President directs the Office of Management and Budget to explain and educate all federal agencies and departments regarding the rules governing the budget and personnel status of Schedule A readers, interpreters, or other personal assistance service providers providing reasonable accommodations to federal employees as required by Section 504 of the Rehabilitation Act. The President further directs Office of Personnel Management periodically to distribute and update information on the use of special non-competitive hiring authorities, including those relating to disabled veterans and Schedules A and B for use by federal managers and supervisors with hiring authority.

4. The President directs all federal agencies and departments to evaluate whether the electronic devices and information technology they use are accessible to federal employees with disabilities as required by the Administration's proposed reauthorization changes to Section 508 of the Rehabilitation Act of 1973, as amended. Each agency and department will submit a report containing this evaluation to the Attorney General by January 30, 1999. The General Services Administration, the Access Board, the National Institute on Disability and Rehabilitation Research/DoED, and the Department of Defense CAP-TEC program will provide technical assistance to other federal agencies and departments concerning existing technical and functional performance criteria and evaluation tools.

5. The President directs all federal agencies and departments to make their Internet sites accessible to individual with disabilities by January 1, 1999. The President further directs the Council of Chief Information Officers to provide technical assistance and guidance consistent with the universal design guidelines established through the joint Federal Government-World Wide Web Consortium Web Accessibility Initiative initiated by the White House last year.

**CIVIL RIGHTS ISSUES**

1. The President charges the Interagency Council on Civil Rights to broaden their agenda to include disability rights.

**TRANSPORTATION**

1. The President directs the Department of Transportation to develop and make available technical assistance and public education information that integrates the disability-related protections of the Americans with Disabilities Act, the Air Carrier Access Act, and the Federal Highways Transportation Act.

2. The President directs the Department of Transportation to analyze and prepare materials explaining the new Transportation Equity Act's provisions applicable relating to people with disabilities and to include these materials in DOT's outreach and public meetings on the law.

3. The President directs the Department of Transportation to address disability-related transportation issues in the Intelligent Transportation Systems (ITS) research and development activities.

Consistent w/ agreement  
ck w/ Access Bd

do-able?

ck w/ CIO/Ed DeLeve

wkg jp

**OTHERS**

1. The President directs all agencies to include proposals that would advance the purposes of Executive Order No. 13078 in their FY 2000 budget submissions to the Office of Management and Budget. The President further directs the Office of Management and Budget to create a special, separate section of the President's FY 2000 that includes all appropriate proposals relating to the employment of adults with disabilities.

↓  
OMB will let them know

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

**PROPOSED OPERATING PRINCIPLES**

The Presidential Task Force on Employment of Adults with Disabilities will conduct its meetings and deliberations consistent with the following operating principles:

1. **Policy decisions of the Task Force and recommendations to the President will ordinarily be made by consensus. Where a minority disagrees with the views of a sizable majority, in the discretion of the Chair, the minority may submit its own report to accompany the Task Force's recommendation.**

The President directed this Task Force to create a coordinated and aggressive national policy to bring adults with disabilities into gainful employment at a rate that is as close as possible to that of the general adult population. Finding the correct combination of strategies to achieve the desired result will require the fullest possible commitment and involvement of the many federal agencies and departments represented on the Task Force. Consequently, the Task Force and its instrumentalities will seek to make decisions and develop recommendations through-consensus.

This mandate is so broad and complex that consensus may not be possible in every instance. Where appropriate in the small number of cases in which Task Force members holds views sufficiently strong to make consensus impossible, the Chair of the Task Force may exercise her discretion to permit a minority of Task Force members to express a dissenting view in writing to accompany the Task Force's recommendations to the President.

Administrative and managerial issues will be decided by the Chair and the Vice-Chair acting on the advice of the Executive Director and Task Force staff.

2. **Task Force meetings will be held approximately quarterly, unless the Chair concludes that additional meetings are required. Task Force members will endeavor to participate fully in each of the Task Force's meetings. When a Task Force member is unable to attend all or part of a meeting, the Task Force member will assure the full participation of another senior official in his or her agency or department empowered to make commitments on behalf of the agency or department.**

Solving the complex problems underlying the low rate of employment for adults with disabilities will require focused attention at the highest levels of each involved agency. Significant policy decisions, regulatory changes, legislative proposals, and budget adjustments may be required. Accordingly, maximum participation by the Cabinet officials and other Task Force members assigned to the Task Force by the President is essential. Members should make every attempt to attend the Task Force's quarterly meetings and, when busy schedules permit, stay for the duration of the meetings.

Efficiency requires that the Task Force continue its work even in those few circumstances when individual Task Force members cannot attend a meeting. Senior surrogates with the full authority to express the views of their principals are welcome in those limited circumstances. These surrogates are expect to be Assistant Secretary-level or more senior. The Chair retains the discretion to limit participation in Task Force events to principals in appropriate situations.

- 3. *The Chair will create subcommittees of the Task Force which will, in turn, be chaired by members of the Task Force. The subcommittees will carry out the analytic work of the Task Force and make proposals and recommendations to the full Task Force.*

The Task Force has only four years to complete its work and limited staff and budgetary resources. The Task Force must establish priorities and work expeditiously. To accomplish its broad mandate priority issues will be grouped into topical areas and assigned to a subcommittee. It is anticipated that there will be five subcommittees in operation at any given time, each chaired by a members of the Task Force and consisting of other Task Force members. All proposals and issues assigned to subcommittees will be reported to the full Task Force for consideration and approval of any of recommendations to the President.

Subcommittees will hold regular meetings as called for by the subcommittee chair and as often as the work of the subcommittee requires. Like the full Task Force, the subcommittees will ordinarily make decisions and recommendations by consensus. The subcommittee chairs will provide a progress reports to the full Task Force on each subcommittee's work on a regular basis. Coordination of the work of the subcommittees will be facilitated by Task Force staff.

- 4. *The Task Force will provide coordinating and technical assistance to agencies and departments charged with particular responsibilities under Section 2 of Executive Order No. 13078.*

Section 2 of the Executive Order mandates that certain agencies carry out six specific mandates. The Task Force staff will continue to help these agencies and departments to fulfill their responsibilities under the Executive Order. In particular, the Task Force staff will organize meeting between agencies and departments charged with working together under the Executive Order. The Task Force will also provide a vehicle for agencies and departments to report to the President on their progress by the specified deadline of November 15, 1998.

- 5. *Executive Order No. 13078 directs the Task Force to provide four reports to the President, with its first report due to the President by November 15, 1998. The Task Force will issue subsequent reports to the President on November 15, 1999, November 15, 2000, and a final report on July 26, 2002 — the 10th anniversary of the initial implementation of the employment provisions of the Americans with Disabilities Act of 1990.*

**Health Care and Employment**

1. Examine and make recommendations relating to how health care quality and access to health care and health insurance affect the ability and willingness of adults with disabilities to participate in the workforce.
2. Examine and make recommendations relating to existing systems and possible new approaches for access to home and community-based services, including personal assistance services.

**Income Support and Employment**

1. Examine and make recommendations relating to the relationship between federal, state and private income support programs and the ability and willingness of adults with disabilities to participate in the workforce.
2. Examine and make recommendations relating to how participation in federal income support programs and the current structure of these programs affect the ability and willingness of adults with disabilities to participate in the workforce.
3. Examine and make recommendations relating to the relationship between eligibility for income support programs and eligibility for federal or state health insurance programs and any resulting effect on the ability and willingness of adults with disabilities to participate in the workforce.

**Youth and Employment**

1. Analyze and make recommendations relating to youth programs designed to place individuals in private sector employment, and the outcomes of those programs for young people with disabilities in completing school, developing job specific skills, achieving gainful employment, and avoiding incarceration.
2. Examine and make recommendations relating to existing Social Security Act provisions associated with employment of youth.

**Access to Lifelong Learning and the Path to Employment**

1. Examine and make recommendations relating to lifelong learning programs not created specifically to serve the needs of adults with disabilities, and their openness and accessibility to adults with disabilities and the outcomes they effect for adults with disabilities participation in the workforce. Further, examine whether these programs have an appropriate customer focus for adults with disabilities.
2. Examine and make recommendations relating to lifelong learning programs created specifically to serve the needs of youth and/or adults with disabilities and the effect on the ability and willingness of people with disabilities to participate in the workforce.
3. Examine and make recommendations relating to the impact of the Randolph-Sheppard Act and the Jarvis-Wagner-O'Day Act on employment outcomes for adults with disabilities.

4. Examine and make recommendations relating to the integration and coordination of lifelong learning programs that serve adults with disabilities.

## Employment, Economic Incentives and Entrepreneurship

1. Examine and make recommendations relating to tax provisions affecting employers or adults with disabilities that influence the ability or willingness of adults with disabilities to participate in the workforce.
2. Analyze and make recommendations relating to small business and other entrepreneurial opportunities for adults with disabilities.

## Civil Rights

1. Examine and make recommendations relating to enforcement, education, and litigation strategies undertaken by the Federal agencies charged with administering the Americans with Disabilities Act and other laws and regulations providing protections for adults with disabilities in employment.
2. Analyze and make recommendations relating to the use of alternative dispute resolution to resolve issues associated with the employment of adults with disabilities.

## Accessible, Successful Workplaces

1. Examine and make recommendations relating to the availability, cost, and use of assistive technology in the employment of adults with disabilities.
2. Examine and make recommendations relating to the accessibility of technologies and the national and international infrastructure to working adults with disabilities.

## Federal Government as a Model Employer

1. Examine and make recommendations relating to compliance by federal agencies with the Rehabilitation Act and other laws and regulations associated with the employment of adults with disabilities in the federal government.
2. Examine and make recommendations relating to federal employment policy and its effects on employing adults with disabilities in the federal government.
3. Examine and make recommendations relating to the accessibility of technologies for federal employees with disabilities.
4. Analyze and make recommendations relating to the Federal Employee Health Benefits Plan (FEHBP) service strategies and job retention for federal employees with disabilities.
5. Examine and make recommendations relating to the accessibility of the federal government's facilities and buildings for federal employees with disabilities.

## Measuring Employment

Examine and make recommendations relating to statistically valid measures of the employment of adults with disabilities throughout the economy.

## Transportation and Employment

Examine and make recommendations relating to federal transportation efforts that serve adults with disabilities, and their effect on the ability and willingness of adults with disabilities to participate in the workforce.

**DRAFT June 10, 1998**

**Potential PTFEAD Subcommittees**

**Access to Lifelong Learning and the Path to Employment**

The subcommittee shall:

Examine and make recommendations relating to lifelong learning programs not created specifically to serve the needs of adults with disabilities, and their openness and accessibility to adults with disabilities and the outcomes they effect for adults with disabilities participation in the workforce. Further, examine whether these programs have an appropriate customer focus for adults with disabilities.

Analyze and make recommendations relating to youth programs designed to place individuals in private sector employment, and the outcomes of those programs for young people with disabilities in completing school, developing job specific skills, achieving gainful employment, and avoiding incarceration.

Examine and make recommendations relating to lifelong learning programs created specifically to serve the needs of youth and/or adults with disabilities and the effect on the ability and willingness of people with disabilities to participate in the workforce.

Examine and make recommendations relating to the integration and coordination of lifelong learning programs that serve adults with disabilities into the broader education and workforce development systems.

Examine and make recommendations relating to federal transportation efforts that serve adults with disabilities, and their effect on the ability and willingness of adults with disabilities to participate in the workforce.

Evaluate and, where appropriate, coordinate and collaborate on, research and demonstration priorities of Task Force member agencies related to employment of adults with disabilities.

Program areas for focus of these subcommittee activities may include, but are not limited to One-Stops, Welfare-to-Work, School-to-Work and youth programs related to employment, Vocational Rehabilitation, Ticket to Independence, PASS and transportation services.

Examine and make recommendations relating to statistically valid measures of the employment of adults with disabilities throughout the economy.

Examine and make recommendations relating to the availability, cost, and use of assistive technology in the employment of adults with disabilities.

Examine and make recommendations relating to the accessibility of technologies and the national and international infrastructure to working adults with disabilities.

*Members*

Co-Chairs, Secretary Herman (Ray Uhalde and Al Borrego) and Secretary Riley (Judy Heumann)

Secretary Shalala (Margaret Hamburg and Nancy Ann Minn DeParle)

Secretary West ( Joe Thompson and Jeff Goetz)

Secretary Slater (Nancy McFadden and Ron Stroman)

Commissioner Apfel (Susan Daniels)

Secretary Daley (NTID)

White House National Economic Council

## **Health Care and Income Support Programs**

The subcommittee shall:

Examine and make recommendations relating to how health care quality and access to health care and health insurance affect the ability and willingness of adults with disabilities to participate in the workforce.

Examine and make recommendations relating to existing systems and possible new approaches for access to home and community-based services, including personal assistance services.

Examine and make recommendations relating to the relationship between federal, state and private income support programs and the ability and willingness of adults with disabilities to participate in the workforce.

Examine and make recommendations relating to how participation in federal income support programs and the current structure of these programs affect the ability and willingness of adults with disabilities to participate in the workforce.

Examine and make recommendations relating to the relationship between eligibility for income support programs and eligibility for federal or state health insurance programs and any resulting effect on the ability and willingness of adults with disabilities to participate in the workforce.

Examine and make recommendations for work-related and consumer-driven, long-term supports and wrap-around services, including personal assistance independent living services.

Program areas for focus of these subcommittee activities may include, but are not limited to Medicare, Medicaid, SSI, SSDI, FECA, Vets Income Support, workers' compensation, unemployment insurance, private insurance and State mental health and mental retardation systems.

Evaluate and, where appropriate, coordinate and collaborate on, research and demonstration priorities of Subcommittee member agencies related to employment of adults with disabilities.

### *Members:*

Co-Chairs, Secretary Shalala and Commissioner Apfel (Margaret Hamburg, Nancy-Ann Min DeParle, and Jane Ross, Deputy Comm. For Policy)

Secretary West (Joe Thompson)

Secretary Herman (Michael Kerr)

Secretary Riley (Judy Heumann)

## **Civil Rights**

The subcommittee shall:

Examine and make recommendations relating to enforcement, education, and litigation strategies undertaken by the Federal agencies charged with administering the Americans with Disabilities Act and other laws and regulations providing protections for adults with disabilities in employment.

Analyze and make recommendations relating to the use of alternative dispute resolution to resolve issues associated with the employment of adults with disabilities.

Review and take appropriate action on the reports and recommendations of Section 2 (b) and (c) of the Executive Order.

Cooperate with the Task Force Subcommittee on **Federal Government as a Model Employer**, when appropriate, to improve Federal policy and practices in employment nondiscrimination for adults with disabilities.

### *Members:*

Chair, Chairman Igasaki (Paul Miller)

Secretary Herman (Shirley Wilcher)

Attorney General Reno (Bill Lee)

Secretary Riley (Norma Cantu)

March Bristol (Andy Imparto)

## Employment, Economic Incentives and Entrepreneurship

The subcommittee shall:

Examine and make recommendations relating to tax provisions affecting employers or adults with disabilities that influence the ability or willingness of adults with disabilities to participate in the workforce.

Analyze and make recommendations relating to small business and other entrepreneurial opportunities for adults with disabilities.

Review and take appropriate action on the reports and recommendations of Section 2 ( c ) and (d) of the Executive Order.

Examine and make recommendations relating to the impact of the Randolph-Sheppard Act and the Jarvis-Wagner-O'Day Act on employment outcomes for adults with disabilities.

Examine and make recommendations for a coordinated and aggressive national policy to develop small business and entrepreneurial opportunities for adults with disabilities, and strategies for assisting low-income adults with disabilities to create small businesses and micro-enterprises.

Evaluate and, where appropriate, coordinate and collaborate on, research and demonstration priorities of Subcommittee member agencies related to employment of adults with disabilities.

### *Members*

Chair, Administrator Alvarcz

Vice Chair Coehlo (John Lancaster)

Secretary Rubin (Karl Scholz)

Secretary Daley (Chet Straub)

Secretary Herman (Ray Uhalde/BAT)

Secretary Cuomo (Thea Spires)

Secretary Slater (Deputy Secretary Mort Downey) (Attention to: Office of Small and Disadvantaged Business Utilization)

Secretary Riley (Fred Schroeder)

Support agencies:

Committee for Purchase from People Who Are Blind or Severely Disabled

## **Federal Government as a Model Employer**

Examine and make recommendations relating to compliance by federal agencies with the Rehabilitation Act and other laws and regulations associated with the employment of adults with disabilities in the federal government.

Examine and make recommendations relating to federal employment policy and its effects on employing adults with disabilities in the federal government.

Review and take appropriate action on the report and recommendations of Section 2 (a) of the Executive Order.

Examine and make recommendations relating to the accessibility of technologies for federal employees with disabilities.

Analyze and make recommendations relating to the Federal Employee Health Benefits Plan (FEHBP) service strategies and job retention for federal employees with disabilities.

Examine and make recommendations relating to the accessibility of the federal government's facilities and buildings for federal employees with disabilities.

### **Members:**

Chair, Director LaChance

Secretary Herman (Shirley Wilcher)

Chairman Igasaki (Paul Miller)

Administrator Barram, General Services Administration (Office of Nationwide Policy)

### **Support Members:**

Architectural and Transportational Barriers Compliance Board (Larry Roffee)

Judy Gilliam (Management for DOD CAP-TEC)