

“As President, I am announcing the creation of a National Commission which will include Presidential appointees and Congressional appointees and, as ex officio members, the Commissioner of the Social Security Administration and the Secretaries of Labor, Health & Human Services, Veterans Affairs, Treasury and Education.”

Executive Order
Establishing a Commission on People with Disabilities,
Employment, Economic Empowerment and Social Security

As President of the United States, I am establishing a Commission to determine the specific roles and steps the federal government can take to increase the unacceptably low competitive employment rates of people with disabilities and to increase the economic self-sufficiency of people with disabilities in the community. The urgency of this mission and this Commission emerges from the as yet unfulfilled promise of a full and independent life for every person with a disability called for in the Americans with Disabilities Act (ADA) twenty years ago.

It is hereby ordered as follows:

Section 1. Establishment of Commission.

There is established the President's Commission on People with Disabilities, Employment, Economic Empowerment and Social Security.

Sec. 2. Membership of Commission.

The Commission shall be composed of nine appointed members who are widely regarded as knowledgeable about issues to be considered in fulfilling the Commission's mission: three (3) appointed by the President, three (3) appointed by the Senate (no more than two (2) from the same party) and three (3) appointed by the House of Representatives (no more than two (2) from the same party). The Commissioner of the Social Security Administration, the Secretaries of Labor, Health & Human Services, Veterans Affairs, Treasury and Education shall serve as non-voting ex officio members. The President shall designate a Chair from among the appointed members of the Commission.

Sec. 3. Mission of Commission.

The mission of the Commission shall be to examine and present findings and proposals:

- a) On how to raise the competitive employment participation rates of people with disabilities, and increase levels of economic self-sufficiency for people with disabilities that includes those that the Commission identifies as being underserved individuals and populations, and those who face multiple barriers to employment;
- b) On how the programs and provisions of the Ticket to Work Act and other policies and strategies can better provide beneficiaries of the Social Security disability programs with the supports needed to transition into and retain employment as well as expand opportunities to save and build assets;
- c) On how to improve employment outcomes through new and integrated relationships among the Americans with Disabilities Act (ADA); Title II, Title XVI and Title XIX programs of the Social Security Act; the Workforce Investment Act, including the Rehabilitation Act and its vocational rehabilitation systems; the Randolph-Sheppard Act; the Javits-Wagner-O'Day Act; the Technology-Related Assistance Act; other laws and regulations related to disability employment services and supports; other laws and regulations that may positively or negatively impact competitive employment rates of people with disabilities; and the private sector;
- d) On new, integrated data collection methods on employment outcomes, to include data and research on reasonable accommodation and employment supports, as they relate to federally funded state and federal programs;
- e) On the sufficiency and availability of Title II and Title XVI benefit levels in light of available work opportunities for working-age people with disabilities; on the sufficiency of the "substantial gainful activity" level in the Title II program and whether it should be indexed to some other measure;
- f) On strategies that would help youth with disabilities in transition join the labor force with other approaches that include relying less on Title XVI cash benefits;
- g) On barriers to economic self-sufficiency posed by current asset and savings limits to retain eligibility for state and federal benefits and health coverage programs; and,
- h) On how health and productivity (including but not limited to healthful work environments), Stay at Work and Return to Work and other disability management initiatives can support the employment of people with disabilities.

The mission of the Commission shall include preserving and strengthening independent living, economic well being, community supports and Titles II, XVI and XIX of the Social Security Act for Americans with disabilities.

The Commission shall report to the President and Congress with all deliberate dispatch on its examination, findings and proposals.

Sec. 4. Administration of Commission.

- a) The Commissioner of Social Security and the Secretary of Labor shall, to the extent permitted by law, provide administrative support, office space and funding for the Commission. To the extent permitted by law, technical and analytical support, and staff support for the Commission shall be provided by the Secretaries of Health & Human Services, Veterans Affairs, Treasury and Education.

- b) Members of the Commission, who are not full-time officers or employees of the United States, shall be entitled to receive compensation at a rate equal to the rate of pay for level 4 of the Senior Executive Service Schedule under Section 5382 of Title 5, United States Code, including travel time, for each day they are engaged in the performance of their duties as members of the Commission.
- c) Members of the Commission who are full-time officers or employees of the United States shall receive no additional pay on account of their service on the Commission except for compensation for travel expenses as provided under Subsection (c) of this Section.
- d) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under Section 5703 of Title 5, United States Code.
- e) The Chair of the Commission shall select an Executive Director to coordinate administration of the Commission.
- f) The heads of executive branch departments and agencies shall, to the extent permitted by law, provide the Commission with information as requested by the Chair.
- g) The Chair of the Commission shall convene and preside at the meetings of the Commission not less than quarterly, determine its agenda, and direct its work.
- h) The functions of the President under the Federal Advisory Committee Act, as amended (5 U.S.C. App.)(Act), except for those in Section 6 of that Act, that are applicable to the Commission, shall be performed by the Commissioner of Social Security, in accordance with the guidelines that have been issued by the Administrator of General Services.

Sec. 5. Report of Commission.

The Commission shall report and present the results of its examination and its findings and proposals to the President and the Congress. The Commission shall issue a preliminary report by September 30, 2011, unless the Chair provides written notice to the President that an extension is necessary, in which case the Commission shall issue the preliminary report by March 31, 2012. A final report shall be issued and presented to the President and Congress no later than September 30, 2012.

Sec 6. Commission Professional Staff and Technical Assistance to Complete its Mission.

(a) (1) The Chair of the Commission may appoint and remove, without regard to the provisions of Title 5, United States Code, governing appointments, the provisions of Chapter 75 of such Title (relating to adverse actions), the provisions of Chapter 77 of such Title (relating to appeals), or the provisions of Chapter 51 and Subchapter III of Chapter 53 of such Title (relating to classification and General Schedule pay rates), an Executive Director to assist the Commission to carry out its duties. The Executive Director shall be appointed from among individuals who are experienced in the planning or operation of programs for individuals with disabilities.

(b) The Executive Director will have authority to hire technical and professional employees and enter into ad hoc contracts with non-governmental entities that allow the Commission to carry

out its duties and complete its mission on time and with public meetings and materials that are fully accessible to all.

(c) The Commission may procure temporary and intermittent services to the same extent as is authorized by Section 3109(b) of Title 5, United States Code (but at rates for individuals not to exceed the daily equivalent of the rate of pay for level 4 of the Senior Executive Service Schedule under Section 5382 of Title 5, United States Code).

Sec. 7. Administrative Powers of Commission.

(a) The Commission may prescribe such bylaws and rules as may be necessary to carry out its duties.

(b) The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as it deems advisable.

(c) The Commission may appoint advisory committees to assist the Commission in carrying out its duties. The members thereof shall serve without compensation.

(d) The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

Sec. 8. Termination of Commission.

The Commission shall terminate 30 days after submitting its final report, unless extended by the President prior to that date.

Sec. 9. Requirements of Federal Collaboration with the Commission and Completion of Mission.

The U.S. Department of Labor (DOL) and the DOL Office of Disability Employment Policy (ODEP) shall begin the following activities at the signing date of the Executive Order and take a lead role to accomplish them.

- (a) Produce and present to the Chair of the Commission prior to its first convening a literature review to include state-by-state, national, and under-served populations data on the demographics, work incentives utilization, Social Security disability benefits utilization and the overall current “state of employment” of American youth and adults with disabilities. The literature review may include but not be limited to recent findings and recommendations pertinent to the mission of the Commission from the National Council on Disability, the Interagency Committee on Employees who are Individuals with Disabilities (29 USC Section 791a), the Interagency Disability Coordinating Council (29 USC Sec 794c), and the Interagency Committee on Disability Research (29 USC Sec 763).
- (b) Convene a series of working group meetings to include the (acting or appointed) Commissioner of the Rehabilitation Services Administration (RSA), the Director of the Office of Special Education and Rehabilitative Services, the Associate Commissioner of

the Social Security Office of Employment Support Programs (OESP), the Director of the National Institute on Disability Research and Rehabilitation (NIDRR), the Department of Veterans Affairs Director of Vocational Rehabilitation & Employment Service (VR&E), the Department of Labor Assistant Secretary on Veterans Services, the Director of the Office of Disability of the Department of Health and Human Services, and a senior official of the Centers for Medicare and Medicaid Services (CMS). The working group shall regularly inform the Commission and respond to Commission requests on the current status and progress with federal and state employment initiatives and evaluations, gaps in services and interagency program integration, and provide other timely information needed for the Commission to complete its mission.

- (c) Coordinate collaborative support: Each of the following heads of agencies shall appoint one or more senior agency officials as liaison to and support for the Commission to complete its mission on schedule. Designated liaisons shall be knowledgeable about issues to be considered in fulfilling the Commission's mission and who shall report directly to such head of agency with regard to the Commission. Each agency shall cooperate with the work of the Commission and each other and shall promptly provide information and technical and analytical assistance to the Commission:

- (1) the Commissioner of Social Security
- (2) the Secretary of Labor
- (3) the Secretary of Veterans Affairs
- (4) the Secretary of Health and Human Services
- (5) the Secretary of Education
- (6) the Secretary of the Treasury
- (7) the Assistant Secretary of the Interior for Indian Affairs
- (8) the Secretary of Housing & Urban Development
- (9) the Secretary of Transportation
- (10) the Administrator of the Small Business Administration
- (11) the Chair of the National Council on Disability
- (12) the Chair of Equal Employment Opportunity Commission, and
- (13) the Director of the Office of Personnel Management.

Sec. 10. General Provisions.

- a) Nothing in this order shall be construed to impair or otherwise affect (i) authority granted by law to an agency or the head thereof, or (ii) functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.
- b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.
- c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, its departments, agencies, entities, officers, employees, agents, or any other person.

Barack Obama

THE WHITE HOUSE

Date