

NLWJC - Kagan

DPC - Box 012 - Folder 023

Disabilities - Executive Order [1]

**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.

Disabilities - executive order

Diana Fortuna

07/23/98 05:00:32

PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Cynthia A. Rice/OPD/EOP, Andrea Kane/OPD/EOP
cc: Laura Emmett/WHO/EOP
Subject: Summary of Erskine mtg w/Herman and Coelho

At the pre-meeting, we said we could hold an event where the President could say that we are working with Kennedy & Jeffords on "feasible, affordable" health care legislation, along with signing 3 of the smaller directives the task force developed. Barbara Chow didn't object. Erskine appeared very comfortable with that. He had read the briefing paper carefully and commented that he thought a number of the task force's ideas were good ones. He specifically mentioned the 3 items that cost money -- Kennedy-Jeffords, a tax credit, and the "BRIDGE" program. He was almost pushing us to make a public statement about the tax credit as well as Kennedy-Jeffords, but we said it wasn't ready yet and should be considered in the context of the long-term care initiative. We also talked about the VP doing a disability event in September where he could talk about technology and/or BRIDGE. And Gene kept saying that a lot of this could ultimately fit in the President's budget/state of the union.

At the meeting itself, Erskine immediately told Alexis and Tony that the event was a go. So everyone was in a good mood. People made a few other plugs: Tony plugged expanding the Defense Dept. CAP program to the rest of the government at some point, a good idea that Erskine liked at a meeting on disability issues over a year ago, but that we can never figure out how to implement. He also plugged the WH hiring a staffer with a disability; Minyon said she is considered someone named Jonathan Young that Tony had recommended to her. Erskine asked them for a list of qualified candidates with disabilities in case we have vacancies in a variety of jobs. Seth Harris said that the task force can help rally the disability community on issues like the patient bill of rights. Gene said maybe the TF could help rally support for the EITC for single individuals.

Interesting tidbit: Jeanne and Ceci told me that Gene called them in an upset state last night because yesterday he was asked by the President about details of the task force's proposed package -- Kennedy-Jeffords, tax credit. We don't know how the President got wind of the specifics -- whether Tony got to the President or Erskine somehow shared the briefing with him. Gene was mad because he felt unprepared, and also because he thought some of these might have been good event ideas back when we were hunting for events. (As you know, I generally leave disability issues off such lists because folks here don't believe they have wide appeal.)

FYI, the 3 orders are: 1. directing HHS to do more to inform states, consumers, employers, providers, etc. about the new state option for a Medicaid buy-in that we got enacted in the BBA. It's a great state option, but no state has taken it up yet, so we have a credibility problem when we hype it to the community. In fact, our alternative approach to Kennedy-Jeffords is trying to bribe states to adopt the BBA buy-in provision. 2. directing DOJ/EEOC to do a public information campaign on the ADA; 3. directing DOJ/EEOC/SBA to do outreach to small business on the ADA. Then in his speech, he would say we are committed to working with Kennedy and Jeffords on health legislation for people with disabilities who want to return to work. We don't know how much the proposal we're working on will cost, but we're guessing/hoping it will be \$1 billion over 5 years (vs. \$5b for the original Kennedy-Jeffords). We haven't figured out offsets yet. The tax credit is about \$800 million.

The other 20-odd directive ideas the task force developed will continue to be refined for the task force's November report.

THE WHITE HOUSE
WASHINGTON

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

**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 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:

Signed A New Presidential Directive to Increase Employment and Health Care Options for People with Disabilities. While the ADA has been an extremely important law, 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 significantly higher than that of the general population -- close to 75 percent for people with severe disabilities. Today, the President is signing 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 people still do not know what the ADA offers and requires. 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 first proposed and enacted a new state option to allow individuals with disabilities who, because of their earnings, do not qualify for Medicaid to purchase Medicaid coverage. Today, the President is directing the Secretary of the Department of Health and Human Services to inform Governors, state legislators, state Medicaid directors, and consumer organizations about this important option.

Issued Letter Clarifying That ADA Obligates States to Offer Appropriate Community Based Services. A recent court case, Helen L. Vs. DiDario, found that the ADA, requires 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 this standard, states must provide the support

services that will allow individuals with disabilities to live in their communities rather than in institutional settings, provided that offering these services does not fundamentally alter the state program. Such services may include: home health aide services, nursing services, medical equipment, and personal care services.

Announced Support For Policies to Improve Health Options for Working Adults With Disabilities. The President also announced his strong commitment to work with Senator Kennedy, Senator Jeffords, and other Members of Congress, to pass affordable, feasible legislation that helps people with disabilities maintain their health care coverage and return to work. This legislation would allow 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 legislation also would increase the number of people with disabilities able to buy into Medicaid under the new state option by eliminating income and asset limits and giving states additional resources and bonuses to offer this option.

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 ADULTS
WITH DISABILITIES

As we commemorate the eighth anniversary of the Americans with Disabilities Act ("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, including 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 barriers to work for people with disabilities, I issued Executive Order 13078 on March 13, 1998 establishing the Presidential 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 to a rate as close as possible to that of the general population. The Task Force, however, 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 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 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 it possible for many people with disabilities to 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. A number of states

have expressed a strong interest in offering this new option and I have instructed the Secretary of Health and Human Services to work 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 ("HHS") 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 HHS 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.

THE WHITE HOUSE,

Disabilities -
exec order

Kevin S. Moran 07/07/98 09:38:28 AM

Record Type: Record

To: Melissa G. Green/OPD/EOP, Jonathan A. Kaplan/OPD/EOP, Elena Kagan/OPD/EOP, Laura Emmett/WHO/EOP

cc: Carole A. Parmelee/WHO/EOP

Subject: Presidential Task Force on Employment of Adults w/ Disabilities

Gene mentioned this morning in Senior Staff that NEC and DPC have been working with the Presidential Task Force on Employment of Adults w/ Disabilities to look at possible policy announcements or actions involving disability policies that might be made on July 26 in conjunction with the anniversary of ADA. Gene also seemed to make a comment indicating that these discussions might be complicated by a variety of issues -- and that a late July event / announcement might not be a sure thing.

Alexis Herman has requested that Erskine meet with and Tony Coelho, Seth Harris and Becky Ogle to discuss the Task Force's work. In a short memo from Sec. Herman's office, four discussion topics were listed for the meeting:

- 1) Task force progress;
- 2) President's Participation in Second Task Force Meeting;
- 3) Collaboration with White House Officials; and
- 4) Presidential Directives.

It sounds like the meeting's agenda is to get a commitment from Erskine that the White House will try to have the President attend the Task Force's July meeting and make an announcement endorsing the principles underlying Kennedy-Jeffords, as well as a commitment to work with the two Senators to produce a mutually agreeable bill the President could sign.

In light of Gene's comments, we wanted to check:

- Should Erskine attend the meeting? Can we do it in a way that won't disrupt the already working process?
- Who should be part of the meeting from the White House? (Chris Jennings, Diana Fortuna)
- Is there any paper we can give Erskine when we give him this request that will help him understand what's been happening from a WH perspective?

Thanks guys. k

Disabilities - executive order

U.S. DEPARTMENT OF LABOR
SECRETARY OF LABOR
WASHINGTON, D.C.

JUN 9 1998

Elena Kagan
cc: Cynthia Rice
Jeanne Lambren
Barbara Chow
Larry Matlack
OMB - Lon Schack

MEMORANDUM FOR THE PRESIDENT

FROM: Alexis M. Herman *Alexis M. Herman*
Secretary of Labor and Chair, Presidential Task Force on
Employment of Adults with Disabilities

Tony Coelho *T Coelho*
Vice Chair, Presidential Task Force on Employment of
Adults with Disabilities

SUBJECT: Second Monthly Report on the Work of the Presidential Task Force on the
Employment of Adults with Disabilities

After a successful launch in March and April, the Presidential Task Force on the
Employment of Adults with Disabilities (Task Force) has begun the difficult job of fulfilling the
mandates contained in Executive Order No. 13078 while getting organized for our four-year
undertaking.

We hope you will be able to attend the Task Force's second public meeting --- to be held
around the time of the eighth anniversary of the Americans with Disabilities Act on July 26, 1998
--- to receive an update in person and to lend your endorsement to our work. We invite you to
use the meeting of the Task Force as your opportunity to commemorate the historic signing of the
ADA.

Fulfilling the Executive Order's Mandates

You directed us to come forward as soon as possible with recommendations for early
action by the Administration that will contribute to increasing the employment rate for adults
with disabilities. Our target had been to include these recommendations in the Task Force's
November 15, 1998 report as required by the Executive Order. Through excellent work by
several agencies --- Labor, Education, Transportation, Health and Human Services, SBA, EEOC,
and SSA --- and the Task Force staff, we expect to make several recommendations to you at or
before our July meeting.

We have also begun organizing the agencies and departments charged with specific
mandates in Section 2 of the Executive Order. Specifically, the EEOC will chair a group
required by the Executive Order to perform a review of all relevant laws, regulations and
guidelines governing the federal government as an employer of adults with disabilities. The

- 2 -

group's goal is to produce recommendations and a compilation of "best practices" for the federal government that will improve its record in hiring, retaining, and accommodating employees with disabilities.

A second group chaired by the Social Security Administration has begun analyzing existing activities and potential future legal, statutory, or regulatory options designed to resolve the problem of Social Security benefits determinations being used to block workers with disabilities from claiming the protections of the ADA. The Administration has already taken significant steps in this regard. This working group's task is to assess whether more can or should be done.

Three more work groups will begin meeting this week to address the remaining mandates in Section 2 of the Executive Order: (1) compliance with the ADA and other applicable laws under welfare reform and welfare-to-work programs; (2) development of small business and entrepreneurial opportunities for people with disabilities; and (3) design and implementation of a reliable statistical method for measuring the employment rate for people with disabilities.

Unfortunately, a few agencies and departments have not participated as fully in the Task Force's work as you would expect. We hope to redress this problem with face-to-face meetings between Tony Coelho and the members of the Task Force. If these meetings do not succeed, we may call on you to remind these Cabinet members that the success of your Task Force depends upon the full cooperation of all the involved federal agencies and departments.

Getting Organized

We will interview the two or three final candidates for the Task Force's Executive Director. We anticipate forwarding our choice to the White House for clearance during the week of June 8. Our goal is to have an Executive Director on board by July 1.

Meanwhile, the Task Force staff has created and begun implementing a detailed work plan organized around completing the first report of the Task Force to you on November 16, 1998. The report will include four sections containing: (1) a collection and analysis of data regarding adults with disabilities and the workforce; (2) a preliminary agenda for accomplishing the Task Force's four-year mission; (3) a summary of the reports of the Section 2 mandates work groups (these reports will likely be attached as appendices); and (4) preliminary recommendations for quick action by the Administration.

Next Steps

The Task Force's second public meeting will be held in the last two weeks of July. We would like you to participate in the meeting to endorse the Task Force's work, highlight the importance of the issue of employing adults with disabilities, and commemorate the anniversary of the ADA. We will develop several early actions you can announce at the meeting that will

- 3 -

improve the ability of adults with disabilities to find and keep good jobs. Further preliminary recommendations will be included in our November report to you. In addition, we are building toward this report by organizing the agencies required to take particular actions by Executive Order No. 13078 and constructing an agenda for the next four years. Finally, we expect to choose and hire an Executive Director before our next monthly update memorandum arrives on your desk.

Please let us know if you need any additional information prior to our next monthly update memorandum.

cc: Task Force Members

Diana Fortuna 04/14/98 11:20:25
AM

Record Type: Record

To: Elena Kagan/OPD/EOP
cc: Laura Emmett/WHO/EOP
Subject: Disability task force

FYI, DOL seems to be getting off to an ambitious start on this disability employment task force. One thing they are concerned about is that OMB should be involved constructively as they go along, rather than coming in at the 11th hour to veto things. So I sent this to Barbara Chow to push it along, and Seth will try, but it may be that I'll need your help later at higher levels. I'll let you know.

----- Forwarded by Diana Fortuna/OPD/EOP on 04/14/98 11:18 AM -----

Diana Fortuna 04/14/98 11:17:28
AM

Record Type: Record

To: Barbara Chow/OMB/EOP
cc: Barry White/OMB/EOP
Subject: Seth Harris is calling you...


because he wants to talk about how OMB will be involved in the disability task force over the coming months. Under the EO, the task force has to issue a report by November. His strategy for this first report is to look for "low-hanging fruit" -- ideas that are the easiest to accomplish. He wants to make sure that you guys are involved enough up front that Herman and Tony Coelho don't go too far down one road only to learn that you have an insurmountable problem. This seems reasonable to me, though I'm not sure what the process is for accomplishing it. It's also hard since the issues cut across OMB's areas -- many are yours, but a lot are health care or others too.

By the way, DOL is planning the first task force meeting next week, and they seem to have assembled a lot of major Cabinet and sub-Cabinet types for it (Herman, Shalala, Apfel, Min). This one will be open to the public. They'll have panels on health care, education and training, and discrimination. There's a planning meeting for it tomorrow that I'll attend; I've told Larry Matlack what I know about it. I've also advised Seth not to over-promise before that audience, and he says he won't.

Disabilities -
executive order

April 17, 1998

TO: Barbara Chow, OMB
Bill White, Public Liaison
Larry Matlack, OMB
Lori Schack, OMB

FROM: Diana Fortuna 

CC: Elena Kagan

SUBJECT: Attached materials for first meeting of the Disability Executive Order Task Force this Wednesday, April 22

Attached is an agenda, invitation, and panel information for the first meeting of the task force created by the disability EO. The Department of Labor is off to a very ambitious start, which is both good and a reminder that we need to keep abreast of what they're doing. Salient points are:

- It's an all-day meeting with an invited audience of 150-200. However, discussion is supposed to happen only among members of the Administration.
- A number of Cabinet secretaries will be there for the opening sessions or part of the day (Herman, Rubin, Shalala, Riley, Apfel, among others). Each will be asked to speak at the opening for 3-5 minutes.
- Then there will be 3 panels: one on health care (which is causing great angst in that world), one on education and training (with Judy Heumann, Ray Uhalde, and Susan Daniels), and one on civil rights. Material on all 3 are attached. Supposedly DOL, Tony Coelho, and Marca Bristo are thinking of "challenging questions" to ask of the panelists, so that it will be lively.
- DOL has formed a staff group that will do most of the work. It will meet a week or two after this first meeting, so OMB might want to have someone there. I will attend. I had mentioned to you that they are looking for easy ideas/low-hanging fruit, but I had thought it was for their November report. Now I hear they may want to vote on some low-hanging fruit ideas at their July meeting!

SECRETARY OF LABOR
WASHINGTON

Paul Richman
219, 6181

*Opening Session
9-1030*
MEMORANDUM FOR *yes* ROBERT RUBIN, Secretary of the Treasury
?? WILLIAM DALEY, Secretary of Commerce
Dep RODNEY SLATER, Secretary of Transportation
yes DONNA SHALALA, Secretary of Health and Human Services
yes RICHARD RILEY, Secretary of Education
yes TOGO WEST, Acting Secretary of Veterans Affairs
yes AIDA ALVAREZ, Administrator of the Small Business
Administration
*Calvin
(Apfel later)* KEN APFEL, Commissioner of the Social Security
Administration
yes JANICE LACHANCE, Director of the Office of Personnel
Management
yes MARCA BRISTO, Chair of the National Council on Disability
yes TONY COELHO, Chair of the President's Committee on
Employment of People with Disabilities
yes PAUL IGASAKI, Chair of the Equal Employment
Opportunity Commission

FROM: ALEXIS M. HERMAN, Secretary of Labor

Alexis M. Herman

DATE: APRIL 10, 1998

RE: President's Task Force on Employment of Adults with Disabilities

The first meeting of the President's Task Force on Employment of Adults with Disabilities will take place on Wednesday, April 22, 1998 from 9:00 a.m. to 3:45 p.m. at the Department of Labor's Francis B. Perkins Building, Great Hall (1st Floor), 200 Constitution Avenue, N.W. Attached is the agenda for the first meeting.

Your attendance as a member of the task force is most important at the opening session of the meeting from 9:00 a.m. to 10:15 a.m. If you are not able to attend this session, please designate your Deputy Secretary or another senior official to represent your agency at this inaugural meeting.

Following the opening session of the meeting, a series of panel discussions/presentations on issues relating to employment of adults with disabilities will take place. You are also invited to attend these sessions. However, if that is not possible, please designate a senior official from your department or agency to represent you during the sessions of the meeting that you cannot attend yourself.

Webster

Attached is a response form. Please fax this form back to Paul Richman, Acting Chief of Staff of the Policy Office at the Department of Labor, at (202) 219-6924, by close of business Wednesday, April 15, 1998 to confirm your attendance at this meeting and the name of your designee who will represent your agency at the sessions of the Task Force that you cannot attend. If you have any questions or require additional information, please contact Mr. Richman at (202) 219-6181.

Thank you for your assistance and cooperation. I look forward to working with you to carry out the mission of the Task Force.

attachments

Panel 1

Moses Howard

From: aimparato@ncd.gov [SMTP:aimparato@ncd.gov]
Sent: Tuesday, April 14, 1998 1:32 PM
To: Moses Howard; Ogle Becky; bwilliam@osaspe.dhhs.gov; mbristo@aol.com
Subject: one page description of our panel

Getting a job and keeping your health care and long-term services and supports: removing the health care/personal assistance services barrier to employment

Our panelists will include: Margaret Hamburg, M.D., Assistant Secretary for Planning and Evaluation, HHS; Nancy-Ann Min DeParle, Administrator, Health Care Financing Administration; and Chris Jennings, Special Assistant to the President for Health Policy Development, White House Domestic Policy Council.

Dr. Hamburg will begin with an overview of the health care and long-term services barriers faced by many people with disabilities when they seek employment. For many people with significant health conditions, it is difficult or impossible to obtain affordable health insurance in the private market. The health insurance portability act passed in the last Congress did not completely eliminate pre-existing condition exclusions, and did nothing about insurers that charge exorbitant rates to insure people with chronic health conditions. For people who need assistance with basic activities like bathing, dressing, transferring, and toileting, eligibility to receive financial assistance to help pay for these services often terminates when a person leaves an institution or takes a job. The Administration must continue to work to expand options for people who wish to live in the community and receive consumer-directed supports that will enable them to live as independently as possible. Dr. Hamburg will also talk about demonstration projects ASPE is considering along with the Social Security Administration to encourage innovation at the state level around disability, health care, and long-term services and supports.

AA*

Nancy-Ann Min DeParle will talk about one step that Congress and the Administration took in the Balanced Budget Act to enable people with disabilities to purchase Medicaid coverage as a supplement to employer-provided health insurance. The Act created a new optional state program whereby people earning less than 250 percent of poverty would be able to buy into Medicaid coverage and thereby maintain the level of health care and personal assistance that they were receiving before they began working.

Chris Jennings will discuss managed care protections for people with disabilities enrolled in managed care that the Administration is seeking to implement as a follow-up to recommendations from the Presidential Advisory Commission on Consumer Protection and Quality in the Health Care Industry. He will also talk about other strategies for addressing health care and long-term service barriers as part of the Administration's overall health care policy agenda. Finally, he will comment on pending legislative attempts to encourage social security recipients to return to work, including the Bunning-Kennelly bill and the Kennedy-Jeffords bill.

?

**Executive Order Task Force Testimony for April 22, 1998
Outline for the Education, Entitlement and Workforce Development Panel**

Prepared by: OSERS Proposed Witness: Judy Heumann

I. Introduction

- A. Long-Range Opportunities--Severity of disability does not necessarily equate to a loss of opportunity or a lack of access to services and supports; however, poverty, lack of education and other factors can have a significant impact.
- B. Long-Range Removal of Barriers -- Entitlement disincentives, health care, etc.
- C. Introduction to OSERS programs; Office of Special Education Programs, Rehabilitation Services Administration, and National Institute on Disability and Rehabilitation Research.

II. Collaborating to Meet the Goal of the Executive Order

- A. The Task Force should expect collaboration among Federal agencies.
- B. OSERS' experience with inter-agency collaboration, e.g. RSA's systems change demonstration, welfare reform and welfare-to-work regulations, etc.
- C. Collaborations occurring on the State and local levels, e.g. VR and IDEA.
- D. Collaboration with NIDRR, the President's Committee and others to encourage better data collection related to disability from the Bureau of Labor Statistics.

III. Statement of Issues

- A. Removal of Process Barriers to Collaboration -- The need for the Task Force to identify and address the process requirements for each agency that act as serious impediments to collaboration and efficiency.
- B. Utilization of Technology -- The need for greater understanding among Federal departments of Sect. 508 of the Rehab Act and its implementation at ED; the need for a commitment to universal design standard and procurement policy for Federal agencies; the availability and benefit of assistive technologies, and the need to ensure the accessibility of Federal government web sites, etc. for individuals with disabilities and to, wherever possible, link agency web sites that address disability.
- C. Access to Programs -- The need to work collaboratively to assure that Federal programs not designed exclusively to meet the needs of individuals with disabilities are still able to be utilized by them, e.g. one-stops, welfare-to-work, summer youth, etc.
- D. Survey of Disability -- The need to incorporate questions related to disability on the monthly Bureau of Labor statistics survey.
- E. Federal Hiring Practices -- The need to educate all Federal departments regarding requirements and options related to hiring the most qualified individuals and regarding the existence of hiring authorities designed to increase the number of individuals with disabilities employed by the Federal government.
- E. Transitioning Youth -- The need to improve employment outcomes for the "hardest to serve," e.g. dropouts, adjudicated youth, etc.



IV. Conclusion/Statement of Commitment

Social Security Administration

Panel 2




Employment Strategy

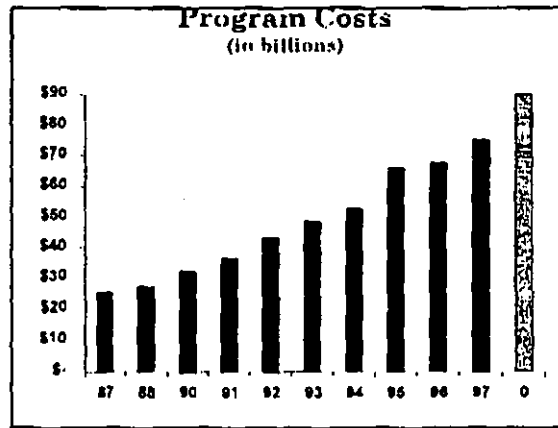
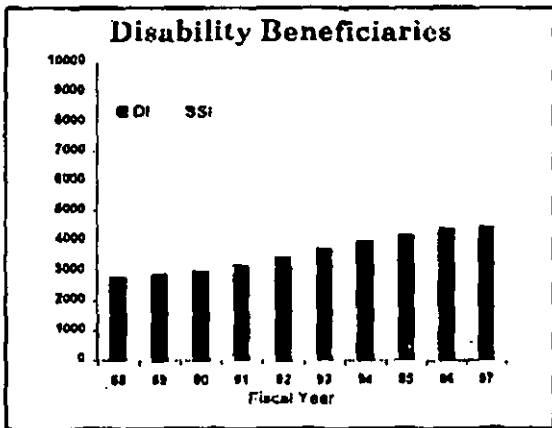
Susan M. Daniels, Ph.D.
Associate Commissioner for Disability

Program Trends

- ▲ Growing Steadily
- ▲ Young People




*This handout is an adjunct to an oral presentation.
Please do not reproduce for other purposes*



Our Recent Beneficiaries Are ...

- ▲ Younger
- ▲ Female
- ▲ Poorer
- ▲ Mental Disorders

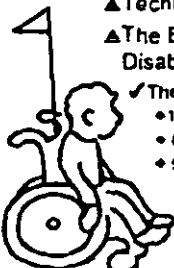


Society Has Changed

- ▲ The Paradigm Shift
- ▲ Medical Advances
- ▲ Technological Advances.
- ▲ The Expectations of People With Disabilities Are Changing

✓ The 1994 Louis Harris:

- ◆ 100 Americans with disabilities
- ◆ 68 are not working;
- ◆ 54 report that they want to work




Social Security Administration



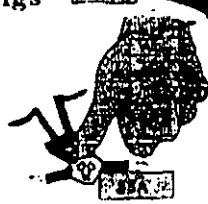
Civil Rights

- ▲The Americans with Disabilities Act (ADA)
 - ✓equality of opportunity,
 - ✓full participation,
 - ✓independent living, and
 - ✓economic self-sufficiency.
- ▲The Rehabilitation Act
- ▲The Individuals with Disabilities Education Act
- ▲De-Institutionalization Via Waivers
- ▲The Clinton Administration



GAO Findings

- ▲Only 4% referred for rehab
- ▲Only 1% of those successfully "rehabed"
- ▲Estimate \$3 billion savings if additional 1% left rolls.




...take immediate action to place greater priority on return to work....should develop a legislative packageApril 1996

*This handout is an adjunct to an oral presentation.
Please do not reproduce for other purposes*


Our Customers Say...

- ▲Health Care Connection
- ▲Services
 - ✓Choice
 - ✓Work Incentives
- ▲All Or Nothing
- ▲Youth

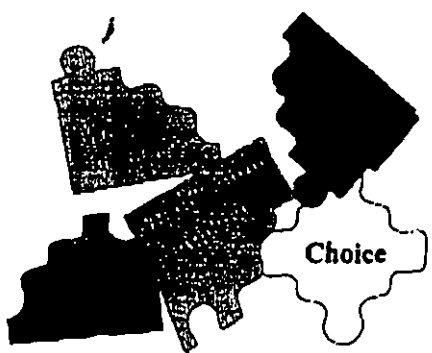


Health Care Connection

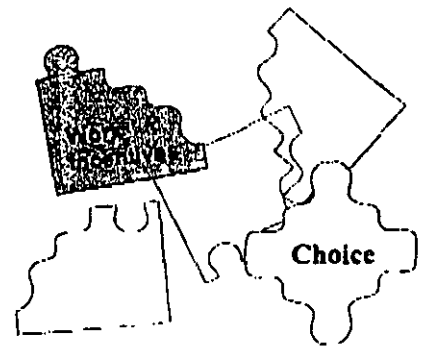
- ▲More Than Medical
- ▲Unavailable at Any Price



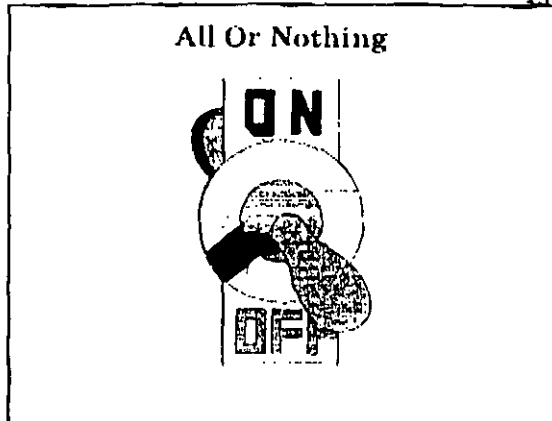
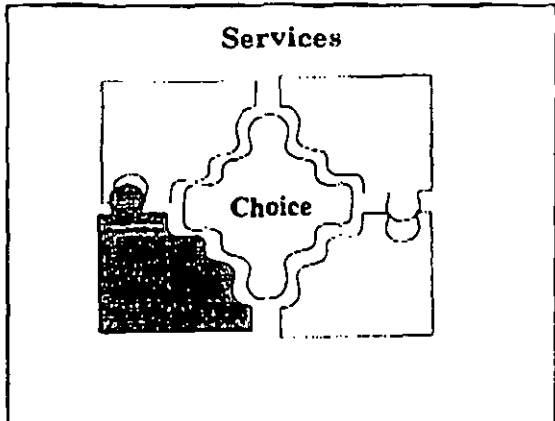
Services



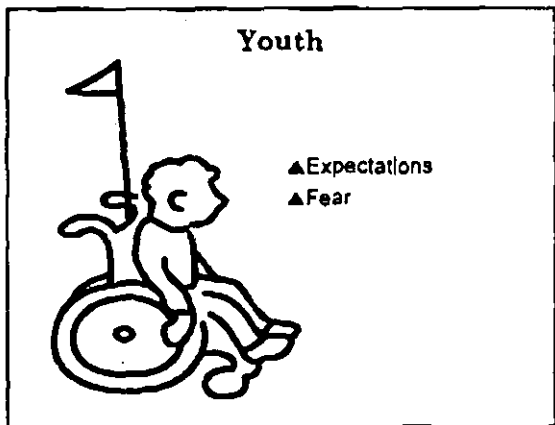
Services



Social Security Administration

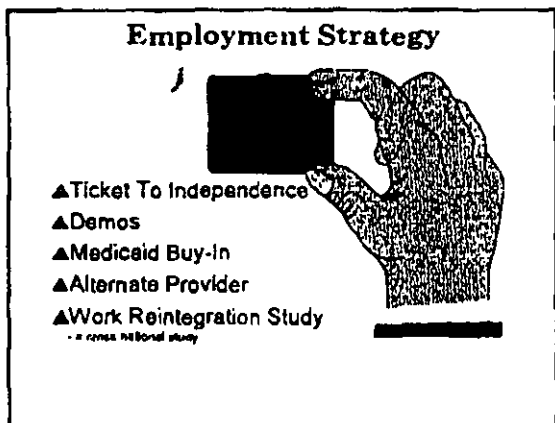


*This handout is an adjunct to an oral presentation.
Please do not reproduce for other purposes*



The Problem
Summary

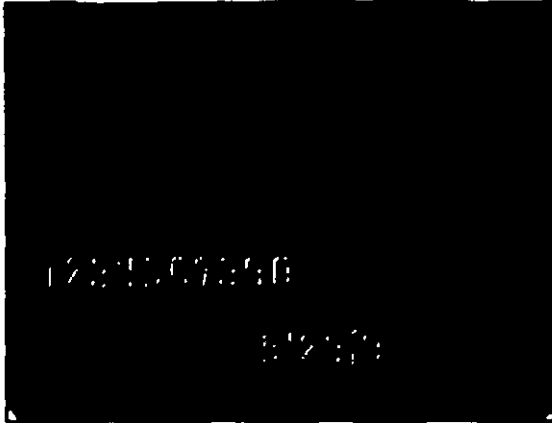
- ▲Only 1 in 500 Voluntarily Leave the Rolls.
- ▲Few Use the Current Work Incentives.
- ▲State VR System As Only Option.
- ▲DI Earnings Cliff Discourages Work.
- ▲Administrative Difficulties
 - ✓Stringent and Lengthy Eligibility Determinations
 - ✓Lack of Consistent Information by SSA
 - ✓Lack of Confidence in SSA




The Basic Assumptions

- ▲The current system of RTW is working poorly
- ▲SSA's role should be minimized
- ▲Cost Neutrality
- ▲Let market forces operate
- ▲Private sector providers should be encouraged
 - ✓to enter the market
 - ✓bear the risks.

Social Security Administration



The Central Features



- ▲ Payments to providers
 - ✓ based on outcomes
 - ✓ not on service provided
- ▲ Business risks are by providers
- ▲ Encourage different philosophies and methods.
- ▲ SSA is not to get into the rehab business.


*This handout is an adjunct to an oral presentation.
Please do not reproduce for other purposes*

How The RTW Ticket is Used

- ▲ If deposited by the beneficiary and
- ▲ Accepted by a provider
- ▲ Contract
 - ✓ Pay provider 50% of benefits
 - ✓ 5 years, for each month the beneficiary works
 - ✓ The provider is to be paid nothing until and unless the beneficiary is back to work

The System is Voluntary

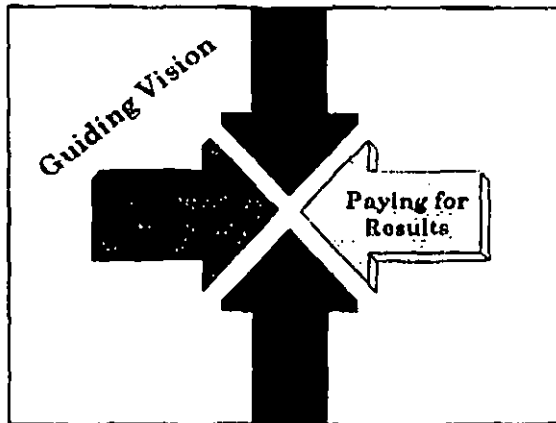
- ◆ No beneficiary need deposit the ticket.
- ◆ No provider need accept any ticket.
- ◆ Consumer is empowered in a most meaningful way.



BUYING A TICKET

"Whether it's for a trip, a performance or a lottery, buying a ticket is a first step towards commitment to a journey, either physical or imaginary. It's the procurement of a passport, a decision to enter. It's an act that creates or defines possibilities and choices. It's the door to the avenue of delightful anticipation."


"Simple Pleasures."



Social Security Administration




Guiding Vision



- ▲ Choice of Provider
- ▲ Choice of Services
- ▲ Choice of Job

Guiding Vision




- ▲ Trying New Methods
- ▲ Creating New Structures
- ▲ Promoting New Partnerships

*This handout is an adjunct to an oral presentation.
Please do not reproduce for other purposes*


Guiding Vision

- ▲ Eye on the Prize
- ▲ Less Bureaucratic
- ▲ More Accountability

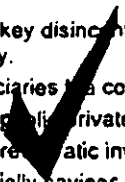


Guiding Vision

- ▲ More Secure Health Care
- ▲ ADA Army
- ▲ Work Incentive Experts




Advantages



- ▲ Addresses a key disincentive to work, health care insecurity.
- ▲ Gives beneficiaries more control and flexibility
- ▲ Expands the public-private partnership.
- ▲ Minimizes bureaucratic involvement.
- ▲ Offers potentially savings.
- ▲ Heart of Consensus

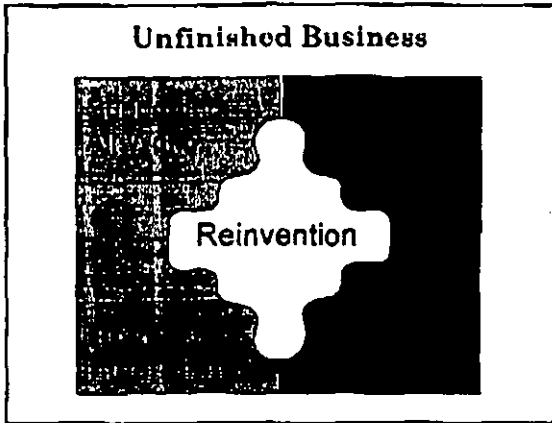
Harvest Opportunity

.....Now



- ▲ Passage of the President's Ticket Proposal
- ▲ Launch and Expand the State Partnership Demonstration Program
- ▲ Expand the Interagency Youth Initiative
- ▲ Clarify ADA/Income Security Policy

Social Security Administration



- Unfinished Business**
- ▲Support All Work Effort
 - ✓Recognize partial work impairments
 - ✓subsidy
 - ▲Flexible Benefits
 - ▲Reinvention
 - ✓Customer Empowerment
 - ✓Results
 - ✓Private/Pupil Partnerships
 - ▲Front End Integration
 - ▲Work Incentives

*This handout is an adjunct to an oral presentation.
Please do not reproduce for other purposes*

Outline of Ray Uhalde's Remarks
To be presented at First Meeting of
President's Task Force for Promoting Employment of Persons with Disabilities

Education and Training Panel

April 22, 1998

Introduction

- Challenge is to bring excluded groups -- welfare recipients, older workers, disadvantaged adults, persons with disabilities -- into the workforce, equipped with the skills to meet the demands of today's labor market, given:
 - low unemployment, strong employment growth
 - projections of continued strong employment growth
 - rising skill levels required for many jobs, with many involving computer-related occupations and less dependent on manual skills
- Opportunity is changing nature of work leading to off-site work arrangements made available by tele-commuting and greater self-employment -- both of which can open doors for excluded groups, particularly persons with disabilities.

Current Programs

- DOL operates mainstream employment and training programs to provide skills to persons that are needed to obtain and keep meaningful employment, as well as assist in the matching of individual skills to job openings.
- Major employment and training programs in terms of administrative structure, eligibility requirements, and data on the provision of services to persons with disabilities are:
 - JTPA programs for adults and youth administered through State and local government (Titles II and III);
 - Employment Service/One-Stop system administered through State government;
 - Job Corps administered directly by DOL; and
 - Welfare-to-Work administered through a combination of formula allocations to State and local government and competitive grants to State and local govt.

- Major problems with respect to serving persons with disabilities are: (1) insufficient number of program participants; and (2) barriers to dealing adequately with needs of persons with disabilities.

Major Initiatives Underway

- Significant need to increase access to mainstream DOL programs for persons with disabilities and DOL has launched several initiatives to achieve this objective.
- Initiatives underway include:
 - One-Stop Disability Initiative aimed at increasing access to all JTPA programs;
 - Job Corps Disability Strategy for inclusion of individuals with disabilities;
 - Welfare-to-Work grant process open to organizations providing services to persons with disabilities;
 - Interagency workgroup, including DOL, Education/ RSA, SSA, and HHS, planning to provide financial support related to systems change grant proposals developed in coordination with them; and
 - Revitalization of DOL employment and training grant program with the intention that this grant program will be able to work in concert with other systemic efforts of Task Force partnership agencies.

Issues to Consider

- There are various short- and long-term issues that need to be addressed and resolved in order to improve the provision of employment and training services to persons with disabilities.
 - (a) Short-term - The Task Force could provide input or direction related to ETA initiatives that are in-process or underway. For example:
 - Assisting the implementation of the One-Stop Disability Initiative, facilitating interagency aspects of the Initiative, and identifying necessary resources to assist states in creating a fully accessible One-Stop infrastructure.
 - Having Task Force representation on the Job Corps workgroup carrying-out their disability strategic plan as points of expertise, advisors on expanding recruitment efforts, and to identify budget requirements for long-range improvements in accessibility of Job Corps Centers.

- Assess America's Labor Market Information technologies, such as America's Job Bank, Talent Bank, Career Net, etc., to ensure that these tools meet standards of accessibility for individuals with disabilities, and exploring feasibility for disability resume bank.
- (b). Long-term issues - The Task Force can do a great deal to help us identify ways to increase participation of individuals with disabilities throughout all ETA programs, particularly in the area of identifying and obtaining resource requirements to implement changes. The Task Force can also assist ETA in:
- Reviewing all ETA programs for ways to increase participation of individuals with disabilities. For youth with disabilities this includes our JTPA Title II-C youth program, Job Corps, School-to-Work program, BAT programs and the possible "At Risk Youth" pilot program, among others.
 - Leveraging Welfare-to-Work systemic coordination and partnerships (e.g., transportation, housing, etc.) to serve more people with disabilities;
 - Assessing and determining feasible ways of inducing local workforce development service delivery systems to aggressively pursue inclusion of consumers with disabilities into the mainstream JTPA system.
 - Ensuring that local School-to-Work programs seamlessly integrate students with disabilities into local systems and avail them the same opportunities for workplace transition as those without disabilities;
 - Examining the extent to which Unemployment Insurance Claimants transition to Social Security Disability income supports and assessing methods of intervention and provision of employment opportunities;

Conclusion

- With unemployment levels at historic lows and technology creating new avenues of employment for individuals with disabilities who have the right types of skills, it is an important time to fully integrate this population throughout all ETA programs and I'm making a commitment to the Task Force that we will pursue this course over the long-term.
- In fact, current Senate workforce legislative proposals to forge stronger linkage with rehabilitation services is very consistent with our vision of integrated service delivery systems that have "no wrong doors."

- At the same time, while we are working together to include persons with disabilities into the mainstream employment and training programs, it is imperative that the Task Force address various issues associated with work disincentives for persons with disabilities, particularly access to health care that you heard testimony about earlier today.
- In the absence of fixing the very serious work disincentives that prevent persons with disabilities from seeking employment, our efforts to improve employment and training services for such individuals will be futile, in terms enhancing employment and economic opportunities for them.
- In order to impact long-term employment, it will also be necessary to identify 1) ways to transition youth with disabilities off SSI and into the world of work; 2) develop individual skills and employability through systems change and 3) develop methods of reaching individuals with disabilities before they enter public supports under SSI/SSDI.
- I am looking forward to working closely with the Task Force in achieving their objectives.

DRAFT - 4/14/98 - 5:00 p.m.

PRESIDENTIAL TASK FORCE ON EMPLOYMENT OF ADULTS WITH DISABILITIES

AGENDA

April 22, 1998

9:00 a.m. - 3:45 p.m.

The Great Hall

United States Department of Labor

Francis B. Perkins Building

200 Constitution Avenue, N.W.

Washington, D.C.

9:00 a.m. - 9:15 a.m. - Opening Remarks - Secretary of Labor Alexis M. Herman, Chair of the President's Task on Employment of Adults with Disabilities

9:15 a.m. - 9:30 a.m. - Remarks of Tony Coelho, Vice Chair of the President's Task on Employment of Adults with Disabilities

9:30 a.m. - 10:15 a.m. - Brief review by Task Force members of their Departments'/agencies' responsibilities and areas of concern and policy focus in supporting employment for individuals with disabilities.

3-5 min:
each

10:15 a.m. - 10:45 a.m. - Break

10:45 a.m. - 12:00 p.m. - Panel Discussion/Presentation - Health Care, PAS, Wrap-Around Services as Work Barriers

J

12:00 Noon - 1:00 p.m. - Break for Lunch

1:00 p.m. - 2:10 p.m. - Panel Discussion/Presentation - Education, Income Security Programs and Workforce Training Issues

2:20 p.m. - 3:10 p.m. - Panel Discussion/Presentation - Equal Employment Opportunities, Civil Rights, and Affirmative Action: Policy and Enforcement Issues for Adults with Disabilities

?

3:10 p.m. - 3:25 p.m. - Break

3:25 p.m. - 3:45 p.m. - Closing Session conducted by the Chair and Vice Chair - Discussion of Upcoming Task Force Work

Note: Anticipated audience size is 150 - 200.

Panel 3

Equal Employment Opportunities, Civil Rights, and Affirmative Action: Policy and Enforcement Issues for Disabled Adults - 2:20 p.m. - 3:10 p.m.

Ownership: Paul Miller, Liz Savage, Randy Cooper

- Panelists --

Bernard E. Anderson, AS, ESA/DOL
Paul Miller, Commissioner, EEOC
Bill Lann Lee, Assist. AG for Civil Rights/DOJ

- Discussion areas --

EEOC: Complaint process effect on backlog of ADA Title I complaints; estoppel; recent policy issuances (mental disability); conflicts with FLSA, FMLA or Workers Compensation laws/regulations; coordinated enforcement and litigation strategies between OFCCP and EEOC; recent and pending judicial decisions affecting employment.

DOJ: Constitutionality issues affecting employment; enforcement of ADA Title II affecting employment

DOL: Identifying systemic discrimination of adults with disabilities; Section 503 complaint process; coordinated enforcement and litigation strategies between OFCCP and EEOC; technical assistance to Federal contractors.

Disabilities - executive
order

March 12, 1998

PHOTO OPPORTUNITY FOR SIGNING OF THE
DISABILITY EMPLOYMENT EXECUTIVE ORDER

DATE: March 13, 1998
LOCATION: Oval Office
TIME: 9:40 - 9:55 AM
FROM: Maria Echaveste/Bruce Reed
Bill White/Diana Fortuna

I. PURPOSE

To highlight an Administration initiative aimed at increasing employment for people with disabilities.

II. BACKGROUND

People with disabilities are at least twice as likely as people without disabilities to be unemployed, and their low employment rate is estimated to cost society in excess of \$200 billion annually.

The Executive Order establishes a task force of federal agencies to make recommendations aimed at removing workplace barriers for people with disabilities in areas such as employment discrimination, health care, housing, education, telecommunications, child care, and rehabilitation and training. **The Task Force** will be chaired by Labor Secretary Herman and co-chaired by Tony Coelho, Chair of the President's Committee on Employment of People with Disabilities. (Coelho is traveling on business and is unable to attend.) Secretaries of relevant federal agencies are members. The task force will issue its first report later this year with recommendations designed to bring the employment rate of people with disabilities as close as possible to the rate of the general population.

The disability community is very cognizant of your longstanding commitment to their priorities. However, they believe that their issues have been absent from our budget initiatives. They are looking (1) to extend health care and tax credits to those on the disability rolls seeking to return to work and (2) to shift Medicaid from an emphasis on nursing home care to home and community-based care. Congress is considering legislation on both these

issues, but we have so far withheld our support because of cost concerns. This task force should help address some of the concerns of the community.

III. PARTICIPANTS

MEMBERS OF THE TASK FORCE (OR THEIR REPRESENTATIVES)

Alexis Herman Force	Secretary, Department of Labor, and Chair of Task
Rodney Slater	Secretary, Department of Transportation
Ken Apfel	Commissioner, Social Security Administration
Togo West	Secretary, Department of Veterans Affairs
Paul Igasaki	Chair, Equal Employment Opportunity Commission
Aida Alvarez	Administrator, Small Business Administration
Janice LaChance	Director, Office of Personnel Management
John Lancaster Employment	Executive Director, President's Committee on for People with Disabilities
Marca Bristo	Chair, National Council on Disability
Judy Heumann Education	Assistant Secretary - Special Ed, Department of
Bob Williams HHS	DAS for Disability, Aging, and Long Term Care,

MEMBERS OF CONGRESS

Senator Tom Harkin	US Senate (D-IA)
Senator Max Cleland	US Senate (D-GA)
Senator Jim Jeffords	US Senate (R-VT)
Senator Ted Kennedy	US Senate (D-MA)
Rep. Steny Hoyer	US House of Representatives (D-MD)

DISABILITY COMMUNITY

Justin Dart	Justice for All
-------------	-----------------

IV. PRESS PLAN

White House photo only.

V. SEQUENCE OF EVENTS

- o You will greet guests as they enter the Oval Office.
- o You will proceed to the front of your desk, where Secretary Herman will make brief remarks about the Executive Order.

- o You will make brief remarks and proceed to your desk and sign the Executive Order. Participants will stand behind you for the photo opportunity.
- o Guests depart.

VI. REMARKS

Talking points attached.

TALKING POINTS
DISABILITY EMPLOYMENT EXECUTIVE ORDER
March 13, 1998

- o I am pleased to welcome you to the Oval Office this morning to celebrate an historic moment in the movement to bring people with disabilities into the mainstream of our country's economy. I am particularly pleased to welcome the members of Congress who are here, members of my Administration, as well as my very good friend, Justin Dart.
- o Today, our economy is strong. Since 1993, we have created 15 million new jobs. But this is not a time to rest, but a time to build, to build the America within our reach.
- o That is why I'm so pleased today to sign an executive order aimed at building -- building employment opportunities for people with disabilities and addressing the unacceptably high unemployment rates among people with disabilities.
- o Many of you have spoken to me about the critical need for this initiative. When I met with leaders from the disability community last year, I remember my friend Tony Coelho saying that people with disabilities are the only group of Americans who are actually seeking to pay taxes, because pay taxes means they are working and contributing members of society.
- o This Executive Order will focus my Cabinet, led by Secretary Herman, on removing workplace barriers for people with disabilities and designing a strategy to make equality of opportunity, full participation, inclusion, and economic self-sufficiency realities for all 30 million working-age Americans with disabilities.
- o This task force will focus on the most important policy issues affecting the employment of people with disabilities since the passage of the Americans with Disabilities Act (ADA).

- o Since I first ran for President, I have been committed to a government that promotes inclusion, empowerment and independence for all Americans, including Americans with disabilities. By signing this Executive Order, I direct Secretary Herman, members of the task force, and the rest of my Cabinet, and the entire executive branch to work together to build on the progress of the last six years and promote policies and programs that enable people with disabilities to share more fully in the American dream.
- o I am excited that Secretary Herman has embraced this challenging assignment, assisted by Vice-Chair by Tony Coelho. I am confident that all of the agency heads who are here with us today, as well as those who could not be here, will give this assignment the serious work and commitment that it merits.
- o I look forward to receiving the task force's reports and to working with the Congress on these critical issues. Thank you.



08:43:22 AM

Record Type: Record

To: Elena Kagan/OPD/EOP, Joshua Silverman/WHO/EOP

cc:

Subject: Draft Press Statement

PRESIDENT CLINTON SIGNS EXECUTIVE ORDER ESTABLISHING NATIONAL TASK FORCE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES

The President today signed an Executive Order establishing a National Task Force on Employment of Adults with Disabilities that will create a coordinated and aggressive national policy to bring working-age individuals with disabilities into gainful employment at a rate approximating that of the general adult population.

"Since 1993, we have created 15 million new jobs. But the unemployment rate among people with disabilities is far too high, and that is why I'm so pleased to sign today an executive order that will design a strategy to make equality of opportunity, full participation, inclusion, and economic self-sufficiency realities for all 30 million working-age Americans with disabilities," declared President Clinton.

Charged with developing and recommending to the President a federal policy to reduce employment barriers for persons with disabilities, the Task Force will submit four reports, the first by November 15, 1998, and the last on July 26, 2002, the 10th anniversary of the initial implementation of the employment provisions of the Americans with Disabilities Act. Alexis M. Herman, Secretary of Labor, will Chair the Task Force. Tony Coelho, Chairman of the President's Committee on Employment of People with Disabilities, will serve as Vice-Chair.

Policy recommendations are expected to address such areas of widespread concern as discrimination, accommodations; access to health care; consumer-driven, long-term supports and services; transportation; accessible and integrated housing; telecommunications; assistive technology; community services; child care; education; vocational rehabilitation; training services; job retention; on-the-job supports; and economic incentives to work.

Key components of the Task Force's directive include analyzing existing programs and policies to determine what changes, modifications and innovations may be necessary to remove barriers to work; developing and recommending options to address the barrier of health insurance coverage; analyzing youth programs related to employment and the outcomes of those programs for young people with disabilities; and evaluating whether federal studies related to employment and training can and should include a statistically significant sample of adults with disabilities.

The Task Force also will include the Secretary of Education; the Secretary of Veterans Affairs; the Secretary of Health and Human Services; the Commissioner of the Social Security Administration; the Secretary of the Treasury; the Secretary of Commerce; the Secretary of Transportation; the Administrator of the Small Business Administration; the Chair of the Equal Employment Opportunity Commission; the Director of the Office of Personnel Management, and the Chair of the National Council on Disability. These officials are required to make the activities and initiatives of this Executive Order a high priority within their respective agencies.

EXECUTIVE ORDER

DRAFT

3-11-98

12:15 P.M.

Increasing Employment of Adults with Disabilities

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

Section 1. Establishment of National Task Force on Employment of Adults with Disabilities.

(a) There is established the "National Task Force on the Employment of Adults with Disabilities" ("Task Force"). The Task Force shall comprise the Secretary of Labor, Secretary of Education, Secretary of Veterans Affairs, Secretary of Health and Human Services, Commissioner of Social Security, Secretary of the Treasury, Secretary of Commerce, Secretary of Transportation, Director of the Office of Personnel Management, Administrator of the Small Business Administration, the Chair of the Equal Employment Opportunity Commission, the Chair of the National Council on Disability, the Chair of the President's Committee on Employment of People with Disabilities, and such other senior Executive branch officials as may be determined by the Chair of the Task Force.

(b) The Task Force shall be chaired by the Secretary of Labor, and the Vice-Chair shall be the Chair of the President's Committee on Employment of People with Disabilities.

(c) The purpose of the Task Force is 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. The Task Force shall develop and recommend, through the Chair to the President, a coordinated federal policy to reduce employment barriers for persons with disabilities. Policy recommendations may cover such areas as discrimination, reasonable accommodations, inadequate access to health care, lack of consumer-driven, long-term supports and services, transportation, accessible and integrated housing, telecommunications, assistive technology, community services, child care, education, vocational

rehabilitation, training services, job retention, on-the-job supports, and economic incentives to work. Specifically, the Task Force shall:

1. analyze the Task Force members' existing programs and policies to determine what changes, modifications and innovations may be necessary to remove barriers to work faced by people with disabilities to go to work;
2. develop and recommend options to address health insurance coverage as a barrier to employment for people with disabilities;
3. subject to the availability of appropriations, analyze state and private disability systems (e.g.; workers' compensation, unemployment insurance, private insurance, and state mental health and mental retardation systems) and their effect on federal programs and employment of adults with disabilities;
4. consider statistical and data analysis, cost data, research, and policy studies on public subsidies, employment, employment discrimination, and rates of return-to-work for individuals with disabilities;
5. evaluate and, where appropriate, coordinate and collaborate on, research and demonstration priorities of Task Force member agencies related to employment of adults with disabilities;
6. evaluate whether federal studies related to employment and training can, and should, include a statistically significant sample of adults with disabilities;
7. subject to the availability of appropriations, analyze youth programs related to employment (e.g.; Employment and Training Administration programs, special education, vocational rehabilitation, School-to-Work transition, vocational education, and Social Security Administration work incentives and other programs, as may be determined by the Chair and Vice-chair of the Task Force) and the outcomes of those programs for young people with disabilities;
8. evaluate whether a single governmental entity or program could be established to provide computer and electronic accommodations for federal employees with disabilities;

9. consult with the President's Committee on Mental Retardation on policies to increase the employment of people with mental retardation and cognitive disabilities; and,
10. recommend to the President any additional steps that can be taken to advance the employment of adults with disabilities, including legislative proposals, regulatory changes, and program and budget initiatives.

(d) (1) The members of the Task Force shall make the activities and initiatives in this order a high priority within their respective agencies within the levels provided in the President's budget. ~~These activities and initiatives shall be conducted consistent with the Balanced Budget Act of 1997 and the government-wide effort to maintain a balanced budget.~~ (2) The Task Force shall issue its first report to the President by November 15, 1998. The Task Force shall issue a report 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. The reports shall describe the actions taken by, and progress of, each member of the Task Force in carrying out this order. The Task Force shall terminate thirty days after submitting its final report.

Struck by OMB & C

(e) As used herein, an adult with a disability is a person with a physical or mental impairment that substantially limits at least one major life activity.

Sec. 2. Specific activities by Task Force members and other agencies.

(a) To ensure that the Federal Government is a model employer of adults with disabilities, by November 15, 1998, the Office of Personnel Management, the Department of Labor, and the Equal Employment Opportunity Commission shall submit to the Task Force a review of Federal Government personnel laws, regulations, and policies and, as appropriate, shall recommend or implement changes necessary to improve Federal employment policy for adults with disabilities. This review shall include personnel practices and actions such as: hiring, promotion, benefits, retirement, workers' compensation, retention, accessible facilities, job accommodations, layoffs and reductions in force.

(b) The Departments of Justice, Labor, Education, and Health and Human Services shall report to the Task Force by November 15, 1998 on their work with the states and others to ensure

that the Personal Responsibility and Work Opportunity Reconciliation Act is carried out in accordance with Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, so that individuals with disabilities and their families can realize the full promise of welfare reform by having an equal opportunity for employment.

(c) The Departments of Education, Labor, Commerce, and Health and Human Services, the Small Business Administration, and the President's Committee on Employment of People with Disabilities, shall work together and report to the Task Force by November 15, 1998 on their work to develop small business and entrepreneurial opportunities for adults with disabilities, and strategies for assisting low income adults, including those with disabilities, to create small businesses and micro-enterprises. These same agencies shall assess the impact of the Randolph-Shepard Act vending program and the Javits-Wagner O'Day Act on employment and small business opportunities for people with disabilities in consultation with the Committee for Purchase from People Who Are Blind or Severely Disabled and the Randolph-Shepard Act Program.

(d) The Departments of Transportation and Housing and Urban Development shall report to the Task Force by November 15, 1998 on their examination of their programs to see if they can be used to create new work incentives for adults with disabilities and removing barriers to their work.

(e) The Departments of Justice, Education, and Labor, the Equal Employment Opportunity Commission, and the Social Security Administration shall work together and report to the Task Force by November 15, 1998, on their work to propose remedies to the prevention of people with disabilities from successfully exercising their employment rights under the Americans with Disabilities Act of 1990 because of the receipt of monetary benefits based on their disability and lack of gainful employment.

(f) The Bureau of Labor Statistics of the Department of Labor and the Census Bureau of the Department of Commerce, in cooperation with the Departments of Education and Health and Human Services, the National Council on Disability, and the President's Committee on Employment of People with Disabilities, shall design and implement a statistically reliable and accurate method to measure the employment rate of adults with disabilities as soon as possible,

but no later than the date of expiration of the Task Force. Data derived from this methodology shall be published on as frequent a basis as possible.

(g) All Federal agencies that are not members of the Task Force shall: (1) review their programs and policies to ensure that they are being conducted and delivered in a manner that facilitates and promotes the employment of adults with disabilities and (2) coordinate and cooperate with the Task Force. Each agency shall file a report with the Task Force on the results of their review on November 15, 1998.

Sec. 3. Cooperation. All efforts taken by Federal departments and agencies under Sections 1 and 2 of this order shall, as appropriate, further partnerships and cooperation with public and private sector employers, organizations that represent people with disabilities, organized labor, veteran service organizations, and state and local governments whenever such partnerships and cooperation are possible and would promote the employment and gainful economic activities of individuals with disabilities.

Sec. 4. Termination. This order shall terminate 30 days after the Task Force submits its final report.

Sec. 5. Judicial Review. This order does not create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

THE WHITE HOUSE,

Disabilities - exec order

SCHEDULE PROPOSAL

February 10, 1998

 ACCEPT REGRET PENDING

TO: Stephanie Street
Assistant to the President and
Director of Scheduling

FROM: Maria Echaveste
Assistant to the President and
Director Office of Public Liaison

Thurgood Marshall, Jr
Assistant to the President and
Director of Cabinet Affairs

REQUEST: To sign an Executive Order on employment for people
with disabilities.

PURPOSE: To highlight an Administration initiative aimed at
increasing employment for people with disabilities.

BACKGROUND: People with disabilities are at least twice as likely as
people without disabilities to be unemployed, and their low
employment rate is estimated to cost society in excess of \$200 billion
annually.

During the last year, an interagency group has been working to craft an initiative to address this issue. The result is an Executive Order that establishes a task force chaired by the Department of Labor aimed at removing workplace barriers for people with disabilities and establishes a national agenda for the employment of people with disabilities. The E.O. is consistent with the Administration's efforts to further strengthen our economy by preparing all segments of our workforce, including people with disabilities, for the emerging economy of the 21st century.

A Presidential signing ceremony would send a powerful signal to the 51 million Americans with disabilities about the Administrations commitment to employment for people with disabilities.

PREVIOUS PARTICIPATION: None

DATE AND TIME: February 23-24, 1998 or March 2-6, 1998

BRIEFING TIME: None

DURATION: 15 MINUTES

LOCATION: Oval Office

PARTICIPANTS: Cabinet Members (Herman, Riley, Apfel, Shalala), representatives of the disability community and disability appointees.

OUTLINE OF EVENTS: Photo-op of the President signing the Executive Order with participants.

REMARKS: None required.

MEDIA COVERAGE: Open.

VICE PRESIDENT'S ATTENDANCE: Yes

RECOMMENDED BY: Bill White
Bibb Hubbard

CONTACT: Bill White 6-7032

Disabilities - exec order



16

10:50:26 AM

Record Type: Record

To: Christopher C. Jennings/OPD/EOP, Jeanne Lambrew/OPD/EOP, Sarah A. Bianchi/OPD/EOP

cc: Elena Kagan/OPD/EOP


Subject: Disability executive order

We are readying for signature an executive order creating a task force chaired by DOL to focus on reducing barriers to work for the disabled. One of the barriers listed is health care. Task force members are all federal agencies, including HHS. At the moment, we and OMB are not on the task force. It is supposed to issue its first report of recommendations to the President around November 1998-January 1999 (with subsequent reports in 2000 and 2002). The disability community has pushed for this EO.

Since disability advocates consider access to health care the #1 barrier to work for them, the task force will get a lot of pressure to make recommendations in this area, the bigger the better. The EO is now in clearance among the agencies, so now is the time to make sure that we like the task force composition, process, etc., so that we don't get boxed in with recommendations we don't like. How would you like to proceed -- do you want to take a look at it? or do you have any questions or recommendations for me?

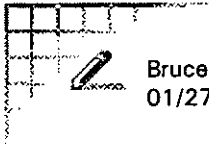


Record Type: Record

To: Bruce N. Reed/OPD/EOP
cc: Elena Kagan/OPD/EOP
bcc:
Subject: Re: disability eo 

The EO will be ready for signature soon; it's now in the clearance process with agencies. It establishes a task force chaired by DOL to remove barriers to work for people with disabilities. It's the brainchild of a group of Administration appointees with disabilities (Judy Heumann, Tony Coelho, etc.). We got stuck for a while because we wanted DOL to chair it, and they wouldn't agree to it without money in the budget; but the new budget has \$2 million for DOL to run the task force. Elena's quite familiar with it. We are starting to think about rollout. Disability groups are aware that we are considering it and they support it.

Bruce N. Reed



Bruce N. Reed
01/27/98 10:01:24 AM

Record Type: Record

To: Diana Fortuna/OPD/EOP
cc: Elena Kagan/OPD/EOP
Subject: disability eo

Virginia Apuzzo asked me about a disability action proposed by DOL that has been stalled for awhile. Do you know what she was referring to?

Disabilities-general
and
Disabilities - exec order



Record Type: Record

To: Elena Kagan/OPD/EOP
cc: Laura Emmett/WHO/EOP
Subject: Disability executive order

The executive order is now in clearance with the agencies, with the deadline for comments this Friday. I can send it to you if you like. There is \$2 million or a little more in the budget for DOL to do this. So it's all systems go, and we should think in terms of rollout. The appointees will want it in the state of the union, but I won't push that unless you want me to.

This will be the major good news in the budget for the disabled, with them being very disappointed in the flat funding level for special ed/IDEA, somewhat disappointed that we don't include any money for Medicaid home and community-based services or for new initiatives in getting people with disabilities to return to work (beyond the executive order itself). And I guess somewhat unhappy on child care as well.



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

NOV 20 1997

THE ASSISTANT SECRETARY

MEMORANDUM

INFORMATION:

TO : The Secretary
Through: ES _____
DS _____

FROM : Judith E. Heumann *JH*

SUBJECT: *JH* Status Report and Briefing Materials for Meeting with The Secretary on the Proposed Executive Order for Increasing Employment of Individuals with Disabilities

The following is being provided as background information for a meeting we are scheduling with you.

Over the course of the last nine months, a group directed by Elaina Keagan of the White House Office of the Chief of Staff have been drafting a proposed Executive Order "to increase the employment of individuals with disabilities to a rate that is as close as possible to the employment rate of the general adult population and to support the goals articulated in the findings and purpose section of the Americans with Disabilities Act of 1990." A copy of the latest draft #14 (10/7/97) with handwritten edits of the last meeting is attached as Attachment A. Originally slated for issuance in late summer, we believe that the President will soon sign the document.

Regular participants in the discussion have included representatives of OMB, the Domestic Policy Council, the Departments of Education and Justice, the Equal Employment Opportunity Commission, the Social Security Administration, the National Council on Disability, and the President's Committee on Employment of People with Disabilities. The Department of Labor joined the discussions during the latter stage.

The EO is divided into four sections. Section 1 establishes the National Task Force on the Employment of Individuals with Disabilities, composed of Cabinet and agency heads from a variety of federal departments and agencies. Final composition of the Task Force is still pending.

The Task Force Chair is still open to discussion. The Department of Labor has consistently resisted chairing the Task Force. The Department of Education has proposed a joint Chair of the Department of Labor, the Department of Education, and/or the Social Security Administration. It now looks like Labor and the President Committee on the Employment of People with Disabilities (PCEPD) will co-chair.

This section also outlines specific actions to be taken by the Task Force. Current items 7 & 10 were assigned to a workgroup of: Gary Reed, DOL; Marie Strahan, SSA, and Howard Moses, ED. The disability appointees had proposed the following language combining both 7 & 10:

Ensure that all federal employment and training related studies include in their evaluation a statistically significant sample of adults and youth with disabilities to determine the number and impact of services on individuals with disabilities, focused on Employment and Training Administration Programs, Special Education, Vocational Rehabilitation, School-to-Work Transition, Vocational Education, Social Security Rehabilitation Programs, and SSA Work Incentives.

Final negotiations within the workgroup ended with the following language:

Evaluate whether federal employment and training related studies can and should include a statistically significant sample of adults with disabilities.

Conduct an annual analysis of youth and adult programs related to employment and the outcomes of those programs for youth and adults with disabilities, focused on Employment and Training Administration Programs, Special Education, Vocational Rehabilitation, School-to-Work Transition, Vocational Education, Social Security Rehabilitation Programs, and SSA Work Incentives.

Also added to this list of actions by the Task Force was item Sec. 3(b) establishing parameters for periodic determinations of unemployment among adults with disabilities by the Bureau of Labor Statistics/DOL and the Census Bureau of Commerce. This language was the result of a separate meeting of the regular working group and representatives of Census, the National Economic Council, the Interagency Council on Disability Statistics, the Assistant Secretary for Policy/DOL, and BLS/DOL.

Section 2 of the E.O. mandates specific actions of the Task Force members and other agencies. Changes to this section included the addition of the Office of Federal Contract Compliance/DOL to the initiative to make the federal government a model employer of disabled individuals. The Department of Education was added to Section 2 (c) and (f). The remaining issue left unresolved was the language of the Section 2 (b). Those departments and agencies that have performed exemplary actions in reasonable accommodation (Education, Agriculture, and SSA) oppose transfer of these responsibilities solely to the Department of Defense/Electronics Accommodation Program. We propose the following language:

The Department of Defense/Electronics Accommodation Program shall be reviewed by all departments and agencies to determine how best to utilize their services for their respective entities.

Sections 3 and 4 are self-explanatory.

Page 3 - Memorandum to The Secretary

Concern still remains regarding adequate staffing and resources for the operations of the Task Force. Proposals have been made for each participating agency to commit one full-time FTE to the Task Force, plus resources for operations and support contracts and the use of task orders with existing grantees to research specific questions raised by Task Force members.

The comment and suggestion noted on Attachment A are being incorporated into a final draft which we hope to bring with us when we meet with you.

If you need additional information, please contact me or Howard Moses at 202/205-5465.

Attachment

cc: {Elaina Keagan, White House/Office of the Chief of Staff}
Diana Fortuna, White House/DPC
Leslie Thornton, ED/OS
Lisa Fairhall, OMB
Carol Cichowski, ED/Budget
Howard Moses, ED/OSERS
Kate Seelman, ED/OSERS/NIDRR
Fred Schroeder, ED/OSERS/RSA
Tom Hehir, ED/OSERS/OSEP
John Lancaster, PCEPD

Resources - Staff

EXECUTIVE ORDER

Draft
10/7/97
2:15 p.m.

Individuals
Increasing Employment of Adults with Disabilities

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

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

(a) There is established the "National Task Force on the Employment of Adults with Disabilities" (Task Force): The Task Force shall include the Secretary of Labor, Secretary of Education, Secretary of Health and Human Services, Commissioner of the Social Security Administration, Secretary of the Treasury, Secretary of Commerce, Administrator of the Small Business Administration, the Chair of the Equal Employment Opportunity Commission, the Chair of the National Council on Disability, the Chair of the President's Committee on Employment of People with Disabilities, and such other senior Executive branch officials as may be determined by the Chair of the Task Force.

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

(c) The purpose of the Task Force is 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 population. To carry out this purpose, the Task Force shall direct and coordinate programs within and between their agencies in a manner which increases the employment rate of adults with disabilities. The Task Force shall develop and recommend, through the Chair to the President, a coordinated federal policy to reduce employment barriers for persons with disabilities. Policy recommendations may cover such areas as discrimination, inadequate access to health care, lack of consumer-driven long-term supports and services, transportation, accessible and integrated housing, telecommunications, assistive technology, community services, child care, education, vocational rehabilitation, training services, and on-the-job supports. Specifically, the Task Force shall:

Vice Chairs
OMB
PCMR
DOJ

~~*Interim...*~~

*Task force authority
is shared with other*

Resources?

1. Conduct an analysis of their existing programs and policies to determine what changes, modifications and innovations may be necessary ^{to} remove barriers for people with disabilities to go to work;
2. Develop and recommend options to address the lack of health insurance as a barrier to employment;
3. Make publicly available appropriate information concerning employment of adults with disabilities;
4. ~~Subject to the availability of appropriations, conduct an analysis of State and private disability systems and their implications for federal programs and employment of people with disabilities (eg; worker compensation, unemployment insurance, private insurance, State Mental Health and Mental Retardation Systems, etc.);~~
5. Obtain statistical and data analysis, cost data, research, and policy studies on public subsidies, employment, employment discrimination, and rates of return-to-work for individuals with disabilities;
6. Evaluate research and demonstration priorities of their agencies related to employment of adults with disabilities;
7. ~~Subject to the availability of appropriations, evaluate whether federal employment and training related studies can and should include a statistically significant sample of adults with disabilities.~~ *have in their eval. an ability to determine the impact of services on disabled individuals.*
8. Obtain the input of the disability community on a regular basis. *Drop? - Now in section 3*
9. ~~Review and comment on the annual report to the President and the Congress from the National Council on Disability on employment-related proposals and recommendations.~~
10. ~~Subject to the availability of appropriations, conduct an annual analysis of youth programs related to employment and the outcomes of those programs for young people with disabilities, focus on Employment and Training Administration Programs, Special Education, Vocational Rehabilitation, School-to-Work~~

BLS?

?
→

Task force to AED

→

Ensure that all Fed

E&T H.A.

Stet Transition, Vocational Education, Social Security Rehabilitation Programs and
~~SSR Work Incentives, and~~ ~~Supplies~~

11/2 Recommend to the President any additional steps that can be taken to advance the
employment of ~~adults~~ *individuals* with disabilities; including legislative proposals, regulatory
changes, and program and budget initiatives.

(d) The members of the Task Force shall make the activities and initiatives in this order a
high priority within their respective agencies' programs and budgets. These activities and
initiatives are to be conducted consistent with the Budget Reconciliation Act of 1997 and
government wide effort to balance the budget by Fiscal Year 2002. The Task Force shall issue
its first report to the President by July 26, 1998. After that point, the Task Force shall issue a
report to the President on a biannual basis until July 26, 2002, the ~~10th anniversary~~ *employment provisions of*
~~implementation of the Americans with Disabilities Act, on the actions taken by and progress of~~
each member of the Task Force in carrying out this order. *(Clarify end of TF?)*

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

Sec. 2. Specific Activities by Task Forces members and other agencies.

(a) To ensure that the federal government is a model employer of adults with disabilities,
by July 26, 1998, the Office of Personnel Management *OFEMP* and the Equal Employment Opportunity
Commission shall submit to the President a review of Federal Government personnel laws,
regulations and policies and, as appropriate, shall recommend or implement changes necessary to
improve federal employment policy for adults with disabilities. This review shall include
personnel practices and actions including: hiring, promotion, benefits, retirement, workers' *job accommodations*
compensation, retention, and layoffs and reductions in force. The Equal Employment
Opportunity Commission shall continue, and improve, its coordinating function between the
agencies with respect to the elimination of barriers to employment resulting from discrimination
within the Federal Government workforce.

Handwritten signatures and initials

Handwritten signature

(b) The Department of Defense's Computer/Electronic Accommodations Program shall be expanded to serve all government agencies, subject to the availability of appropriations. *reviewed by all agencies to determine how best to utilize their services for their respective agencies*

CA (c) The Department of Justice, Department of Labor, and Department of Health and Human Services shall report to the President by (date) on their work with the States and others to ensure the Personal Responsibility and Work Opportunity Reconciliation Act is carried out as required by Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act so that individuals with disabilities and their families can have equal opportunity to realize the full promise of welfare reform.

(d) The Departments of Education, Labor, Commerce, and Health and Human Services, the Small Business Administration, and the President's Committee on Employment of People with Disabilities, shall work together to develop small business and entrepreneurial opportunities for adults with disabilities; as well as strategies for assisting low income adults, including those with disabilities, to create small businesses and micro-enterprises.

(e) The Departments of Transportation and Housing and Urban Development shall examine their financial assistance programs for the purpose of creating new work incentives for adults with disabilities and removing barriers to their work.

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

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

DADP

(h) All federal agencies that are not members of the task force shall review their programs and policies to ensure that they are being conducted and delivered in a manner which facilitates and promotes the employment of adults with disabilities. Agencies will report to the Task Force on the results of their review.

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

(b) The Bureau of Labor Statistics of the Department of Labor and the Census Bureau of the Department of Commerce, in cooperation with the Department of Education, Department of Health and Human Services, National Council on Disability, and the President's Committee on Employment of People with Disabilities, shall design and implement a statistically reliable and accurate method to measure the employment rate of adults with disabilities to be published on as frequent basis as possible ^{Re} but not later than the date of expiration of this executive order.

(1) Implementation on the activities in Section 3 of this order shall begin on the date of this order.

Sec. 4. Judicial Review. This order does not create any right of benefit, substantive or procedural, enforceable at law by party against the United States, its agencies, its officers, or any person.

Standard language

Disabilities - executive order



Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: disability EO

This is to confess that I have fallen far behind the timeline you set out at the last meeting you attended on this subject -- that we get the draft into clearance by October 3. The only thing I can say in my defense is that the process has continued to be fairly excruciating at every step. Here's the latest status.

The major outstanding issue is now funding. All the smart people want DOL to chair it, and DOL is willing to do so IF we can settle the budget and the source of funds. But DOL and OMB are having a chicken-and-egg argument about who should be first to estimate what the task force would cost. DOL refuses to have this put into clearance with them listed as chair until this is settled, and everyone thinks it's a bit wacky to put it into clearance with a blank where the chair ought to be. DOL also wants a meeting with all the top people at agencies in the task force (Thurm, Apfel, Higgins, Mike Smith, etc.) to "validate" this -- which should be a nightmare to put together.

I will keep pushing, but if we don't get it into clearance in the next few days, it will be impossible to issue this in October. That's not the end of the world, but I would like to get this settled. If you think I should just put it into clearance without a chair, or ignore Seth and put in DOL's name, let me know.

P.S. The other messy issue is on the good idea of having Defense's nice computer accommodations program service all the agencies. Turns out that this can't be done by executive order, according to OMB general counsel, and I suspect they're right. So it looks like we have to turn this into a legislative proposal, which I will try to do to coincide with the release of the EO.