

April 19, 1989

TO: Senator Dole
FROM: Maureen West
SUBJECT: ADA Strategy

As you requested I spoke with Senator Grassley regarding the Americans with Disabilities Act (ADA). He seemed to indicate that he would consider cosponsoring a Hatch bill but preferred a Dole bill as he informed Iowans of his interest in your legislation.

OVERVIEW OF THE LEGISLATION:

The Americans with Disabilities Act is comprehensive landmark civil rights legislation that establishes a national mandate to end discrimination against people with disabilities. The Act will parallel in scope the civil rights statutes provided racial and ethnic minorities, women and older persons -- extending anti-discrimination statutes and creating enforceable standards to deal with discrimination against people with disabilities in employment, transportation, public accommodations, communications, and State and local governments.

Federal legislation barring discrimination against individuals with handicaps exists under Section 504 of the Rehabilitation Act of 1973 but is limited to those entities receiving federal financial assistance. The ADA would provide broader coverage since it would apply to the private sector. It is also more specific in its statutory requirements.

POLITICAL PROBLEMS:

President Bush repeatedly expressed his support for the ADA during the campaign. However, now the White House wants more time to study the bill, because affected agencies (Department of Labor, Department of Transportation, Federal Communications Commission and the Department of Commerce) are very concerned about its cost, regulatory impact, and the effect on the economy and small business. Extension of anti-discrimination statutes with enforceable remedies may result in increased litigation against those not in compliance with mandated standards.

The disability community is prepared to stage protests and react militantly should the Administration not support this legislation. If you introduce a bill before the Administration acts, the disability community will perceive you as actively undermining their efforts to secure Administration support, as well as backing from other Congressional Republicans.

PREVIOUS DOLE POSITION:

You cosponsored the original version of the ADA in the last Congress (which was much broader than the current Harkin version). However, at that time, the bill was introduced as a symbolic gesture and was not pushed by its sponsors. In addition, you did a floor statement indicating that while you supported the broad objectives of the bill, you had a number of concerns about the impact of specific provisions.

RECOMMENDATIONS:

The legislation Senator Harkin intends to introduce could be highly controversial with the business sector and many conservative advocacy groups. Too much is still unknown about this legislation, and I am certain the major land mines that are hidden in the bill will surface in the course of hearings. Three days of balanced hearings are scheduled in May.

Should the Committee report a bill, you would still be well positioned to introduce your own version of the legislation, since, given the Committee's liberal composition, it is virtually certain that there will be insufficient support to pass the bill on the floor.

OPTIONS:

- ☒ Introduce a Bill now and take political risks.
- ☐ Introduce a refined bill after input from hearings.
- ☐ Wait until a compromise may be necessary on the Senate floor.