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United States Senate

COMMITTEE ON LABOR AND
HUMAN RESOURCES

WASHINGTON, DC 20510-6300

September 5, 1989

cc: SB, JW,
MO WEST
ATT → WEST

Dear Colleague:

The Americans with Disabilities Act, S. 933, is expected to be on the Floor during Labor Day week. I was pleased to become a cosponsor of the committee-approved version of the bill. I did so with the understanding that I still had important concerns about the bill.

My principal concerns are:

1. The bill provides no small business exemption from the bill's public accommodations provisions. Thus, mom-and-pop businesses will have to incur more than de minimus costs when necessary to provide accessibility. For small businesses, any new costs can be very detrimental to their competitive position.

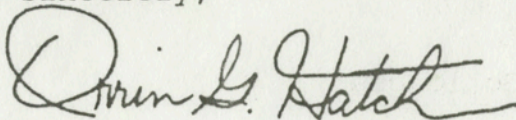
2. The relief available in an Attorney General action to enforce the public accommodations provisions is excessive. This includes a civil penalty of up to \$50,000 for a first offense and up to \$100,000 for a second offense.

3. The bill's requirement that private bus transportation companies purchase or lease their new buses with lifts is premature, even with a delayed effective date. For large companies, this requirement is effective five years after enactment; for small companies, it is effective one year later. This "new bus" requirement is based on inadequate data. It creates the serious risk that, when it goes into effect, private over-the-road regular route service, that is, scheduled service between communities, will be significantly curtailed, if not virtually eliminated, at some point thereafter. Ironically, the bill calls for a three-year study to determine, in effect, whether this requirement is feasible. Yet, the lift requirement remains in place regardless of the results of the study. A study of this issue should be undertaken first, and then the Congress should act based on the study.

Further information about each concern is attached. My concerns are more fully detailed in my additional views in the Committee Report, which I will also place in the Wednesday, September 6, Congressional Record.

Please feel free to call Mark Disler (224-7703) or Steve Settle (224-6770) of my staff if there are any questions.

Sincerely,

A handwritten signature in dark ink, reading "Orrin G. Hatch". The signature is fluid and cursive, with the first name "Orrin" being more prominent and stylized.

Orrin G. Hatch
United States Senator