

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

August 2, 1985

STATEMENT BY THE PRESS SECRETARY

The Administration has reached a consensus with key Senators from both parties on legislation that would expand the reach of this country's civil rights laws to include disabled Americans. This will be landmark legislation, not only for the 37 million Americans with some form of disability, but for all Americans, demonstrating, as the President said in his Inaugural Address, that "this is the age of the offered hand."

The President endorses this legislation as the vehicle to fulfill the challenge he offered in his February 9 address to the Nation: "Disabled Americans must become full partners in America's opportunity society."

The President has pursued a commonsense approach, seeking a practical bill that will help the disabled reach their full potential. He is committed to producing a bill that can be signed this year.

The discussions have resulted in an agreement we expect to be reflected in today's mark up in the Senate Labor and Human Resources Committee of the "Americans with Disabilities Act." The agreement provides for:

- Federal protection for the disabled against discrimination in the workplace, paralleling existing protections that apply to entities that receive federal funds. The requirement would initially apply to employers of 25 or more and phase down to employers of 15 or more. Covered employers would have to make reasonable accommodation to disabled persons.
- Prohibition of discrimination against the disabled in public accommodations. The agreement adopts a broad definition of public accommodations, including restaurants, stores, and health care providers. Public accommodations would be required to make readily achievable alterations to existing facilities to accommodate the disabled. This legislation is designed to achieve access for the disabled in the most efficient manner, with emphasis on making new buildings accessible.
- Enforcement of the new protections through the Equal Employment Opportunity Commission, and suits seeking injunctive relief.

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The President is committed to bringing persons with disabilities into the mainstream, including full participation and access to all aspects of society. He wants to do this through a framework that allows for maximum flexibility to implement effective solutions, builds on existing law to avoid unnecessary confusion and litigation, and attains these goals without imposing undue burdens. The President believes this can be accomplished by using reasonable measures, phased over time, as this legislation does.

We are pleased that substantial progress has been made. We will continue to analyze the full ramifications of the legislation and look forward to working with the Senate and the House to complete the legislative process this year.



Leadership Conference on Civil Rights

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*Deceased

August 3, 1989

Honorable George Bush
The White House
Washington, D.C. 20500

Dear President Bush:

On behalf of the 180 national organizations in the Leadership Conference on Civil Rights, I want to express our deepest appreciation for your efforts on behalf of the Americans with Disabilities Act. Without your personal commitment to disability rights, it would have been impossible to fashion the fair and strong compromise that the Senate Labor and Human Resources Committee reported out yesterday. We look forward to working with you towards enactment of this historic legislation.

I would also like to take this opportunity to thank you once again for your contributions to the enactment of the Fair Housing Amendments Act of 1988. Everyone in the Leadership Conference hopes that the Fair Housing bill and the ADA will serve as models for future cooperation between the Bush Administration and the civil rights community on important civil rights issues.

With warm regards,

Sincerely,

Ralph G. Neas
Ralph G. Neas
Executive Director

RGN/lmh

cc: Governor John Sununu

NEWS FROM THE HOUSE MAJORITY WHIP

Congressman Tony Coelho
FOR IMMEDIATE RELEASE

H-148, Capitol
April 29, 1988

225-3130
David Dreyer

STATEMENT OF CONGRESSMAN TONY COELHO LEAD HOUSE SPONSOR "AMERICANS WITH DISABILITY ACT OF 1988"

Today, I and more than 40 of my colleagues in the House, are introducing the Americans with Disabilities Act of 1988. This landmark legislation seeks to eliminate discrimination against persons with handicaps in six basic areas: employment, housing, transportation, public accommodations, public services and communications.

I have learned first hand, the injustices of discrimination against the handicapped because I have suffered such discrimination. I saw many doors closed to me because of my epilepsy. It is exactly this type of discrimination, caused by prejudice, misconceptions and ignorance that this bill will help to eliminate.

For too long the 36 million disabled in America have been the victims of "out of sight, out of mind" thinking. We have allowed our squeamishness with the handicapped, and our feelings of hostility toward them to perpetrate a gigantic and wasteful injustice.

For example, I know one woman with epilepsy who was employed for nearly eight years as a secretary for a company. One day she had a seizure at work and was fired, simply because her employer felt that her co-workers should not have to work with someone like her.

Precluding disabled people from productive work translates into an economic burden that must be borne by the entire society: after all, dependency is expensive. It increases entitlements, lowers our gross national product, and reduces revenue to the federal government.

(more)

NEWS FROM THE HOUSE MAJORITY WHIP

The exclusion and segregation of people with disabilities has had an insidious partner: good intentions. An atmosphere of charity and concern cloak our ill-treatment of disabled people and permeates our excuses for denying them access to the full benefits of modern American society. The institutions, and the token van rides, and the overprotective denials of employment, gracious as they are, have all been provided with the noblest intent. While the charity model once represented a step forward in the treatment of persons with handicaps, in today's society it just is not enough.

It is time to stop the excuses and strip off the veneer of good intentions. No more of this benign Big Brother attitude. People with disabilities want to work. Disabled does not mean unable. Persons with disabilities want to be productive, self-supporting and tax-paying participants in society. This bill will grant them that dignity and that right.

We must provide disabled citizens the same equality of opportunity it has provided to other minorities and women. We must all work together toward the day when disabled people face no discrimination. I urge every one here and all Americans, to join us in this fight.

(30)

NEWS RELEASE

Tom Harkin *OF IOWA*

UNITED STATES SENATOR

STATEMENT OF TOM HARKIN (D. IOWA)

INTRODUCTION OF THE AMERICANS WITH DISABILITIES ACT OF 1988

As chairman of the Subcommittee on the Handicapped, I am proud to join my colleagues from the Senate and the House in sponsoring the Americans with Disabilities Act of 1988. This bill has been submitted to the Congress by the National Council on the Handicapped as part of its mandate to recommend policies for persons with disabilities.

I congratulate Sandy Parino, the chairperson of the National Council, the other members of the Council, and the staff, first of all, for documenting the magnitude of discrimination faced by persons with disabilities and, secondly, for drafting a bill that moves us toward ending that discrimination. This is really your day and you have earned our appreciation.

Now - some may ask - what do you mean there is no law now on the books banning discrimination on the basis of a disability in such areas of employment, public accommodation, and housing?

Didn't we pass Civil Rights Acts in 1964 and in 1968?

Yes, we did pass landmark civil rights bills - and they do protect all Americans from discrimination on the basis of race, sex, national origin, and religion. But that's where it stops.

The 36 million Americans with disabilities are not covered. In a nation that prides itself on offering opportunities for all, persons with disabilities are second-class citizens.

A company in this country can, legally, interview a person for a job - and the prospective employee can be qualified in every way, but if the employer decides he doesn't want to employ somebody with a disability -- and makes the final decision on that basis -- there is nothing, nothing to prevent the company from doing that. A recent Harris poll showed that over two-thirds of persons with disabilities are unemployed and that this number approaches 90 percent for minorities with disabilities. The Poll also found that over 75 percent of managers of businesses reported that people with disabilities "often encounter job discrimination from employers."

The same kind of discrimination against persons with disabilities is de facto sanctioned in housing, in transportation, in communications, and in

public accommodations. The National Council has documented the magnitude and pervasiveness of discrimination against persons with disabilities in two recent reports submitted to the Congress and the President: Toward Independence (1986) and On the Threshold of Independence (1988).

Today, nearly a quarter of a century after the passage of the 1964 Civil Rights Act, it is time we extended civil rights to persons with disabilities.

I am optimistic we can.

Last month, we overrode the President's veto of the Civil Rights Restoration Act - which restores the protection offered by section 504 of the Rehabilitation Act of 1973 against discrimination by any organization receiving federal aid. And the recent success of students and faculty at Gallaudet in winning support for a deaf president created a new opening for greater public awareness of the concerns of all persons with disabilities.

These events show growing support for the rights of persons with disabilities. All Americans see this as a matter of simple justice and they want Congress to act.

Today, as we introduce the Americans with Disabilities Act, we begin that journey. This bill is not the end, it is the beginning.

The final bill that emerges is likely to evolve and change somewhat. I hope any changes that are made will be seen as improvements by all who are involved. The best solutions will come through a process of consensus.

I look forward to beginning our consideration of the Americans with Disabilities Act. I look forward to the day, and it will be soon, when Congress passes and the President signs into law a bill making it illegal to discriminate against persons with disabilities in all major areas of American life.



National Council on the Handicapped

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An Independent
Federal Agency

NEWS RELEASE

Contact: Paul G. Hearne

Date: Sept. 27, 1988

PASSAGE OF AMERICANS WITH DISABILITIES ACT URGED

Today's joint hearing underscores the critical need to pass the Americans with Disabilities Act of 1988 -- a bill which will outlaw discrimination faced by this country's 36 million people with disabilities. This landmark legislation parallels the scope and coverage of major civil rights laws of this country and proclaims that discrimination on the basis of disability will no longer be tolerated. Discrimination which costs America in terms of wasted human potential and resources.

Drafted and shaped by the National Council on the Handicapped after years of careful analysis and review, this legislation is the first comprehensive civil rights bill for persons with disabilities. Introduced in April of this year by Senators Lowell Weicker and Tom Harkin and Representatives Tony Coelho, Silvio Conte, Major Owens, James Jeffords, and others, this bill has now amassed well over 125 additional cosponsors.

The Americans with Disabilities Act also has been endorsed by the Consortium for Citizens with Developmental Disabilities, which consists of over 50 national disability organizations representing literally millions of persons with a wide range of disabilities, as well as numerous other consumer and professional organizations.

The Council implores Congress to enact the Americans with Disabilities Act and pave the way for disabled Americans to live full, productive and independent lives without having to endure needless and painful discrimination in transportation, housing, employment, parks, recreation activities, and in the broadcasting and communications industry.

news release

Epilepsy Foundation of America

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®



For More Information Contact:

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FOR IMMEDIATE RELEASE: APRIL 29, 1988

"Most individuals take for granted their right to employment, housing and transportation. But millions of Americans with chronic illnesses or disabilities such as epilepsy are regularly confronted by discriminatory practices and find themselves without the legal protections widely available to others in our society," explained Paul Koenig, Chairman of the Board of the Epilepsy Foundation of America. Mr. Koenig continued, "That's why the Epilepsy Foundation of America strongly supports the 'Americans with Disabilities Act of 1988.' EFA, on behalf of the two-and-a-half million Americans with epilepsy, calls upon the Congress to enact this critically important civil rights bill into law this year".

The "Americans with Disabilities Act of 1988," introduced in the House by Representatives Tony Coelho and Silvio Conte and in the Senate by Senators Lowell Weicker and Tom Harkin, prohibits discrimination on the basis of handicap in employment, housing, transportation and public accommodation.

"Extending anti-discrimination protection to people with disabilities in private sector employment is long overdue," said Paul Koenig. "Many people with epilepsy have encountered employment discrimination. They have lost jobs for which they are totally qualified because of prejudice and archaic attitudes about epilepsy," Koenig said.

Koenig explained that passage of the "Americans with Disabilities Act" would have prevented the unjust firing of Danny Goerke. Mr. Goerke was fired from his job as an assistant family teacher at Father Flanagan's Boys Home in Nebraska when he disclosed that he took medication because of a history of seizures. Last year the Nebraska Supreme Court ruled, 4 to 3, that although Goerke had been seizure free for ten years, had a valid driver's license and a excellent driving record, he could be denied employment that involved occasional driving merely because there was a possibility, however remote, that he could have a seizure in the future.

The Epilepsy Foundation of America receives hundreds of calls every year from people with epilepsy who like Mr. Goerke have encountered such problems. "Our files are full of cases in which a person with epilepsy experienced employment discrimination and had no remedy because their state did not have an anti-discrimination law," added Koenig.

Tony Coelho (D-CA), Majority Whip in the House of Representatives, who has epilepsy and serves on EFA's Board of Directors, is the chief sponsor of the Americans with Disabilities Act. "EFA appreciates the leadership Congressman Coelho and the other sponsors have shown in introducing this landmark legislation," stated Koenig.

"This legislation would extend to Americans with disabilities, the largest minority population in America, the same legal remedies which protect Americans from discrimination based on race, sex and national origin," concluded Koenig.

April 29, 1986

FOR IMMEDIATE RELEASE

Contact: Scott Marshall
Gov't Relations
Specialist
(202) 457-1487

THE AMERICAN FOUNDATION FOR THE BLIND APPLAUDS CIVIL RIGHTS
PROTECTIONS FOR BLIND AND OTHER DISABLED PERSONS

Washington, D.C. (April 29, 1988)-- The American Foundation for the Blind (AFB) today hailed the introduction of the Americans with Disabilities Act as a milestone in the disability rights movement in the United States. "Blind and visually impaired people suffer from many kinds of discrimination," said William F. Gallagher, AFB's Executive Director. "For example, blind persons are not covered by most of the civil rights laws which apply to other minority groups, and accordingly we lack an adequate remedy for discrimination in such areas as employment, housing, public accommodations, and transportation."

Although most blind and visually impaired persons are qualified by education and skill level to perform work (and indeed are physically capable of doing so), approximately 125,000 under age 65 are receiving Social Security Disability Benefits or Supplemental Security Income payments. In addition, about 66 percent of working age blind and visually impaired persons are unemployed or are not in the labor force. "This situation is

-more-

truly intolerable," Gallagher added, "and represents a staggering cost to society in both human and economic terms."

Although Section 504 of the Rehabilitation Act of 1973 as amended does provide some limited protection against discrimination by those who receive federal funds, Gallagher noted that blind and other persons with disabilities do not enjoy federal protection against discrimination in the private sector. Gallagher stated that AFB is pleased that this legislation covers communications barrier removal which would make the failure to provide braille or recorded information a discriminatory practice.

Approximately 600,000 Americans are legally blind. An additional 2.4 million persons are considered to be severely visually impaired, meaning that they cannot read newspaper print with corrective lenses.

AFB is a national, nonprofit organization serving the needs of blind and visually impaired people through its New York City headquarters and regional centers in San Francisco, Atlanta, Chicago, Dallas, New York and Washington, D.C.



NATIONAL ASSOCIATION OF THE DEAF

301-587-1788
814 THAYER AVENUE
SILVER SPRING, MARYLAND 20910

Release Date: April 29, 1988
Contact: Executive Office (301) 587-1788

NATIONAL ASSOCIATION OF THE DEAF SUPPORTS EQUAL RIGHTS, EQUAL PROTECTION, AND EQUAL OPPORTUNITIES PROPOSED BY THE AMERICANS WITH DISABILITIES ACT OF 1988

WASHINGTON D.C. -- The National Association of the Deaf (NAD), an organization with affiliate Associations in all fifty States and a member of the World Federation of the Deaf, supports the intent of the Americans with Disabilities Act of 1988 to establish a clear and comprehensive prohibition of discrimination on the basis of handicap.

Gary W. Olsen, Executive Director of the 108-year-old consumer organization, remarked, "I believe this bill once enacted into law will bring people who are deaf, as well as to people with other disabilities, the opportunity for greater breakthroughs in our pursuit of equal opportunities, equal rights, equal protection, and equal participation...to a free, open, and fair communication with society."

The National Association of the Deaf has taken an active role in the development of the Disabled Americans Act, fighting to insure the inclusion of language that will result in a positive impact upon America's communicatively disabled population.

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NEWS RELEASE

Tom Harkin OF IOWA

UNITED STATES SENATOR

OPENING STATEMENT OF
SENATOR TOM HARKIN
HEARING ON THE REAUTHORIZATION OF THE
REHABILITATION ACT OF 1973
SUBCOMMITTEE ON DISABILITY POLICY
JUNE 30, 1992

The Subcommittee on Disability Policy is meeting today to consider the reauthorization of the Rehabilitation Act of 1973.

Before we begin this review, I would like to note that next month we celebrate our nation's independence day for people with disabilities--July 26, 1992 marks the second anniversary of the passage of the Americans with Disabilities Act. July 26 is also the day the provisions in the ADA barring employment discrimination go into effect.

We can all be proud of what we have achieved. But obviously, our work is not done. We cannot rest until we have established a national disability policy that is based on the values and precepts of the ADA--respect for individual dignity, self-determination, inclusion, integration, and full participation of individuals with disabilities in all aspects of society.

We need a national disability policy:

- * that empowers individuals with disabilities to make meaningful contributions to their family and their community;
- * that provides individuals with disabilities with the choice to live in their own homes and communities and receive an education, work, and play alongside their nondisabled peers;
- * that guarantees affordable health care, including the elimination of exclusions for pre-existing conditions;
- * that addresses the need for consumer-directed personal assistance services; and
- * that provides a Social Security system that rewards independence, not dependence.

Today, we focus on two components of our national disability policy. The first concerns vocational rehabilitation. Barring employment discrimination opens the doors of opportunity; but people with disabilities need the skills and support services that will enable them to achieve their career goals.

Second, we focus on independent living to ensure that people with disabilities are empowered to control their own lives and be fully included in all aspects of our society.

For the past six months, my staff and Senator Durenberger's staff have been reviewing recommendations, developing proposals, meeting with all interested parties in an effort to craft a bipartisan consensus bill.

We have asked each of you to comment on the product of these efforts—a document which is referred to as "Staff Discussion Draft."

The major themes of the draft are as follows.

1. Ensure that the precepts and values embedded in the ADA are reflected in the Rehabilitation Act.

2. Improve the functioning of the vocational rehabilitation system by streamlining access, ensuring appropriate access for those individuals with the most severe disabilities, improving interagency linkages and cooperation, improving relationships with business, industry, and labor, and providing for a comprehensive system of personnel development.

3. Increase consumer choice and involvement at the individual level (individualized written rehabilitation program) and system level (creation of consumer councils).

4. Increase accountability and quality.

5. Ensure that basic formula grant programs remain state-of-the-art by ensuring that the discretionary programs of research, demonstrations, and training respond to identified needs.

6. Update terminology.

I look forward to hearing from our distinguished witnesses.

For additional information, contact Linda Hinton, Legislative Assistant, Senate Subcommittee Disability Policy, chaired by Senator Tom Harkin. The telephone number is (202) 224-6265.

Small Business and the ADA: Dollars and Sense

Kevin
Napient
703-455-
4940

Having a stable and fulfilling job is a basic component of the American dream. Every one of us would like to have a job that is enjoyable and stimulating and that provides us with sufficient income to meet our needs. People with disabilities are no different. People with disabilities would like to obtain jobs suited to their talents and interests, and like everyone else, they would like to secure promotions and advance in their careers. To this end, President Bush signed the Americans with Disabilities Act (ADA) into law on July 26, 1990. The law prohibits discrimination against persons with disabilities in all areas of American life, such as employment, public accommodations, transportation, and telecommunications.

One aim of the ADA is to prevent qualified individuals with disabilities from being denied jobs. Experience shows that persons with disabilities are excellent employees yet the unemployment rate for this group is the highest in the nation. Misconceptions about the abilities of persons with disabilities prevent many from the opportunity to work. Lack of employment opportunity adds to the welfare rolls and this costs all of us.

In order for tax users to become tax payers, we need policies that replace government handouts with policies that permit self determination. The opportunity to work enables people to participate in the economy as active consumers,

purchasing the goods and services they need and desire. All Americans benefit from an inclusive workforce. These are the reasons why I supported the ADA and it is why I believe it makes good business sense.

The ADA provides this country with both a challenge and an unprecedented opportunity. In the short term, some businesses will spend money to accommodate new employees or customers with disabilities. However, there is much evidence that the cost of accommodations is not exorbitant. An accommodation can be anything from a simple environmental adjustment or modification costing nothing to a sophisticated assistive technology device such as an opticon (a device that converts printed symbols to vibrating images). The requirement to make a reasonable accommodation is not open-ended. Employers are not required to make accommodations which impose an undue hardship. Critics claim that terms such as reasonable accommodation and undue hardship are vague and will invite litigation. Such a view is incorrect.

First, the practice of reasonable accommodation is not new. Employers with federal contracts in excess of \$2500 have been making accommodations under the Rehabilitation Act since 1973. That's almost twenty years of experience in this area, and this experience shows that accommodations of reasonable cost which do not impose an undue hardship are readily achievable.

What business needs is access to information. The federal government supports such an endeavor. The Job Accommodation Network (JAN) was established in 1984 to serve as a clearinghouse in providing information on specific strategies and accommodations that have been used successfully. Initiated by the President's Committee on Employment of Persons with Disabilities, JAN has the largest database of known accommodations. Less than one percent of accommodations cost more than \$5,000. Half cost under \$500. The Job Accommodation Network is an excellent source of information for employers.

Prior to ADA's final passage, I authored an amendment to expand the work of groups like JAN by establishing a program of technical assistance for those who will be implementing the ADA. Technical assistance is critical in helping employers understand their rights and obligations under the law. Technical assistance will bring the talent and leadership of private industry to the rehabilitation process. Together, both groups can more effectively identify not only job opportunities, but also the necessary skills that would qualify people with disabilities for the jobs of today and challenges of the future.

In addition to technical assistance, Congress also created a business tax credit targeted to address financial burdens resulting from ADA accommodations. This \$5,000 tax credit coupled with the Internal Revenue Tax Code, provides small business with partial relief from monetary obligations.

In the last ten years advances in technology and the desire of people with disabilities to be employed in businesses have resulted in tens of thousands of people working in the private sector. Big business has provided leadership in this area: IBM, Xerox, AT&T, Boeing, DuPont Marriott, and McDonalds employ people with disabilities. DuPont conducts routine overall comparison surveys and consistently finds employees with disabilities equivalent to other employees in job performance, attendance and safety.

Thousands of small to medium size companies have had similar experiences. Kreonite, a small business in Wichita employees approximately 228 workers, 26 of whom are workers with disabilities. Kreonite is an example of a small business which is proactive in hiring people with disabilities for sound business reasons and which has embraced the goals of the ADA.

The ADA makes good business sense because right now small businesses are paying to keep potential employees--persons with disabilities--on the welfare rolls. It makes good economic sense to invest in making accommodations in the workplace and in the marketplace. By investing in accommodations we create incentives for greater productivity and consumerism. Employees who have disabilities are safe dependable workers according to the Dupont studies on the employment of persons with disabilities (Equal to the task).

My own commitment to employment of people with disabilities inspired me to create the Dole Foundation. Our organization enables the private sector to provide financial assistance to the many outstanding community employment and training programs which foster opportunities for people with disabilities to be competitively employed. Every individual has unique abilities and talents. It is essential therefore to provide opportunities that enable individuals to utilize their abilities.

The Dole Foundation, which is the only grantmaking foundation in the United States to exclusively focus on economic independence for people with disabilities, has made many contributions to the field of disability employment. The Foundation not only awards grants to many employment programs nationwide, but also focuses on education and public awareness activities to address the antiquated attitudinal barriers preventing people with disabilities from locating and obtaining jobs.

The difficulty faced by many people with disabilities, however, is that they often not given the opportunity to demonstrate their talents and abilities to perform certain jobs. Instead myths and stereotypes regarding the person's inability to perform the job, or simply fears about hiring a person with a disability for a particular job, preclude the individual from receiving offers of employment or promotion.

The ADA is an important beginning giving us both a framework and a mandate from which to proceed. However to meet the non-discrimination and increased employment goals of the ADA, programs must continue to provide critical technical assistance to the business community. I continue to have concerns about the implementation of the Americans with Disabilities Act. To fulfill its mandates will require new attitudes and new supports for those who must implement the changes it requires. My support for the ADA buttressed by the ingenuity and spirit of the American businessman. As businesses grapple with the complexities and nuances of implementing the law, we in Congress will continue to support initiatives like targeted tax credits aimed at eliminating barriers employers face in meeting the requirements of the ADA.

9-20-95
J. V. F.

STATEMENT OF SENATOR ROBERT J. DOLE
DREDF ADA CELEBRATION
FEBRUARY 1, 1992

The ADA is an important beginning, giving us not only a framework from which to build, but also a mandate from which to proceed. To reinforce the ADA and to move disability policy forward into the next century, it is critical to maintain a solid partnership between the disability communities as well as the public and private sectors. DREDF has been instrumental in building this coalition. Working together, we can ensure that every American will be provided the access and opportunity to all that society offers.

More importantly, by increasing public awareness through education, we can break down the only real handicap -- that of ignorance leading to attitudinal barriers that prevent full participation in the American mainstream.

Like everyone involved with the ADA, I feel privileged to have played a role in its passage. However, passage alone does not guarantee that our job is complete. As we look ahead to the next century, I hope that there will be little need for government intervention to assure the rights of any segment of American society. But, if it is still necessary to redress discrimination, all of us in the disability community can continue to make a difference by working together and looking to DREDF for their solid advice and leadership.

DREDF has worked tirelessly to enhance the rights of people with disabilities and their families. Your mission insures that EVERY citizen has access to an all inclusive society. Many of us in Congress have and will continue to look to DREDF for assistance and guidance in improving our nation's policy towards people with disabilities.

The exemplary technical assistance and public policy advocacy, DREDF continues to provide has earned national respect as evidenced by passage of landmark policy victories. Your distinguished record on civil rights for ALL Americans will long be remembered and revered here and nationwide. I look forward to working with you as Congress continues to monitor the effective implementation of the Americans with Disabilities Act. DREDF's continued leadership will enable Congress to set enlightened disability policy into the next century.

cc: Maureen -
he taped (video)
this 2/3 - will
be used as PSA
Susan

**ONE OF THE GREAT
CHILDHOOD JOYS IS THE
OPPORTUNITY TO PLAY
LITTLE LEAGUE BASEBALL.
EACH YEAR, 2 1/2 MILLION
YOUNGSTERS WORLDWIDE
TAKE PART IN THIS
HEALTHY ACTIVITY, AND
LEARN VALUABLE LESSONS
OF TEAMWORK,
SPORTSMANSHIP AND
DISCIPLINE WHILE
ENJOYING OUR GREAT
'SUMMER GAME.'**

**UNFORTUNATELY,
THERE ARE SOME YOUNG
PEOPLE WHO CAN'T PLAY
ON "CONVENTIONAL TEAMS"
BECAUSE OF MENTAL OR
PHYSICAL DISABILITIES.
BUT NOW, THROUGH THE
DEVELOPMENT OF THIS
PROGRAM FOR PHYSICALLY
AND MENTALLY
CHALLENGED LITTLE
LEAGUERS, EVERY CHILD
CAN SHARE IN THIS
CHERISHED EXPERIENCE.**

THE VALUE OF THIS
PROGRAM LIES IN ITS
THERAPEUTIC BENEFITS.
BEING A MEMBER OF A
LITTLE LEAGUE TEAM CAN
STRENGTHEN A
YOUNGSTER'S SELF-ESTEEM,
AND PROVIDE MANY
REWARDING MOMENTS FOR
THE ENTIRE FAMILY.

I SALUTE LITTLE
LEAGUE BASEBALL FOR ITS
LEADERSHIP ROLE IN THE
DEVELOPMENT OF THIS
VITAL PROGRAM; AND I
APPLAUD THE EFFORTS AND
SPIRIT OF LITTLE LEAGUE
VOLUNTEERS EVERYWHERE,
AND CHALLENGE YOU TO
ORGANIZE THIS PROGRAM
IN YOUR AREA SO THAT
EVERY CHILD CAN PROUDLY
BE A "LITTLE LEAGUER".

THANK YOU.

A handwritten signature in blue ink, consisting of a stylized star or asterisk shape followed by a horizontal line.

~~Burroughs~~
Hse Bill
Senate Bill] Parental
Leave

H.R. 770 pg 6 5A
S. 345 pg 5 #4

I AM OPPOSED TO THE HOUSE VERSION AND THE O.F.E.P. BECAUSE IT IS INADEQUATE AND UNFAIR. IT FORCES VICTIMS TO MOVE THEIR CLAIMS IN THE VERY INSTITUTION THAT DISCRIMINATES AGAINST THEM. THE OFEP WAS CREATED BY THE HOUSE AND IS CHAIRED AND STAFFED BY HOUSE MEMBERS AND THEIR AGENTS.

UNDER THE HOUSE VERSION, THE FAIR EMPLOYMENT PRACTICES RESOLUTION IS THE ONLY OPTION FOR A HOUSE EMPLOYEE WHO IS AN ALLEGED VICTIM OF DISCRIMINATION. IF THE VICTIM IS NOT SATISFIED WITH THE OUTCOME OF THE PROCEEDINGS, THERE IS NO WHERE ELSE TO TURN OTHER THAN TO THIS ENTIRELY "IN-HOUSE" PROCEEDING. VICTIMS MAY NOT EVER TAKE THEIR CASES TO COURT.

ANOTHER CRUCIAL FACT IS THAT IF THE OFFICE DOES ELECT TO AWARD REMEDIES, the money awards are paid from a contingent fund of the House. That means that ultimately the taxpayers must pay compensation, back-pay, the costs and attorney's fees incurred when a Member is held liable for violating the law. THE U.S. TAXPAYERS ARE THEN FORCED TO SUBSIDIZE DISCRIMINATION BY THEIR ELECTED REPRESENTATIVES.

COMPARE THIS TO THE PRIVATE SECTOR, WHERE IF A CORPORATE DIRECTOR OR OFFICER IS HELD TO HAVE WILLFULLY VIOLATED THE LAW IN A MANNER OUTSIDE HIS CORPORATE DUTIES THE CORPORATION IS LEGALLY BARRED FROM INDEMNIFYING THE DIRECTOR OR OFFICER FOR ANY LIABILITIES OR COSTS INCURRED. THE IRONY IS THAT CONGRESS ENACTED THIS LAW TO PROTECT THE SHAREHOLDERS FROM AN OFFICER'S BREACHES OF FIDUCIARY DUTY. WHY THEN IS CONGRESS SO WILLING TO ORDER THE TAXPAYERS TO SUBSIDIZE DISCRIMINATION BY MEMBERS OF CONGRESS? SUCH A PROVISION IS INEXCUSEABLE AND YET ANOTHER DOUBLE-STANDARD ENACTED BY CONGRESS FOR CONGRESS.

WHEN WE DO INCLUDE CONGRESS, WE MUST NOT PROVIDE MEANINGLESS REMEDIES THAT VICTIMS WILL BE AFRAID TO PURSUE, OR FORCE TAXPAYERS TO PICK-UP THE REMEDIAL TAB FOR UNLAWFUL DISCRIMINATION BY MEMBERS OF CONGRESS.

THE SPECIFICS ON THE PROCEDURES OF THE OFFICE OF FAIR
EMPLOYMENT PRACTICES

THE OFFICE OF FAIR EMPLOYMENT PRACTICES, CREATED BY A HOUSE RESOLUTION AND APPLYING ONLY TO THE HOUSE OF REPRESENTATIVES, ACTS AS THE SOLE AND FINAL ARBITER OF DISCRIMINATION CHARGES BY CONGRESSIONAL EMPLOYEES. IT IS RUN ENTIRELY BY HOUSE MEMBERS AND OR THEIR AGENTS. THE OFFICE ISSUES FINAL DECISIONS THAT ARE NOT APPEALABLE; ALLEGED VICTIMS OF DISCRIMINATION THUS HAVE NO MEANS TO VINDICATE THEIR RIGHTS OTHER THAN UNDER THE OFEP SCHEME.

PROCEDURES:

1. A thirty day counseling period begins when an alleged victim requests relief. A counselor is appointed to resolve the alleged violation through mediation. These counselors, who are employees of the House, are responsible for advising complainants of their rights under the House Resolution.

2. Only after this 30-day period may an alleged victim file a formal complaint. A formal hearing will then be held from which a Hearing Officer issues a written decision. The Hearing Officer, also an employee of the House, is appointed by the Chairman and ranking minority member of the House Administration Committee.

3. Final review of complaints is conducted by another entirely in-house panel comprised of two majority members and two minority Members of the House Administration Committee, two officers of the House, and two employees of the House. The two officers are appointed by the Speaker of the House and the two employees are appointed by the minority leader. The ruling of this panel is final and unreviewable in any federal court or otherwise.

News from Senator

BOB DOLE



(R - Kansas) SH 141 Hart Building, Washington, D.C. 20510-1601

FOR IMMEDIATE RELEASE
MAY 10, 1989

CONTACT: WALT RIKER
(202) 224-5358

STATEMENT OF SENATOR DOLE
TESTIMONY ON AMERICANS WITH DISABILITIES ACT
LABOR AND HUMAN RESOURCES COMMITTEE
MAY 10, 1989

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, AND MEMBERS OF THE DISABILITY COMMUNITY, I WOULD LIKE TO THANK MY COLLEAGUES FOR THIS OPPORTUNITY TO PRESENT MY VIEWS ON EXPANDING THE CIVIL RIGHTS OF OUR DISABLED CITIZENS. LIKE MY COLLEAGUES, I BELIEVE WE NEED TO PROTECT PERSONS WITH DISABILITIES FROM DISCRIMINATION IN EMPLOYMENT, EDUCATION, TRANSPORTATION AND IN ANY OTHER AREA WHERE OUTRIGHT DISCRIMINATION EXISTS. MY CONCERN LIES IN HOW WE GO ABOUT ACHIEVING THESE PROTECTIONS, BECAUSE THEIR IMPLEMENTATION WILL AFFECT MORE THAN JUST THE DISABILITY COMMUNITY.

I DO BELIEVE THE AMERICANS WITH DISABILITIES ACT (ADA) CORRECTLY PLACES ITS EMPHASIS ON THE EMPLOYMENT AREA. IN MY VIEW, THIS IS A STRENGTH OF THIS YEAR'S VERSION OF ADA AS COMPARED TO LAST YEAR'S. WE MAY BE ABLE TO ARRIVE AT SOME SATISFACTORY AGREEMENT ON THIS PART OF THE BILL. BY THE YEAR 2000, ACCORDING TO THE LABOR DEPARTMENT, WE WILL BE FACING A SERIOUS LABOR SHORTAGE. WE NEED TO MAKE CERTAIN THAT WE ARE FULLY UTILIZING THE POTENTIAL OF EVERY INDIVIDUAL WITHIN OUR SOCIETY.

THERE ARE FEW SITUATIONS WHICH ARE MORE DEVASTATING BOTH FOR INDIVIDUALS AND FOR OUR COUNTRY THAN UNWARRANTED DISCRIMINATION. DISCRIMINATION AGAINST PERSONS WITH DISABILITIES IS NOT ONLY A BLOW TO AN INDIVIDUAL'S BASIC DIGNITY, BUT ALSO NEGATIVELY IMPACTS ON SOCIETY BY LIMITING SUCH INDIVIDUAL'S UNIQUE CONTRIBUTIONS. FOR EXAMPLE, AS WAS SO ELOQUENTLY EXPRESSED AT THE HEARINGS YESTERDAY, PEOPLE WITH DISABILITIES WANT TO WORK. THEY WANT TO PAY THEIR OWN WAY, TO CONTRIBUTE TO OUR SOCIETY. UNWARRANTED DISCRIMINATION DENIES THEM AND OUR COUNTRY THE BENEFITS OF THIS LABOR.

AS A MEMBER OF CONGRESS WHO HAS HAD PERSONAL EXPERIENCE WITH A DISABILITY, AND AS ONE WHO HAS CONSISTENTLY DEDICATED HIS PUBLIC CAREER TO ASSISTING PEOPLE WITH DISABILITIES, I STAND ON MY COMMITMENT TO BUILDING THE BEST AMERICA POSSIBLE FOR PERSONS WITH DISABILITIES. I AM STRONGLY IN FAVOR OF ENHANCING THE CIVIL RIGHTS OF PEOPLE WITH DISABILITIES -- I SUPPORT THE CONCEPT OF THE AMERICANS WITH DISABILITIES ACT, BUT I DO NOT SUPPORT ALL OF THE SPECIFIC LANGUAGE THAT I AM FAMILIAR WITH IN THE DRAFT THAT I HAVE HAD A CHANCE TO REVIEW. THE PRIMARY REASON FOR MY CAUTION IS THAT I'M REALLY NOT CERTAIN WHAT A LOT OF THE LANGUAGE IN THE CURRENT DRAFT DOES. SOME OF IT IS SO VAGUE THAT IT IS LIKELY TO CAUSE A FLOOD OF UNNECESSARY LITIGATION. WHILE I SUPPORT THE EMPLOYMENT GOALS OF THE AMERICANS WITH DISABILITIES ACT, I DO NOT THINK WE NEED TO CREATE ADDITIONAL EMPLOYMENT OPPORTUNITIES FOR LAWYERS. LATER IN MY TESTIMONY, I WILL CITE EXAMPLES OF SOME OF THESE AREAS OF AMBIGUITY.

I STRONGLY SUPPORT THE ELIMINATION OF BARRIERS FOR PEOPLE WITH DISABILITIES, BUT I ALSO CARE WHETHER WE GO ABOUT ACHIEVING THESE GOALS IN A CONSTRUCTIVE WAY -- ONE THAT WILL NOT CREATE AN UNREASONABLE BURDEN ON THE PRIVATE SECTOR, WHICH WILL BE REQUIRED TO IMPLEMENT THE PROVISIONS OF THE LEGISLATION.

I FIRMLY BELIEVE THAT OUR SOCIETY WILL ONLY BE CHANGED WHEN PEOPLE FOCUS ON THE CONTRIBUTIONS PEOPLE WITH DISABILITIES CAN MAKE -- ON WHAT THEY ARE CAPABLE OF DOING -- NOT ON THEIR LIMITATIONS. MY RECORD IN THIS AREA IS CLEAR, AND IT IS ONE THAT HAS BEEN ESTABLISHED OVER DECADES. LET THERE BE NO QUESTION ABOUT MY SOLIDARITY WITH THE DISABILITY COMMUNITY.

I KNOW THAT MANY OF MY FELLOW AMERICANS WITH DISABILITIES HAVE FOUGHT THEIR OWN BATTLES, FACED THEIR OWN CHALLENGES AND COME TO THEIR OWN PERSONAL UNDERSTANDING OF COURAGE.

YES, THE WORLD CAN BE IMPROVED, AND SO CAN THIS LEGISLATION. THE RECENTLY INTRODUCED AMERICANS WITH DISABILITIES ACT HAS SOME SERIOUS FLAWS, BUT ONES I BELIEVE CAN BE ADDRESSED. IN PURSUING A COURSE THAT WILL LEAD TO A BARRIER-FREE WORLD FOR PEOPLE WITH DISABILITIES, WE NEED TO ADDRESS THE CONCERNS OF ALL THOSE WHO WILL BE AFFECTED.

BEGINNING OF PROCESS

THE INTRODUCTION OF THIS BILL AND THESE HEARINGS MARK THE BEGINNING OF THE EXAMINATION OF A VERY SIGNIFICANT AND HIGHLY COMPLEX ISSUE: CIVIL RIGHTS PROTECTIONS FOR PERSONS WITH DISABILITIES. I BELIEVE THAT OUR EXTENSIVE, AND OFTEN UNWIELDLY, LEGISLATIVE PROCESS WAS DESIGNED TO PERMIT THE FULL EXAMINATION OF ISSUES AS FAR-REACHING AND SIGNIFICANT AS THIS ONE IS, AND I AM PLEASED THAT THIS PROCESS IS FINALLY BEGINNING.

-2-

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STEP TOWARD THE FUTURE

THE AMERICANS WITH DISABILITIES ACT IS AN IMPORTANT STEP TOWARD OUR VISION OF A FUTURE WHERE WHAT MATTERS IS NOT A PERSON'S DISABILITY, BUT HIS OR HER ABILITY TO PERFORM THE JOB, TO HAVE ACCESS TO PROGRAMS, TO PARTICIPATE FULLY IN OUR SOCIETY. THESE PROTECTIONS SHOULD NOT APPLY ONLY TO ENTITIES THAT RECEIVE FEDERAL FINANCIAL ASSISTANCE. HOWEVER, AS WITH ALL MAJOR INITIATIVES CAREFUL CONSIDERATION MUST BE GIVEN TO THE PRECISION WITH WHICH POLICY IS MADE AND STATUTORY LANGUAGE IS DRAFTED.

WITH REGARD TO SECTION 504, THE SUPREME COURT OBSERVED THAT THERE IS A BALANCE BETWEEN THE STATUTORY RIGHTS OF THE DISABLED TO BE INTEGRATED INTO SOCIETY AND THE LEGITIMATE INTERESTS OF FEDERAL GRANTEEES TO PRESERVE THE INTEGRITY OF THEIR PROGRAMS. (ALEXANDER V. CHOATE, 469 U.S. 287 (1985)). THIS SAME KIND OF BALANCING APPROACH IS WHAT IS NEEDED WHEN ADDRESSING THE DISCRIMINATION ISSUE FOR THE PRIVATE SECTOR.

EMPLOYMENT PROVISIONS

THE AMERICANS WITH DISABILITIES ACT DOES ADDRESS SOME OF THESE CONCERNS. IT PROVIDES STRONG PROHIBITIONS AGAINST DISCRIMINATION AND EMPHASIZES THE CRITICAL AREA OF EMPLOYMENT. TO BALANCE THIS, THE BILL UTILIZES THE SECTION 504 CONCEPTS OF "UNDUE BURDEN" AND "OTHERWISE QUALIFIED." HOWEVER, THE ENACTMENT OF LEGISLATION SHOULD INCLUDE CAREFUL CONSIDERATION OF THE FACT THAT IT WOULD COVER NOT JUST RECIPIENTS OF FEDERAL FUNDS LIKE SECTION 504, BUT ALSO MANY SMALL BUSINESSES. THE ADA, LIKE TITLE VII, WOULD LIMIT ITS COVERAGE TO EMPLOYERS EMPLOYING 15 OR MORE PERSONS. HOWEVER, UNLIKE TITLE VII, THE ADA CONTAINS MORE COMPLICATED CONCEPTS, LIKE THAT OF REASONABLE ACCOMMODATION.

THE ADA MAY OFTEN REQUIRE THAT AN EMPLOYER OR OTHER COVERED ENTITY TAKE SOME ACTION -- ELIMINATING ARCHITECTURAL AND COMMUNICATION BARRIERS FOR EXAMPLE. THIS TYPE OF COSTLY ACTION MAY BE NECESSARY TO ELIMINATE DISCRIMINATION, BUT IT IS MORE COMPLEX THAN THE SITUATION IMPOSED BY DISCRIMINATION AGAINST OTHER GROUPS, BASED ON RACE, GENDER OR RELIGION.

I BELIEVE CONSIDERATION SHOULD BE GIVEN TO A MORE GRADUAL PHASE-IN OF THIS REQUIREMENT. PERHAPS COVERAGE COULD BE EXTENDED TO EMPLOYERS EMPLOYING 50 OR MORE EMPLOYEES FOR THE FIRST THREE YEARS OF THE ACT, LOWERING COVERAGE AS THE PRIVATE SECTOR BECOMES MORE ACCUSTOMED TO THE INTRICACIES OF "REASONABLE ACCOMMODATION".

TRANSPORTATION ISSUES

TRANSPORTATION ISSUES ARE ANOTHER AREA WHERE BALANCE AMONG COMPETING INTERESTS IS CRITICAL. ALTHOUGH THE BILL WOULD REQUIRE NO RETROFITTING, IT DOES REQUIRE THAT ALL STATIONS IN INTERCITY RAIL SYSTEMS BE MADE READILY ACCESSIBLE NOT LATER THAN 3 YEARS AFTER ENACTMENT, WITH A POSSIBLE EXTENSION OF UP TO 20 YEARS FOR EXTRAORDINARILY EXPENSIVE STRUCTURAL CHANGES. THIS MAY PROVIDE SOME FLEXIBILITY BUT ALSO RAISES THE QUESTION OF WHETHER THIS AMOUNT OF TIME IS SUFFICIENT FOR WHAT MAY BE A MAMMOTH AND EXTREMELY EXPENSIVE ENDEAVOR.

REMEDIES

ONE OF THE MOST CRITICAL ASPECTS OF ANY NONDISCRIMINATION LEGISLATION IS THE REMEDIES IT PROVIDES TO ENFORCE RIGHTS. THE AMERICANS WITH DISABILITIES ACT NEEDS STRONG ENFORCEMENT PROVISIONS. HOWEVER, IT ALSO NEEDS PROVISIONS THAT ARE UNAMBIGUOUS AND TAKE INTO CONSIDERATION BOTH THE RIGHTS OF THE INDIVIDUALS WITH DISABILITIES AND THE RIGHTS OF THE OTHER PARTIES WHO WOULD BE IMPACTED. THE BILL BEFORE US TODAY CONTAINS DIFFERING ENFORCEMENT MECHANISMS FOR VARIOUS TYPES OF DISCRIMINATION.

WITH REGARD TO EMPLOYMENT, IT REFERENCES TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 AND SECTION 1981. IN THE TELECOMMUNICATIONS SECTION, THE REMEDIES IN THE FAIR HOUSING ACT AND THE COMMUNICATION ACT OF 1934 ARE INCORPORATED. WITH REGARD TO PUBLIC ENTITIES, THE ACT REFERENCES THE REMEDIES APPLICABLE UNDER SECTION 505.

THIS CREATES CONFUSION -- NOT CLARITY.

MORE IMPORTANTLY, THE REMEDIES PROVIDE FOR ACTIONS BY AN INDIVIDUAL WHO BELIEVES HE OR SHE IS ABOUT TO BE DISCRIMINATED AGAINST. THIS UNPRECEDENTED LANGUAGE COULD OPEN THE DOOR TO FRIVOLOUS SUITS WHICH DO LITTLE TO ADVANCE OUR GOALS OF PROHIBITING DISCRIMINATION AGAINST INDIVIDUALS WITH DISABILITIES.

ACHIEVING THE GOAL OF PROTECTING AGAINST DISCRIMINATION WILL REQUIRE CAREFUL ANALYSIS AND COMPARISON OF THIS PROPOSAL WITH EXISTING CIVIL RIGHTS LAWS. THESE STATUTES HAVE DIFFERENT COMPLIANCE STANDARDS AND DIFFERENT REMEDIES. PERHAPS A LEAD ENFORCEMENT AGENCY COULD BE DESIGNATED TO ENSURE ALL ANTI-DISCRIMINATION LAWS ARE ENFORCED IN A UNIFORM MANNER.

NEWS RELEASE

Tom Harkin OF IOWA

UNITED STATES SENATOR

OPENING STATEMENT OF SENATOR TOM HARKIN
SUBCOMMITTEE ON THE HANDICAPPED
HEARING ON THE AMERICANS WITH DISABILITIES ACT OF 1989
MAY 10, 1989

Yesterday, the Committee on Labor and Human Resources heard testimony on the critical need to pass the Americans With Disabilities Act of 1989. The testimony focused in particular on the problem of employment discrimination in the private sector. Today we will hear testimony on discrimination on the basis of disability in public accommodations and telecommunications.

Twenty-five years after the passage of the Civil Rights Act of 1964, persons with disabilities continue to be denied the right to go to a restaurant, hotel, theater, shopping center, doctors office or other place of public accommodation. Further, deaf and hard of hearing people and people with communication disorders are still being denied effective opportunity to use telephones.

No longer can our nation tolerate the continued building of architectural, transportation, and communication barriers that prevent or restrict individuals with disabilities from living independent and productive lives in the mainstream of American society.

Like Title II of the 1964 Civil Rights Act, the ADA covers hotels, motels, restaurants, cafeterias, theaters, concert halls, sports arenas, stadiums and other place of exhibition or entertainment. When the 1964 Civil Rights Act was passed, these were the public accommodations which posed problems of discrimination to racial minorities. Like Title II, the ADA focuses on those aspects of society which pose problems of discrimination. For people with disabilities, these include, in addition to those establishments covered in Title II, others such as doctors' offices and parks. This reflects a realistic approach to the problems faced by disabled persons as did Title II in the 1964 for minorities. It simply makes no sense to bar discrimination against disabled people by theaters and not by parks, or by restaurants but not stores, or by places of entertainment but not in regard to such critical services as doctors' offices.

In 1982, the House Committee on Energy and Commerce reported that: "Hearing people may be unable to fully appreciate the

pervasiveness of the telephone both in commercial transactions and personal contacts. The inability to use this instrument is not only a practical disability but a constant source of dependency and personal frustration."

Telephone service is one of the most important means of participating in modern society, and excluding any group of persons from access to that service necessarily relegates those individuals to second-class citizenship.

Access to full telephone service would create opportunities and give all persons a fair chance to participate and succeed in the mainstream of society.

A telecommunication relay system would empower persons with severe speech or hearing impairments to have greater control over their own lives. No longer would these persons be forced to depend on others in order to engage in basic communications by telephone.

Without adequate access to telephone service, other rights guaranteed by the ADA or by other statutory or constitutional provisions cannot be fully enjoyed or exercised.

If a person cannot inquire about job openings because telephone service is inaccessible to him, his right to nondiscriminatory treatment in hiring decisions is an empty promise.

If a person cannot use the telephone to make hotel or restaurant reservations, her right to nondiscriminatory access to places of public accommodation is diminished.

If a person cannot use the telephone to contact governmental officials or to participate in political activities, his basic right as a citizen are in a very real sense impaired.

I look forward to hearing the testimonies of all the witnesses.

Consortium for Citizens with Disabilities

Liz Savage, EFA 459-3700
Dave Capozzi, PVA 872-1300
Tom Sheridan, AAC 293-2886

FOR IMMEDIATE RELEASE: MAY 9, 1989

Over eighty national disability organizations applauded the introduction of the Americans With Disabilities Act of 1989, introduced in both houses of Congress this week. "Too long have Americans with disabilities, out nation's largest minority, experienced discrimination in every sphere of their lives," said Paul Marchand, Chairman of the Consortium for Citizens with Disabilities. "The Americans With Disabilities Act is a declaration that this country opposes unfair biases and unnecessary barriers restricting the opportunities of 43 million Americans in our land of opportunity."

Senators Tom Harkin (D-IA), Edward Kennedy (D-MA), and David Durenberger (R-MN) and Congressmen Tony Coelho (D-CA), Hamilton Fish Jr. (R-NY) and Silvio Conte (R-MA) introduced identical versions of this Act. This legislation would prohibit discrimination against people with disabilities in employment, public accommodations, transportation, telecommunications and the activities of state and local governments.

"This bill is a very important measure for all people with disabilities, regardless of the type of disability," Marchand added. "Whether you're a person who is blind, deaf, mobility handicapped, mentally retarded, or has a mental illness, you share the common experience of discrimination."

As evidence of the need for this Act, its authors point out that over two-thirds of all Americans with disabilities are unemployed and a high percentage live in poverty. "Such conditions are not the inevitable result of the disabling conditions themselves," stated Marchand, "but rather of various kinds of discrimination, such as the biases of employers and the lack of transportation and public accommodation."

The Act would extend federal discrimination protections found in the Civil Rights Acts of 1964 to people with handicaps, who are not currently included among the protected groups. The bill is also viewed as an extension of Section 504 of the Rehabilitation Act of 1973, which protects people with disabilities from discrimination in activities receiving federal funding. Section 504 is widely regarded as a highly successful start in barring discrimination against people with handicaps. The Americans With Disabilities Act just may be the completion of this nation's commitment to protecting people with disabilities from discrimination, which was begun with the 1973 Act.

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LIST OF SUPPORTING ORGANIZATIONS IS ATTACHED

NATIONAL ORGANIZATIONS SUPPORTING THE AMERICANS WITH DISABILITIES ACT OF 1989

ACLD, An Association for Children and Adults with Learning
Disabilities
AIDS Action Council
Alexander Graham Bell Association for the Deaf
American Academy of Child and Adolescent Psychiatry
American Academy of Otolaryngology Head and Neck Surgery
American Association for Counseling and Development
American Association of the Deaf Blind
American Association of University Affiliated Programs
American Association on Mental Retardation
American Association for Counseling and Development
American Civil Liberties Union
American Council of the Blind
American Deafness and Rehabilitation Association
American Diabetes Association
American Disabled for Accessible Public Transportation
American Foundation for the Blind
American Psychological Association
American Society for Deaf Children
American Speech-Language-Hearing Association
Association for the Education of Rehabilitation
Facility Personnel
Association for the Education and Rehabilitation of
the Blind and Visually Impaired
Association for Retarded Citizens of the United States
Autism Society of America
Child Welfare League of America
Conference of Educational Administrators Serving the Deaf
Convention of American Instructors of the Deaf
Disability Rights Education and Defense Fund
Disabled But Able to Vote
Epilepsy Foundation of America
Gallaudet University
Gallaudet University Alumni Association
Gazette International Networking Institute
International Association of Parents of the Deaf
International Polio Network
International Ventilator Users Network
Lamda Legal Defense and Education Fund
Leadership Conference on Civil Rights
Mental Health Law Project
National Alliance for the Mentally Ill
National Association for Music Therapy
National Association of Developmental Disabilities
Councils
National Association of the Deaf
National Association of Private Residential Resources
National Association of Protection and Advocacy Systems
National Association of Rehabilitation Facilities
National Association of Rehabilitation Professionals in the
Private Sector

continued

National Association of State Mental Retardation
Program Directors
National Center for Law and the Deaf
National Coalition for Cancer Survivorship
National Council on Independent Living
National Council on Rehabilitation Education
National Down Syndrome Congress
National Easter Seal Society
National Federation of the Blind
National Fraternal Society of the Deaf
National Handicapped Sports and Recreation Association
National Head Injury Foundation
National Mental Health Association
National Multiple Sclerosis Society
National Network of Learning Disabled Adults
National Organization for Rare Disorders
National Organization on Disability
National Recreation and Park Association
National Rehabilitation Association
National Spinal Cord Injury Association
Paralyzed Veterans of America
People First International
Registry of Interpreters of the Deaf, Inc.
Self Help for Hard of Hearing People, Inc.
Spina Bifida Association of America
Telecommunications for the Deaf, Inc.
The Association for Persons with Severe Handicaps
The Gray Panthers
Tourette Syndrome Association
United Cerebral Palsy Associations
Women's Equity Action League
Women's Legal Defense Fund
World Institute on Disability



July 28, 1992

FOR IMMEDIATE RELEASE.

For more information, contact:
JOE FLEMING, (713) 737-1500

REPUBLICAN CONVENTION FULLY ACCESSIBLE TO DISABLED PARTICIPANTS
Programs in Braille. Signers Planned

HOUSTON -- With 20 days until the Republican Convention begins, officials announced today the event will be fully accessible to disabled participants and will comply with the landmark Americans with Disabilities Act (ADA).

"President Bush was the driving force behind the passage of the Americans with Disabilities Act, the most sweeping civil rights legislation in a generation. As the party of inclusion, we are committed to ensuring all participants in our Convention enjoy complete and total access," Convention Manager William D. Harris said.

The Americans with Disability Act, signed into law by President Bush on July 26, 1990, has been hailed as the most sweeping non-discrimination legislation since the Civil Rights Act of 1964. It provides protection for the 43 million Americans who experience some form of disability.

Convention planners have implemented a comprehensive plan which addresses the transportation, communication, and housing needs for disabled participants.

The transportation office has established routes for city buses used in the G*O*Pass system, which will shuttle attendees from their respective hotels to the Astrodome complex. Wheelchair lift-equipped buses will run on all routes two-hours before and after each session. Also, the METRO lift program utilizing lift-equipped vans will be in operation to supplement the bus system.

In addition, participants requiring disability-accessible housing will be lodged in locations deemed by Convention officials to offer complete compliance with the ADA.

--more--

In order to assist individuals requiring visual and audio aids during the Convention, a number of communication measures will be available for use.

For those with hearing disabilities, open-captioning will be broadcast on the in-house video screens used in the Astrodome and closed-captioning will be transmitted over the RNC Network, the gavel-to-gavel satellite feed provided by the Convention.

In addition, sign interpretation and assistive listening devices will be utilized for those with hearing impairments.

Southwestern Bell is providing accessible telecommunications equipment throughout the Astrodomain complex including:

- * Touchtone payphones that are hearing-aid compatible and contain a volume-control device
- * Phones which have a minimum cord length of 29 inches
- * Telecommunications Device for the Deaf (TDD) in the Astrodome, the Astrohall, and the AstroArena
- * Phonebanks which are accessible from either a forward or parallel approach.

Braille and large-print type on Convention-provided printed materials will be available in order to accommodate vision-impaired individuals.

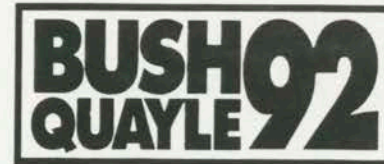
Lex Frieden, Senior Vice President for The Institute for Rehabilitation and Research in Houston, and one of the primary drafters of the ADA legislation, called the Republican's event the "most accommodating Convention in history for people with disabilities."

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ADDITIONAL FACTS ABOUT CONVENTION ACCESSIBILITY

- Real Time Open Captioning, displayed both inside the Dome on the diamond vision screen; existing television monitors and broadcast via the RNC satellite network.
- Pool of 18 sign language interpreters, used both on the floor for delegates and alternates as well as in other areas of the Dome as necessary.
- Utilization of ~~assisted listening devices~~. ~~The system can be~~ accessed by wearing a special head-set or by using the "T" switch on hearing aids.
- Installation of four TDDs, two of which will become permanent features of the Dome.
- Ramps were installed to provide wheelchair access to any portion of the Dome, including the President's and Vice President's field boxes.
- Designated accessible elevators
- Lift equipped busses and metrorail have been made available for Convention attendees.
- A special lift was installed into the podium to accommodate wheelchair participants onto the stage level.
- Braille text and brochures.
- Sensitivity training was provided to all volunteer, usher and security staff.
- Approximately \$50,000 was spent in accessibility features, raising the accessibility of the Dome complex to a new standard.
- Five speakers with disabilities will participate in the Convention process. In addition to delegates and alternates, over 200 guests and observers with disabilities will take part in Convention events and activities.

NEWS RELEASE



**FOR IMMEDIATE RELEASE
SEPTEMBER 14, 1992
BQ'-444**

**CONTACT: TONY MITCHELL
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DIDI BLACKWOOD
202/336-7957**

BUSH-QUAYLE '92 CAMPAIGN ANNOUNCES FORMATION OF AMERICANS WITH DISABILITIES COALITION

Washington, D.C.--The Bush-Quayle re-election campaign today announced the formation of the Americans with Disabilities Coalition for Bush-Quayle '92. Justin W. Dart, Evan J. Kemp, and Ginny Thornburgh will serve as National Co-Chairmen for the American Disabilities Coalition which will help organize voters among the community of 43 million Americans with disabilities.

"President Bush has a precedent-setting record for empowering people with disabilities in his administration," said Justin Dart, Chairman of the President's Committee on Employment of People with Disabilities. "Therefore it is an honor to serve as Co-Chair of the Bush-Quayle '92 Disability Coalition."

Evan Kemp, Jr., Chairman, Equal Employment Opportunity Commission stated, "The Democrats now take credit for the ADA, but we wouldn't have it without the personal push by President Bush."

"President Bush kept his promise to support, sign and implement the Americans with Disabilities Act. He extends the hand of empowerment and partnership to people with disabilities and members of their family," said Ginny Thornburgh, Director of the Religion and Disability Program, National Organization on Disability.

The National Co-Chairs will direct both the National Executive Council and the National Steering Committee for Americans with Disabilities Coalition. The esteemed members of these committees include; Presidential appointees, Disabilities Advocates, business leaders, educators, members of the Disability Council, and some advisors responsible for drafting the American with Disabilities Act.

Since 1986, President Bush has been the leading force in the implementation and signing of the Americans with Disabilities Act of 1990--the largest bill signing ceremony ever held in the Rose Garden, where the President proclaimed, "Let the shameful wall of exclusion finally come tumbling down."

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AMERICANS WITH DISABILITIES FOR BUSH-QUAYLE '92

NATIONAL LEADERSHIP COUNCIL

NATIONAL CHAIRMEN

Mr. Justin W. Dart, Jr.
Chairman, President's Committee on Employment of People with Disabilities
Mr. Evan J. Kemp, Jr.
Chairman, Equal Employment Opportunity Commission
Mrs. Ginny Thornburgh
Director Religion and Disability Program, National Organization on Disability

NATIONAL EXECUTIVE COUNCIL

The Honorable Steve Bartlett
Mayor, City of Dallas, Texas
Mr. Andrew I. Batavia
Research Director, Disability and Rehabilitation Policy, Abt Associates
Ms. Nell Carney
Commissioner, Rehabilitation Services Administration U.S. Department of Education
Mr. Allen Clark
Director, National Cemetery System Department of Veterans Affairs
Mr. Rick E. Crowder
Founder, 'Travelin' Talk
Mr. Don Culwell
Director, Reclamation, Inc.
Dr. Robert R. Davila
Assistant Secretary, Office of Special Education and Rehabilitative Services U.S. Department of Education
Mr. Osborne Day
President, Osborne Day Associates
Mr. Michael R. Deland
Chairman, Council on Environmental Quality
Mr. Joseph J. Dragonette
President, Joseph Dragonette, Inc.
Ms. Joni Eareskson Tada
President, Joni & Friends
Mr. Lex Frieden
Senior Vice President, The Institute for Rehabilitation and Research
Mr. Martin Gerry
Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services
Dr. William Graves III
Director, National Institute on Disability and Rehabilitation Research
Mr. John Hager
Vice President, American Tobacco
Dr. Kenneth Jernigan
Executive Director, National Federation of the Blind
Mrs. Dorothy (Bush) Koch

Mr. Grant Mack
Chairman of the Board, National Industries for the Blind

Mr. Gordon H. Mansfield
Assistant Secretary for Fair Housing & Equal Opportunity, U.S. Department of Housing and Urban Development

Dr. Michael Marge
Professor, Special Education & Rehabilitation, Syracuse University

Mr. Jeremiah Milbank Jr.
President, J. M. Foundation

Mrs. Mary Ann Mobley-Collins
Disabled Celebrity Activist, March of Dimes

Ms. Sandra S. Parrino
Chairperson, National Council on Disability

Ms. Brenda Premo
California Association of the Physically Handicapped

Mr. William Tainter
Director, California Department of Rehabilitation

Mr. Kent Waldrep
President, National Paralysis Foundation

NATIONAL STEERING COMMITTEE

Mr. Larry Brown, Jr.
Member, National Council on Disability

Dr. Dyanne Bostain
Director, University of Virginia Hampton Roads Graduate Center

Mr. Richard Chavez
Chairman, Educational Designs Institute

Mr. Cameron Coldwell
Owner, New Life Communications

The Honorable Ann Dandrow
State Representative, 30th District & Southington

Mr. Fritz Edmunds, Jr.
Member, RNC Disability Council

Ms. Mary Evert
President, The American Occupational Therapy Association, Inc.

Mr. Anthony Flack
Member, National Council on Disability

Mr. T. Gerald Hayes
Council Member, State Council on Disability

Ms. Margaret Chase Hager
Member, National Council on Disability

The Honorable Sidney Holbrook
Connecticut State Representative

Mr. Michael Huggler
Ingham County Chief Deputy Treasurer

Mr. Robert Kelly
Board Member, U.S. Architectural and Transportation Barriers Compliance Board

Mr. Costa N. Miller
Executive Director, Indiana Association of Rehabilitation Facilities

Mr. Robert Muller
President, National Roundtable on Corporate Development for Americans with Disabilities

Dr. Russell P. Pavich M.D.
Member, RNC Disability Council

Mr. Teddy Pendergrass
Founder, Teddy Bear Enterprises

Ms. Peggy Pinder
Second Vice President, National Federation of the Blind

Mr. Robert Powell
Vice President, National Right to Life

Mr. R. Jack Powell
Executive Director, Central Florida P.V.A

Mr. Russell Redenbaugh
Chairman of the Board, High Technology Corporation

Ms. Cara Stewart
Occupational Therapist, Disability Advocate

Mr. Jeff Steinberg
Singer, Entertainer, Disabilities Activist

Ms. Joyce E. Tucker
Commissioner, U.S. Equal Employment Opportunity commissioner

Mr. Edward Uhl-Tessier
Board Chair, Disability Community Center

Mr. Michael B. Unhjem
Member, National Council on Disability

Ms. Meredith A. Whiting
President, Whiting & Company

Mr. Raymond C. Wolfert
Member, RNC Disability Council

NEWS RELEASE

Tom Harkin OF IOWA

UNITED STATES SENATOR

QUESTIONS AND ANSWERS ON THE AMERICANS WITH DISABILITIES ACT OF 1989

Set out below are questions and answers on some of the issues that may be raised about the Americans with Disabilities Act of 1989. If you have any additional questions, please contact Bob Silverstein, Staff Director and Chief Counsel, Senate Subcommittee on the Handicapped (224-6265) or Pam McKinney, Press Secretary (224-3254).

1. What is the purpose of the Americans With Disabilities Act of 1989 (ADA)?

The purpose of the ADA is to provide clear, strong, consistent, enforceable standards addressing all forms of discrimination against individuals on the basis of disability.

2. What is the scope of the ADA?

The ADA extends civil rights protections for people with disabilities to cover such areas as employment in the private sector, public accommodations (such as theaters, hotels, restaurants, shopping centers, offices), services provided by state and local governments, transportation, and telecommunications relay services.

3. Why is the ADA necessary?

The National Council on Disability (an independent Federal agency whose current membership consists of 15 persons appointed by President Reagan), the Civil Rights Commission, and two recent polls conducted by Lou Harris all conclude that discrimination against individuals with disabilities in the areas listed above is still pervasive in our society. The historic Civil Rights Act of 1964 does not cover people with disabilities and thus they have no Federal protection against discrimination in these areas. Federal law only protects against discrimination in Federal employment (section 501 of the Rehabilitation Act of 1973, affirmative action by Federal contractors (section 503), discrimination by entities receiving Federal aid (section 504), and activities conducted by the Federal government (section 504).

4. Who developed the provisions in the ADA?

The ADA of 1988 was introduced during the last Congress by Senator Weicker (R. Conn.) and had bipartisan support (17 Democrats and 9 Republicans). In the House of Representatives, the bill was introduced by

Representative Tony Coelho (D. Calif.) and had 124 cosponsors. The bill was developed by the 15 members of the National Council on Disability appointed by President Reagan. It was the product of two reports, Toward Independence and On the Threshold of Independence.

The ADA of 1989 will be introduced on May 8, 1989 and will be sponsored by Senator Harkin (D. Iowa), Senator Kennedy (D. Mass.), Senator Durenberger (R. Minn), Senator Jeffords (R. Vt.), Senator McCain (R. Ariz.) and others. The sponsors in the House will include Tony Coelho (D. Calif.), Major Owens (D. N.Y.), and Silvio Conte (R. Mass.).

5. Who endorses the ADA?

The ADA has been endorsed by more than 85 national organizations representing people with a wide variety of disabilities and the Leadership Conference on Civil Rights, an umbrella organization representing 185 organizations active in the area of civil rights.

6. Are people with AIDS covered by the ADA?

Yes. However, the ADA makes it clear that a person with a contagious disease or infection may be excluded or denied a job or benefit if the covered entity can demonstrate that the person poses a significant risk of transmitting the infection to others through the receipt of a position or benefit. If no reasonable accommodation on the part of the employer or service provider can eliminate such a risk, the individual may be denied the position or benefit.

The policy in the ADA is equivalent to the policy recently adopted by the Congress in the Civil Rights Restoration Act (the Harkin/Humphrey amendment) and the Fair Housing Act Amendments Act of 1988. The policy is also consistent with the policy developed by the Office of Personnel Management under the Reagan Administration and the Reagan Administration's Presidential Commission on the Human Immunodeficiency Virus Epidemic. It is also consistent with statements by President Bush, C. Everett Koop (the Surgeon General), the National Institute of Medicine, the American Medical Association, the American Public Health Association, and the American Nurses' Association.

7. Is the ADA a gay rights bill, protecting homosexuals from discrimination?

No. The ADA does not create any rights or protections against discrimination for homosexuals. Thus, a covered entity is not precluded by the ADA from discriminating against a person solely on the basis of homosexuality. The bill is modeled after section 504 of the Rehabilitation Act of 1973 and the Fair Housing Act, as recently amended. These statutes have never been interpreted to afford homosexuals protections from discrimination.

8. May an employer fire a drug addict who poses a direct threat to property or the safety of others in the workplace or program?

Yes. The policy applicable to drug addicts included in the ADA is consistent with the policy recently adopted by the Congress in the Drug Free Workplace Act of 1988.

9. Are bona fide religious institutions precluded by the ADA from imposing qualifications based on religion when such qualifications are related to a bona fide religious purpose?

No. Any bona fide religious institution may continue to impose qualification standards based on religion when such standards are related to a bona fide religious purpose.

10. Does this bill have any special provisions for small businesses?

Yes. With respect to employment, the ADA totally exempts all employers with less than 15 employees. A covered employer does not have to provide reasonable accommodations to an individual with a disability if the employer can demonstrate that the provision of the accommodation would impose an undue hardship on the business. This provision has proven to be a workable standard under other Federal laws which cover employers, including those with less than 15 employees.

With respect to public accommodations, reasonable accommodations need not be provided if the covered entity can demonstrate undue burden. Existing structures need not be altered unless the alterations are readily achievable, which for a small business would not require more than the expenditure of a nominal sum.

11. Will this bill require substantial costs to be incurred by covered entities?

No. In the employment context, a 1982 study by Berkeley Planning Associates concluded that the costs of providing reasonable accommodations was "no big deal." In 1987, Honeywell, in its own report on employees with disabilities indicated that "the majority of accommodations provided to employees with disabilities cost less than \$50."

With respect to public accommodations, the costs of making new structures accessible has been estimated to be less than 1% of the total costs of the construction. One study found that companies spend 13 times the amount to clean and polish the floors than expected to make the facility accessible. Only limited requirements apply to existing facilities (see above question 10).

With respect to transportation, only new buses need be made accessible in a community that has a fixed route system; there is no retrofitting requirement. The cost of a lift for a \$200,000 bus is approximately \$12,000. Of that cost, the Federal government pays for 80%. The average life of a bus is 15 years. Thus, the per year cost of the lift picked up by the federal government is \$640 and the per year cost to the local transit authority is \$160.

12. Will compliance with the ADA hurt or help the economy?

Lou Harris recently found that "not working" is perhaps the truest definition of what it means to be disabled in America. Ending discrimination will have the direct impact of reducing the Federal government's expenditure of \$57 billion annually on disability benefits and programs that are premised on dependency of the individual with a disability. It will also have the immediate effect of making people with disabilities into consumers and taxpayers.

The Department of Labor concluded that its rule implementing section 504 of the Rehabilitation Act (nondiscrimination by recipients of Federal aid) would have a substantial beneficial effect in the form of reduced need for veterans benefits, rehabilitation, disability, medical and food stamp payments. Furthermore, "when individuals move from being recipients of various types of welfare payments to skilled taxpaying workers, there are obviously many benefits not only for the individuals but for the whole society." 45 Fed. Reg. 66,721 (1980)

Persons with developmental disabilities are still being placed in institutions because of the lack of placements in the community and the availability of jobs. In Iowa, it costs \$200 per day to place a person in an institution, which is \$73,000 per year. If a person is institutionalized for 20 years the cost to society is \$1.46 million; for 40 years, the cost is \$2.92 million, etc. Many of these persons, with appropriate early intervention and special education services and training can lead independent lives in the community and hold down a job. In this way, they can become taxpayers and consumers and reduce these staggering costs to society.

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

August 2, 1989

STATEMENT BY THE PRESS SECRETARY

The Administration has reached a consensus with key Senators from both parties on legislation that would expand the reach of this country's civil rights laws to include disabled Americans. This will be landmark legislation, not only for the 37 million Americans with some form of disability, but for all Americans, demonstrating, as the President said in his Inaugural Address, that "this is the age of the offered hand."

The President endorses this legislation as the vehicle to fulfill the challenge he offered in his February 9 address to the Nation: "Disabled Americans must become full partners in America's opportunity society."

The President has pursued a commonsense approach, seeking a practical bill that will help the disabled reach their full potential. He is committed to producing a bill that can be signed this year.

The discussions have resulted in an agreement we expect to be reflected in today's mark up in the Senate Labor and Human Resources Committee of the "Americans with Disabilities Act." The agreement provides for:

- Federal protection for the disabled against discrimination in the workplace, paralleling existing protections that apply to entities that receive federal funds. The requirement would initially apply to employers of 25 or more and phase down to employers of 15 or more. Covered employers would have to make reasonable accommodation to disabled persons.
- Prohibition of discrimination against the disabled in public accommodations. The agreement adopts a broad definition of public accommodations, including restaurants, stores, and health care providers. A core group of public accommodations would be required to make readily achievable alterations to existing facilities to accommodate the disabled. This legislation is designed to achieve access for the disabled in the most efficient manner, with emphasis on making new buildings accessible.
- Enforcement of the new protections through the Equal Employment Opportunity Commission, and suits seeking injunctive relief.

-2-

The President is committed to bringing persons with disabilities into the mainstream, including full participation and access to all aspects of society. He wants to do this through a framework that allows for maximum flexibility to implement effective solutions, builds on existing law to avoid unnecessary confusion and litigation, and attains these goals without imposing undue burdens. The President believes this can be accomplished by using reasonable measures, phased over time, as this legislation does.

We are pleased that substantial progress has been made. We will continue to analyze the full ramifications of the legislation and look forward to working with the Senate and the House to complete the legislative process this year.

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U.S. Equal Employment Opportunity Commission

NEWS

FOR IMMEDIATE RELEASE
Thursday, July 25, 1991

Contact: James C. Lafferty
Howard Moses
(202) 663-4900
(TDD) (202) 663-4494

**AMERICANS WITH DISABILITIES ACT
EMPLOYMENT REGULATIONS ANNOUNCED**

WASHINGTON -- The United States Equal Employment Opportunity Commission issued final regulations today to prohibit employment discrimination against people with disabilities.

"With the issuance of these regulations, we conclude this phase of our effort to bring meaning to the Americans with Disabilities Act signed into law just one year ago by President Bush," said EEOC Chairman Evan J. Kemp, Jr. "Having fulfilled our obligation to issue final regulations within one year of its enactment, we now turn our efforts to educating employers and individuals with disabilities as to the letter and the spirit of the law."

The regulations detail how the employment provisions of the ADA will be implemented, including further definition of terms from the statute. The Commission is also issuing extensive guidance, as an appendix to the regulations, that explains the major provisions of the regulations. The appendix, which represents the Commission's interpretations of the issues discussed in the regulations, will guide the Commission in its resolution of employment discrimination charges.

On Friday, July 26, 1991 the regulations and guidance will be published in the Federal Register. These regulations take into account nearly 700 comments received from interested groups and individuals.

Under the EEOC regulations, state and local governments and private employers with 25 or more employees, employment agencies and labor unions are prohibited after July 26, 1992 from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training and other terms, conditions and privileges of employment. Employers with 15 or more employees will be covered by the regulations after July 26, 1994.

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An individual with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities, such as caring for oneself, breathing, learning, walking, seeing, hearing, speaking, or working. An individual with a disability can also be a person who has a record of such an impairment, or is regarded as having such an impairment.

To be protected by the nondiscrimination provisions of the EEOC regulations, an individual with a disability must be qualified and able to perform the essential functions of the position held or desired, with or without reasonable accommodation.

Employers are required to make an accommodation, where needed, to the known disability of a qualified applicant or employee if it would not impose an undue hardship on the operation of the business. Examples of reasonable accommodations may include job restructuring, part-time or modified work schedules, and the acquisition or modification of equipment or devices. The regulations define undue hardship as an action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources, and the nature and structure of its operations. The availability of assistance from other sources to offset the cost of the accommodation -- such as federal, state or local tax credits or deductions, and state vocational rehabilitation agencies -- will also be considered.

Employers may not ask job applicants about the existence, nature or severity of a disability. Applicants may be asked about their ability to perform specific job functions, with or without reasonable accommodation. A job offer may be conditioned on the results of a medical examination, but only if the examination is required for all entering employees in similar jobs.

Employees and applicants currently engaging in the illegal use of drugs are not covered by the ADA or the regulations, when an employer acts on the basis of such use. Tests for illegal use of drugs are neither prohibited nor encouraged. Employers may hold illegal users of drugs and alcoholics to the same performance standards as other employees.

Consistent with the intent of ADA, the regulations explicitly prohibit employment practices that bar qualified individuals with disabilities from jobs because of myths and fears about safety in the workplace. Employers may establish qualification standards for a job that will exclude individuals with or without disabilities who pose a direct threat to the

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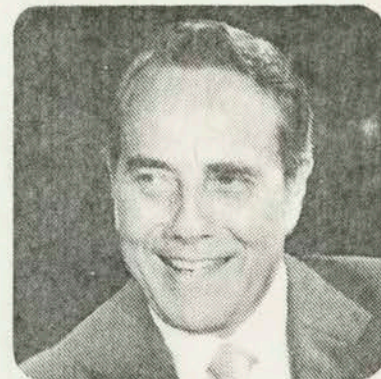
health or safety of the individual or others, if that risk cannot be lowered to an acceptable level by reasonable accommodation. Direct threat is defined narrowly to include only a significant risk of a substantial harm. Employers can establish that such a threat exists only through an individualized assessment of the individual's present ability to safely perform the essential functions of the job. The assessment must be based on objective, medically supportable evidence.

In addition to the guidance provided with the proposed regulations, EEOC is developing a technical assistance manual to assist employers, individuals with disabilities, and other entities in complying with the provisions of the regulations. The Commission anticipates publishing the manual by January 26, 1992. EEOC will publish a question and answer booklet, separate booklets on the rights and responsibilities of those affected by the Act, and an ADA Handbook in conjunction with the U.S. Department of Justice. These documents will be available in braille, large print, audiotape, and computer disk.

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News from Senator

BOB DOLE



(R - Kansas) SH 141 Hart Building, Washington, D.C. 20510-1601

FOR IMMEDIATE RELEASE
SEPTEMBER 23, 1988

CONTACT: SARA BELDEN
(202) 224-6521

DOLE HEADS LITTLE LEAGUE BASEBALL TASK FORCE TO FORM SPECIAL NEEDS DIVISION FOR DISABLED YOUTH

WASHINGTON -- Senator Bob Dole (R-KS), Little League Baseball officials, and leaders in programs for youth with disabilities gathered in the Republican Leadership office of the U.S. Capitol this week to finalize plans for a new division of Little League structured for young people with mental and/or physical disabilities.

According to Senator Dole, Dr. Creighton J. Hale, President and Chief Executive Officer of Little League Baseball, and the group discussed details for the framework of the program after hearing from volunteers who have established special needs teams in their communities. Under the traditional Little League divisional structure, the newest segment is for youth who are unable to participate in a conventional league.

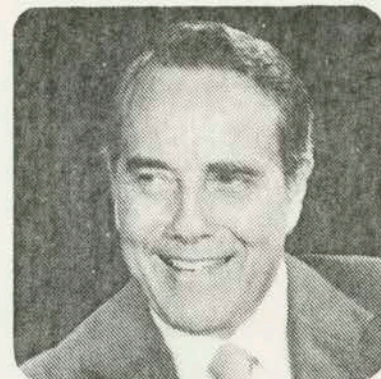
"Soon all young people will have the opportunity to benefit from a program sponsored by an organization recognized for unsurpassed leadership in sports," said Dole, who is chairman of the task force. "I am pleased that Little League Baseball is launching this wide-ranging effort in a sport which aims to build self-esteem and encourages the values of teamwork, citizenship, and fair play."

Other members of the task force include: Senator John F. Kerry (D-MA); Kirk Bauer, Executive Director, National Handicapped Sports and Recreation Association; Robert Fiondella, President, Phoenix Mutual Life Insurance Company; Ms. Pat Hunt, Director of Special Needs Division of "NW 45 Little League," Houston, Texas; Thomas Igleski, Vice President, CNA Insurance Company; and General Robert M. Montague, Executive Director, Special Olympics International.

Dole added that the program is expected to be available on a nationwide basis early in 1989 and will be coordinated through local Little League representatives.

News from Senator

BOB DOLE



(R - Kansas) SH 141 Hart Building, Washington, D.C. 20510-1601

FOR IMMEDIATE RELEASE
SEPTEMBER 28, 1988

CONTACT: SARA BELDEN
(202) 224-6521

DOLE ANNOUNCES LOANS FOR ELDERLY AND DISABLED HOUSING

Washington, D.C. -- Kansas Senator Bob Dole announced today approval of \$5,777,000 in Section 202 loans for elderly and disabled housing projects in the State of Kansas from the U.S. Department of Housing and Urban Development.

The location of the projects and loan amounts are as follows:

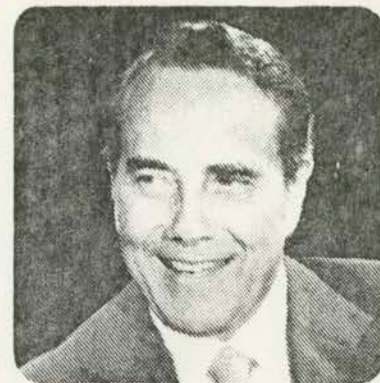
Gardner, Kansas, \$275,000;
Olathe, Kansas, \$781,900;
Salina, Kansas, \$1,350,000;
Wichita, Kansas, \$570,000;
Russell, Kansas, \$360,000;
Victoria, Kansas, \$180,000;
Garden City, Kansas, \$646,600;
Topeka, Kansas, \$885,000;
Eureka, Kansas, \$365,000;
Towanda, Kansas, \$363,500.

"These funds will help provide decent housing for many elderly and disabled citizens across our State. Competition for these funds is extremely tough and it is very gratifying to see Kansas communities receive this assistance," Dole said.

The Section 202 program provides direct long-term federal loans to eligible private, non-profit groups to fund new construction or substantial rehabilitation of rental or cooperative housing for the elderly or disabled.

News from Senator

BOB DOLE



(R - Kansas) SH 141 Hart Building, Washington, D.C. 20510-1601

FOR IMMEDIATE RELEASE
May 25, 1988

CONTACT: ROBERT BORTHWICK
(202) 224-6521

DOLE TO BE HONORED FOR LIFE SERVICE TO VETERANS

Washington, D.C. -- Kansas Senator Bob Dole will receive the fifth annual "Life Service to Veterans" award tonight from the Paralyzed Veterans of America (PVA) and the Vietnam Veterans Institute (VVI).

The award is intended to recognize outstanding Americans who through public or voluntary service have made consistent, dedicated contributions to the well-being of America's veterans.

In announcing Dole's selection, PVA executive director R. Jack Powell said, "For more than 40 years, Senator Dole has actively served his fellow veterans. His courage and success as a disabled veteran have been an inspiration to many others with a disability and have focused attention on the fact that all people should be judged on their abilities, not their disabilities."

J. Eldon Yates, Chairman of the Board of VVI, added, "This award symbolizes our deep appreciation of Senator Dole's personal and legislative accomplishments, which have done much to vastly improve programs and benefits for our nation's veterans."

The ceremony will include the unveiling of a specially commissioned oil portrait of Senator Dole, painted by VVI board member and artist, Tom Nielsen. Approximately 1000 people are expected to attend tonight's event in the Madison Building of the Library of Congress, including 20 Senators and 51 Representatives.

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News from Senator

BOB DOLE



(R - Kansas) SH 141 Hart Building, Washington, D.C. 20510-1601

FOR IMMEDIATE RELEASE
May 25, 1988

CONTACT: ROBERT BORTHWICK
(202) 224-6521

DOLE RECEIVES LIFE SERVICE TO VETERANS AWARD ACCEPTANCE STATEMENT

FIRST I WANT TO THANK JOHN MICHAELS, NATIONAL PRESIDENT OF THE PARALYZED VETERANS OF AMERICA; AND JERRY YATES, CHAIRMAN OF THE BOARD AND FOUNDER OF THE VIETNAM VETERANS INSTITUTE; FOR THEIR KIND WORDS.

I ALSO WANT TO RECOGNIZE MY COLLEAGUES IN THE SENATE AND HOUSE; JACK POWELL, EXECUTIVE DIRECTOR OF P.V.A.; AND CONRAD HAUSMAN, A KANSAN AND VICE CHAIRMAN OF THE VIETNAM VETERANS INSTITUTE.

MOST OF ALL I WANT TO THANK THE MEMBERS OF THE PARALYZED VETERANS OF AMERICA AND THE VIETNAM VETERANS INSTITUTE, FOR HONORING ME WITH THEIR FIFTH ANNUAL "LIFE SERVICE TO VETERANS" AWARD. EACH OF THE PREVIOUS FOUR RECIPIENTS - SENATORS BYRD AND CRANSTON, AND CONGRESSMEN MONTGOMERY AND HAMMERSCHMIDT - HAVE MADE ENORMOUS CONTRIBUTIONS TO THE WELFARE OF VETERANS AND I AM VERY PROUD TO BE PLACED IN THEIR COMPANY.

MANY OF YOU HERE TONIGHT SERVED IN A FOREIGN WAR OR CONFLICT, TO HELP PRESERVE OUR LIBERTY AND FREEDOM. OTHERS MAY NOT HAVE SEEN COMBAT THEMSELVES, BUT WERE READY AND WILLING TO BE THERE IF NEEDED. THIS NATION OWES EACH OF YOU ITS RESPECT AND GRATITUDE.

OUR DEBT IS EVEN MORE TO THOSE WHO MADE THE ULTIMATE SACRIFICE AND GAVE THEIR LIVES, THAT EACH OF US MIGHT BE FREE. WE OWE SO MUCH TO THEM, AND I DOUBT WE CAN EVER REPAY THAT DEBT. BUT WE WILL NEVER FORGET THEM.

AS A FELLOW VETERAN WHO SPENT SOME TIME IN HOSPITALS, I KNOW FIRSTHAND THE IMPORTANT ROLE THAT NATIONAL VETERANS' PROGRAMS CAN PLAY IN SOMEONE'S LIFE. MY OWN RECOVERY AND REHABILITATION WAS IMMEASURABLY HELPED BY THE DEDICATED STAFFS AND VOLUNTEERS AT SEVERAL V.A. HOSPITALS, AND I WILL ALWAYS BE GRATEFUL.

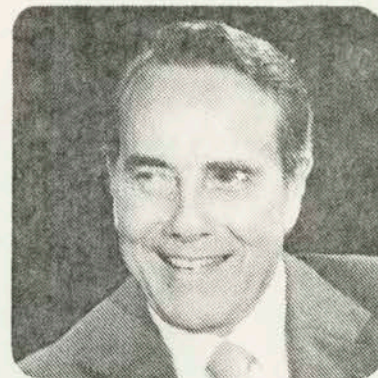
AS A FELLOW DISABLED VETERAN, LET ME ALSO RENEW MY COMMITMENT TO TEARING DOWN THE BARRIERS THAT KEEP THE DISABLED OUT OF THE MAINSTREAM. I WILL CONTINUE TO WORK WITH YOU SO WE CAN SEE THE DAY WHEN "DISABLED" NO LONGER MEANS "UN-ABLE. WE RECENTLY RENEWED THAT COMMITMENT WITH THE PASSAGE OF THE CIVIL RIGHTS RESTORATION ACT OF 1987. BUT I'M NOT ABOUT TO SAY THE FIGHT IS OVER.

THIS IS A GREAT HONOR THAT YOU HAVE BESTOWED ON ME. EVEN MORE IS THE HONOR TO BE AMONG SO MANY OF YOU TONIGHT -- MEN AND WOMEN OF COURAGE, DETERMINATION AND INSPIRATION. FROM THE HEART, I THANK YOU.

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News from Senator

BOB DOLE



(R - Kansas) SH 141 Hart Building, Washington, D.C. 20510-1601

FOR IMMEDIATE RELEASE
JANUARY 26, 1989

CONTACT: SARA BELDEN
(202) 224-6521

DOLE INTRODUCES RESOLUTION TO CAPTION SENATE PROCEEDINGS;
WANTS EVERYONE TO SHARE IN THE LEGISLATIVE PROCESS

Washington, D.C. -- Showing his continued support for the rights of people with hearing impairments, Senator Bob Dole (R-Ks) introduced a resolution that requires closed-captioning of televised Senate floor proceedings. The following is his statement:

MR. PRESIDENT, TODAY I AM INTRODUCING A RESOLUTION WHICH WILL ENABLE MILLIONS OF AMERICANS WITH HEARING IMPAIRMENTS TO TUNE IN TO THEIR DEMOCRACY BY REQUIRING CLOSED-CAPTIONED BROADCASTING OF SENATE FLOOR PROCEEDINGS. I AM VERY PLEASED TO HAVE THE MAJORITY LEADER JOIN ME IN INTRODUCING THIS RESOLUTION, AS WELL AS SENATORS MCCAIN, HARKIN, WILSON, LEAHY, DURENBERGER, DANFORTH, MURKOWSKI, BOSCHWITZ, HATCH, AND JEFFORDS. THE PROPOSAL IS IDENTICAL TO ONE I SPONSORED LAST YEAR WITH SEVERAL OF MY COLLEAGUES WHO ARE JOINING ME TODAY.

CLOSED-CAPTIONED BROADCASTING ALLOWS THE AUDIO PORTION OF A PROGRAM TO BE DISPLAYED IN PRINTED FORM ON THE TELEVISION SCREEN. THE CAPTIONS ARE ONLY RECEIVED IF A PERSON HAS A SPECIAL DECODING DEVICE ATTACHED TO A TELEVISION SET.

THERE IS NO TECHNOLOGICAL REASON WHY CAPTIONING CANNOT BE USED TO EXPAND THE VIEWING AUDIENCE OF THE SENATE TO INCLUDE OUR DEAF AND HEARING-IMPAIRED CITIZENS. REAL-TIME, INSTANTANEOUS CAPTIONING HAS BEEN AVAILABLE SINCE 1982 AND IS NOW USED IN BROADCASTS OF PRESIDENTIAL SPEECHES AND PRESS CONFERENCES, NEWS AND PUBLIC AFFAIRS PROGRAMS, AND EVEN SOME SENATE COMMITTEE HEARINGS. THE HOUSE OF REPRESENTATIVES ALSO RECENTLY APPROVED A PROPOSAL TO REQUIRE CAPTIONING OF ITS TELEVISED PROCEEDINGS.

THERE WOULD OF COURSE BE SOME COST INVOLVED IN PROVIDING THIS SERVICE FOR THE SENATE, BUT I BELIEVE IT IS A SMALL PRICE TO PAY TO MAKE THIS BODY ACCESSIBLE TO ALL AMERICANS.

THE PROPOSAL I AM INTRODUCING TODAY SIMPLY AMENDS THE RESOLUTION SETTING FORTH THE RULES REGARDING TELEVISIONING OF SENATE SESSIONS. IT DOES NOT SPECIFY WHAT TYPE OF EQUIPMENT SHOULD BE USED OR WHETHER THE CAPTIONING SHOULD BE DONE IN-HOUSE OR BY A COMMERCIAL SERVICE. THESE AND OTHER PRACTICAL DETAILS OF IMPLEMENTING THE RESOLUTION WOULD BE WORKED OUT BY THE SENATE RULES COMMITTEE, WHICH HAS BEEN EXPLORING THE VARIOUS OPTIONS FOR SEVERAL YEARS.

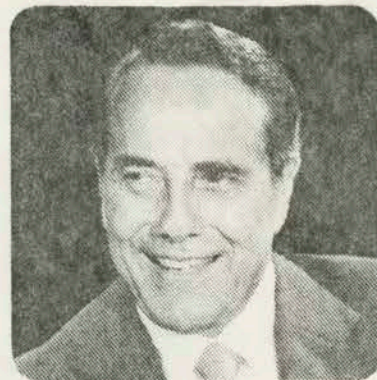
ALL THE MAJOR ORGANIZATIONS REPRESENTING AMERICANS WITH HEARING IMPAIRMENTS SUPPORT CLOSED-CAPTIONING SENATE PROCEEDINGS -- AND FOR GOOD REASON. THEY RECOGNIZE THAT THE KNOWLEDGE GAINED FROM OBSERVING THE LEGISLATIVE PROCESS IN ACTION MAKES FOR A MORE INFORMED AND INVOLVED CITIZENRY. AND THEY BELIEVE, AS I DO, THAT AS CITIZENS AND TAXPAYERS, HEARING-IMPAIRED AMERICANS ARE AS ENTITLED TO WITNESS THE DEBATES OF THEIR ELECTED REPRESENTATIVES AS THEIR FELLOW AMERICANS WHO CAN HEAR.

MR. PRESIDENT, WE BEGAN OUR EXPERIMENT WITH TELEVISION IN THE SENATE BECAUSE WE BELIEVED THAT THE MORE PEOPLE PARTICIPATE IN OUR DEMOCRACY, THE STRONGER IT BECOMES. OUR VIEWERS MAY NOT ALWAYS BE IMPRESSED OR ENTERTAINED BY WHAT THEY SEE. BUT THEY AT LEAST HAVE THE OPPORTUNITY TO JUDGE FOR THEMSELVES WHETHER THEY ARE BEING WELL-SERVED BY THEIR ELECTED LEADERS. IT IS TIME TO EXTEND THAT OPPORTUNITY -- AND RIGHT -- TO THE MORE THAN 20 MILLION AMERICANS WHO ARE DEAF OR HEARING-IMPAIRED.

##

News from Senator

BOB DOLE



(R - Kansas)

SH 141 Hart Building, Washington, D.C. 20510

FOR IMMEDIATE RELEASE
OCTOBER 11, 1988

CONTACT: SARA BELDEN
(202) 224-6521

SENATOR DOLE WORKS TO MAKE SENATE MORE ACCESSIBLE TO PEOPLE WITH DISABILITIES

Washington, D.C. -- Senator Dole introduced legislation today to require televised broadcasts of Senate floor proceedings to be closed-captioned for the deaf and hearing-impaired.

"More than 20 million Americans with hearing impairments remain shut out from the day-to-day workings of the Senate," Dole said. "It's time that the Senate open its doors to citizens with hearing impairments so they can share in the debates that shape our nation's future."

Closed-captioning technology allows the audio portion of a program to be displayed in printed form on the television screen. The captions are received if a special decoding device is attached to the television set. Captioning is currently used in broadcasts of presidential speeches, press conferences, news programs, and certain Senate committee hearings.

Senator Dole also received a tactile model of the Capitol Hill area presented to the Senate by the Department of Education during a ceremony on the Capitol steps. The scale model is designed for use by visually-impaired visitors to Washington, D.C. It is currently located in the Senate wing of the U.S. Capitol. Additional models will be placed at other strategic locations in the Capitol and circulated around the country by the Library of Congress.

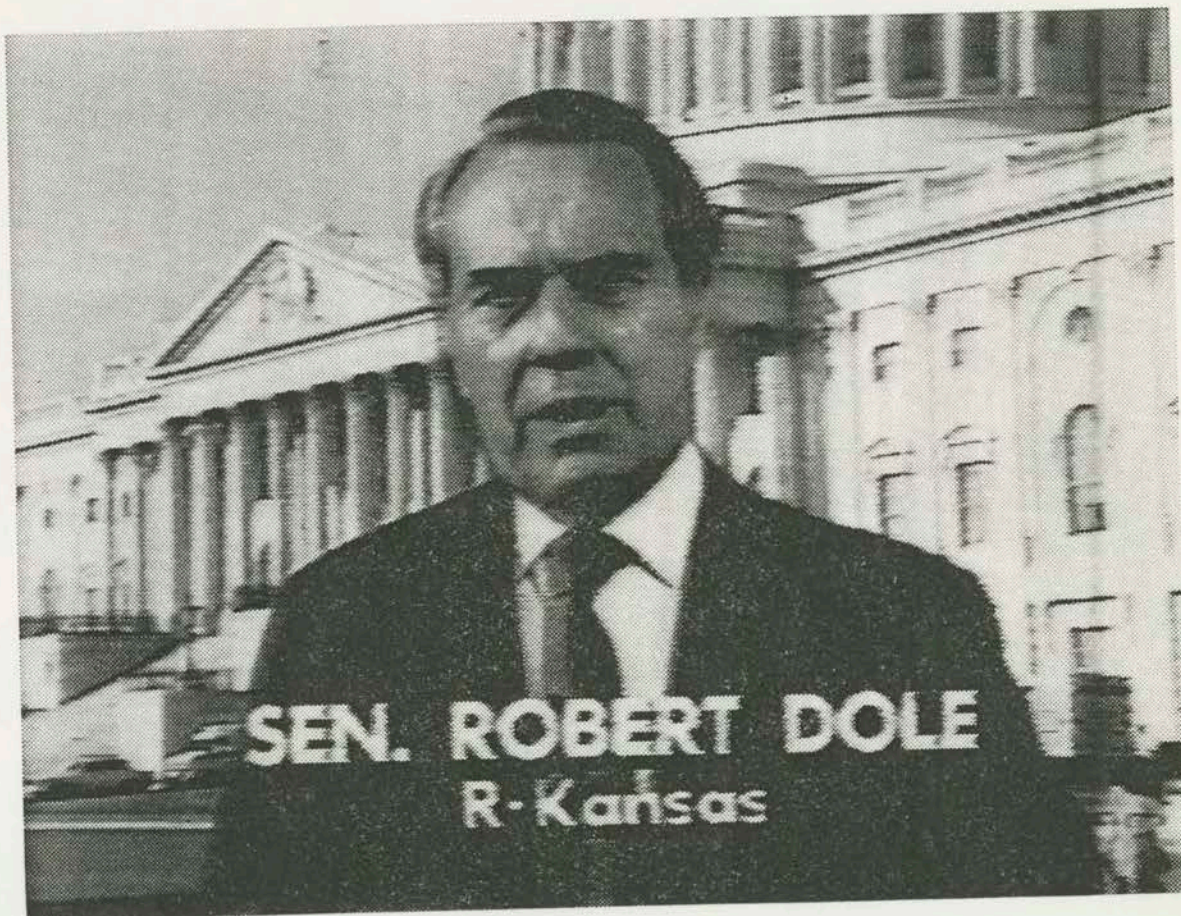
The scale models are part of a government-sponsored project called the "Tactile Capitol" which is designed to make Washington, D.C., more accessible to people with vision impairments and other disabilities. As a member of the Senate Rules Committee, which authorized the project, Senator Dole was actively involved in its promotion.

"I'm proud to be able to play a part in helping Washington, D.C., become the most accessible capital city in the world," Dole said. "All Americans should have the opportunity to appreciate the grandeur of our Nation's capital."

As part of the project, Senator Dole's office will be able to provide constituents with free tactile-braille maps covering Capitol Hill, the Mall and monument areas. The maps will be available in Senator Dole's Washington office beginning in November 1988.

Senator Dole's office also recently upgraded its telecommunication device for the deaf (TDD). The TDD is a small device on which callers type a message which is received by a similar machine. Senator Dole's office has been equipped with a TDD for over two years. Kansans wishing to contact Senator Dole's Washington office via TDD can call (202) 224-7811 Monday thru Friday from 8:00am to 6:00pm and Saturday from 9:00am to 12:00 noon (CDT).

Dole Pushes for Landmark Civil Rights Bill for Disabled Americans



Appearing last week on ABC-TV's "Good Morning America," Senator Bob Dole called for speedy House of Representatives approval of a bill to provide needed civil rights protection for disabled Americans. "The Americans with Disabilities Act really is an emancipation for some 43 million disabled Americans," Dole told the nationwide audience. "It's going to open up opportunities for us in employment, public access and communications. That's really what it's all about."

The Americans with Disabilities Act would prohibit employment discrimination against the disabled, and require access to public transportation, movie theaters, restaurants and other facilities available to able-bodied Americans.

P.L. 101-336



DATE: February 14, 1992
FOR RELEASE: IMMEDIATE

CONTACT: Don Thieme
(703) 998-2416 (V/TTD)

DOLE DIRECTS TELECAPTION DECODERS TO KCDHI

WASHINGTON, DC -- The National Captioning Institute (NCI), at the request of U.S. Senator Bob Dole (R-KS), has donated fifty TeleCaption decoders to the Kansas Commission for the Deaf and Hearing-Impaired. The decoder is an electronics device that connects to a television and displays captions -- similar to subtitles -- that convey the spoken dialogue of television programming.

Senator Dole is a recipient of NCI's "Words for the World" award in recognition of his many legislative contributions to ensuring equal access for deaf and hard-of-hearing people. Senator Dole asked that the decoders be presented to the Kansas Commission which will distribute the decoders to organizations and libraries across the state.

Dole was instrumental in securing passage of the Americans with Disabilities Act which guarantees that people with disabilities be provided with equal access to employment, communications, public transportation and accommodations. Dole authored the Air Carriers Access Act and the Employment Opportunities for Disabled Americans Act. He was a strong supporter of the Television Decoder Circuitry Act which requires that all televisions be manufactured with built-in decoder circuitry that will enable viewers to receive captions without additional equipment.

More recently, Dole sponsored an amendment to cable legislation to protect captioning against technologies used by cable companies which may have disrupted captions.

Because of Dole's influence, the Senate is now required to caption its televised floor proceedings. Captioned proceedings began last month.

NCI is a nonprofit corporation created with the help of Congress in 1979. NCI introduced the closed-captioning television service on March 16, 1980. For the first few years, it was the only closed-captioning organization providing captioning services to the television and home video industries. In its twelve year history, NCI has considerably expanded access to these entertainment media

- more -

Page 2/Dole release

for deaf and hard-of-hearing people. Presently, NCI captions over 80% of all national captioned programming while at the same time handling the sole responsibility for decoder development, consumer research, public awareness efforts, and many other activities.

Headquartered in Falls Church, Virginia, it has offices in Hollywood and New York City. For more information, call NCI at 1-800-533-9673 (voice) and 1-800-321-8337 (TDD).

- 30 -

Date: February 12 1992
For Release: IMMEDIATE

Contact: Don Thieme
(703) 998-2416
(V/TTD)

SENATOR DOLE DONATES DECODERS TO KCDHI

Washington, DC -- The National Captioning Institute (NCI), in honor of U.S. Senator Bob Dole (R-KS) and at his request, donated fifty decoders to the Kansas Commission for the Deaf and Hearing-Impaired.

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Page 2/Dole press release

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Page 2/Doyle press release

More recently, HHS sponsored an amendment to cable legislation to protect captioning against technologies used by cable companies which may have disruptive effects. Because of HHS's influence, the amendment was not included in captioning legislation passed by Congress last month.

NCI is a non-profit corporation created with the help of Congress in 1973. It introduced the national closed-captioning television service on March 16, 1980. For the first 10 years, it was the only closed-captioning organization providing captioning services to the television and home video industries. In its twelve year history, NCI has considerably expanded access to these entertainment media for deaf and hard-of-hearing people. Presently, NCI captions over 100 all national captioned programming while at the same time handling the sole responsibility for banner development, on-air research, public education efforts, and many other activities. Headquartered in Falls Church, Virginia, it has offices in Hollywood and New York City. For more information, call NCI at 1-800-533-3677 (voice) and 1-800-521-8337 (TDD).

(202) 887-5160

DORGAN ASSOCIATES

SUITE 275
2550 M STREET, NW
WASHINGTON, D.C. 20037

Finally! Attached
is draft press release. Please review & edit.
Decoders will be sent today or tomorrow. Can
your office prepare press labels for p. release?
Thanks!
Kim

FACSIMILE TRANSMITTAL

FAX TO:

COMPANY: Sen DoleNAME: Mo West

DEPT: _____

PHONE: 204-8952TIME SENT: 10:30 DATE SENT: 2/11TOTAL PAGES OF TRANSMISSION INCLUDING COVER SHEET: 3

FAX FROM:

NAME: K Dorgan

MEMO: _____

HANDLING INSTRUCTIONS:

HIGH PRIORITY _____

NORMAL PROCESSING _____

CALL TO CONFIRM TRANSMISSION:

NAME: _____

TELEPHONE: _____

News from Senator

BOB DOLE



(R - Kansas)

SH 141 Hart Building, Washington, D.C. 20510-1601

FOR IMMEDIATE RELEASE
MAY 23, 1990

CONTACT: WALT RIKER
(202) 224-5358

SENATE LEADERSHIP PLANS SENATE BIPARTISAN
WORKING GROUP ON DISABILITY POLICY
STATEMENT BY SENATOR BOB DOLE

With passage of the Americans with Disabilities Act in both the House and Senate, Congress has shown its commitment to enhancing equal rights and opportunities for all Americans. Our work is far from done however. While this landmark civil rights legislation for people with disabilities will go far to insure an all inclusive society, we must realize the need to refine and develop other policies that will complement the goals of the ADA and strengthen opportunities for full integration.

I look forward to receiving the 1990 Report to Congress on Developmental Disabilities. Much careful and thoughtful work has gone into the development of this report. Together the Administration and Congress must work together in breaking down both physical and attitudinal barriers encountered by people with disabilities.

These reports deserve careful consideration by Congressional policy makers. That is why I support the development of a Senate bi-partisan working group on disability policy. I look forward to working with my colleagues on both sides of the aisle as we continue to strengthen our commitment to equal opportunities for all Americans.

United States Senate

WASHINGTON, DC 20510

May 21, 1990

Honorable George Mitchell
Honorable Robert Dole

Dear George and Bob:

The purpose of this letter is to request that the leadership establish, on a short-term basis, a bipartisan working group on disability policy. The working group would complete its work before the beginning of the 102nd Congress.

The working group would provide the Senate with a forum to discuss public policy issues affecting people with disabilities and their families. The mission of the group would be to distill, organize, and channel the findings and recommendations from congressionally mandated studies and other appropriate information to the committees within the Senate with jurisdiction over legislation impacting on the lives of people with disabilities. The working group would not affect current congressional jurisdictions; nor would it attempt to establish legislative priorities or engage in any other activities which would serve to delay or forestall prompt consideration and passage of disability-related legislation currently pending before the Congress.

The idea of establishing this informal working group was developed by the disability community. They believe, and I wholeheartedly agree, that with the passage of the Americans with Disability Act, historic civil rights legislation guaranteeing to every person with a disability the right to participate in the economic and social mainstream of American life, we must ensure that our federal policies impacting on the lives of people with disabilities are consistent with and complement the goals of the ADA.

This is the right time to establish such an informal working group. Not only is the ADA about to become the law of the land, but pursuant to the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987, Developmental Disabilities Planning Councils in every state have just completed comprehensive studies which will tell us how we are doing in our efforts to provide opportunities for people with disabilities. Other congressionally-mandated studies have also been completed by such groups as the National Council on Disability.

I believe that this informal working group can facilitate the development of a national policy on disability that enhances opportunities for

STATE OFFICES:

307 FEDERAL BLDG.
BOX H
COUNCIL BLUFFS, IA 51502
(712) 325-5533

210 WALNUT ST.
ROOM 733 FEDERAL BLDG.
DES MOINES, IA 50309
(515) 284-4574

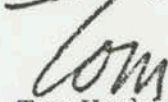
BOX 4489
LINDALE MALL
CEDAR RAPIDS, IA 52407
(319) 393-6374

131 E. 4TH ST.
314B FEDERAL BLDG.
DES MOINES, IA 50301
(515) 281-1338

people with disabilities to lead independent and productive lives and to be integrated into the community.

Thank you for considering my request.

Sincerely

A handwritten signature in dark ink, appearing to read "Tom", written over the printed name.

Tom Harkin
U.S. Senate

Consortium for Citizens with Disabilities

The Consortium for Citizens with Disabilities (CCD) is a working coalition which is comprised of consumer, advocacy, provider and professional organizations which advocate on behalf of more than 43 million Americans with physical and mental disabilities.

Since 1973, the CCD has advocated for federal legislation, regulations and funding which benefit this population. More than 65 national organizations belong to the Consortium.

Following is a list of the organizations that are members. Please feel to contact the individuals listed if you have questions or need information, resources or materials.

BIPARTISAN WORKING GROUP ON DISABILITY

Concept

To establish a bi-partisan working group on disability in the Senate. The Majority and Minority Leaders of the Senate will each select interested members from the relevant Senate Committees as well as other interested Senators to serve as members of the Senate working group.

Mission

Consistent with and complementary to the goals of the "Americans with Disabilities Act," the bi-partisan working group will distill, organize and channel the findings, recommendations and other information in the Congressionally-mandated Developmental Disabilities 1990 Reports, the National Council on Disability reports and other appropriate information to the Committees of jurisdiction. The working group will serve as an important link in the development and enactment of legislative initiatives to foster the independence, productivity and integration of citizens with disabilities.

Justification

1. The working group will provide Congress with a forum in which to respond to the findings, recommendations and other information in the Developmental Disabilities 1990 Reports, the National Council on Disability reports, and other sources and to respond to the issues synthesized by the Consortium for Citizens with Disabilities.
2. The working group will strengthen and enhance Congressional understanding of disability policy and provide a mechanism for distilling and channeling to the appropriate committees of jurisdiction the many issues affecting Americans with disabilities, but would not affect current Congressional jurisdictions or establish legislative priorities or engage in any other activities which would serve to delay or forestall prompt consideration and passage of disability-related legislation.
3. The working group will demonstrate to the 43 million people with disabilities and the public sustained Congressional leadership on disability issues.
4. The working group will allow for participation of Members who do not serve on the committees traditionally associated with disability policy to better acquaint them with disability issues and enable them to be more active in the field.

Timing

The activities of the working group would result in information and resources for the Committees of the next Congress. At the beginning of the 102nd Congress the working group will meet to determine the future direction of the working group.

The Senate Bi-Partisan Working Group
(Members accepting as of 12 January 1991)

DEMOCRATS

Tom Harkin (IA) - Agriculture, Appropriations, Labor/Human Res.
Brock Adams (WA) - Appropriations, Labor/Human Res.
David Pryor (AR) - Finance, Aging, Agriculture
Jim Sasser (TN) - Budget, Appropriations, Banking
Barbara Mikulski (MD) - Appropriations, Agri., Small Bus., Labor/HR
Jay Rockefeller (WV) - Energy, Finance, Veterans, Commerce
Paul Simon (IL) - Judiciary, Budget, Labor/HR
Edward Kennedy (MA) - Judiciary, Labor/HR
Don Riegle (MI) - Finance, Banking, Budget
Bill Bradley (NJ) - Finance, Energy

REPUBLICANS

Bob Dole (KN) - Finance, Agriculture
John Chafee (RI) - Finance, Environment
Orrin Hatch (UT) - Judiciary, Labor/HR
Arlen Specter (PA) - Appropriations, Judiciary
Jim Jeffords (VT) - Labor/HR, Environment, Veterans
David Durenberger (MN) - Labor/HR, Finance, Environment
Alfonse D'Amato (NY) - Banking, Appropriations
Robert Kasten (WI) - Approp., Budget, Commerce, Small Business
Pete Domenici (NM) - Appropriations, Budget, Energy, Aging
John Danforth (MO) - Finance, Commerce

THE SENATE BIPARTISAN WORKING GROUP

Senator Tom Harkin, Co-Chair
113 Hart Senate Office Building
202-224-6265
Staff contact: James Hanson

Senator Brock Adams
513 Hart Senate Office Building
202-224-3239
Staff contact: Sally Garrett

Senator Bill Bradley
731 Hart Senate Office Building
202-224-3224
Staff contact: Barbara Ross-Lee

Senator Edward Kennedy
315 Russell Senate Office Building
202-224-7675
Staff contact: Michael Iskowitz

Senator Barbara Mikulski
320 Hart Senate Office Building
202-224-4654
Staff contact: Karen Calmeise

Senator David Pryor
G31 Dirksen Senate Office Building
202-224-5364
Staff contact: John Adelstein

Senator Don Riegle
105 Dirksen Senate Office Building
202-224-8839
Staff contact: Dawn Erlandson

Senator Jay Rockefeller
109 Hart Senate Office Building
202-224-6472
Staff contact: Mary Ella Payne

Senator Jim Sasser
363 Russell Senate Office Building
202-224-4689
Staff contact: Brian McGuire

Senator Paul Simon
462 Dirksen Senate Office Building
202-224-2299
Staff contact: Judy Wagner

Senator Bob Dole, Co-Chair
141 Hart Senate Office Building
202-224-8959
Staff contact: Maureen West

Senator John Chafee
567 Dirksen Senate Office Building
202-224-2921
Staff contact: Christine Ferguson

Senator Alfonse D'Amato
520 Hart Senate Office Building
202-224-8357
Staff contact: Scott Amrhein

Senator John Danforth
249 Russell Senate Office Building
202-224-4589
Staff contact: Liz McCloskey

Senator Pete Domenici
434 Dirksen Senate Office Building
202-224-7087
Staff contact: Mike Knapp

Senator David Durenberger
607 Hart Senate Office Building
202-224-6306
Staff contact: Carolyn Boos

Senator Orrin Hatch
835 Hart Senate Office Building
202-224-2562
Staff contact: Carrie Hillyard

Senator Jim Jeffords
530 Dirksen Senate Office Building
202-224-5141
Staff contact: Pam Cruz or Mark Powder

Senator Robert Kasten
110 Hart Senate Office Building
202-224-5323
Staff contact: Patricia Rich

Senator Arlen Specter
303 Hart Senate Office Building
202-224-4254
Staff contact: Eartha Isaac

Consortium for Citizens with Disabilities

CCD Members 1991

The Accreditation Council
8100 Professional Place, Ste. 204
Landover, MD 20785
James Gardner

(301)459-3191
fax (301)577-0703

AIDS Action Council (AAC)
2033 M St. N.W.
Washington, DC 20036
Donita Hicks

(202)293-2886

Alliance of Genetic Support Groups (AGSG)
38th & R Sts. N.W.
Washington, DC
Joseph Smith
Joan Weiss

(202)331-0942

American Academy of Child & Adolescent Psychiatry (AACAP)
3615 Wisconsin Ave. N.W.
Washington, DC 20016
Mary Crosby
Robin Brand

(202)966-7300
fax (202)966-2891

American Academy of Pediatrics (AAP)
1331 Pennsylvania Ave. N.W.
Ste. 721 North
Washington, DC 20007
Susan Campbell
Carole King

(202)662-7460
fax (202)662-7471

American Academy of Physical Medicine and Rehabilitation
1156 15th St. N.W.
Suite 1100
Washington, DC 20005
Dick Verville

(202)659-2900
fax (202)659-2909

American Association for Counseling and Development (AACD)
Government Relations Office
901 E. Capitol St. SE
Washington, DC 20003
Lori Rogovin

(202)543-0030
fax (202)543-3263

American Association on Mental Retardation (AAMR)
1719 Kalorama Rd., N.W.
Washington, DC 20009
M. Doreen Croser, Executive Director

(202)387-1968

American Assoc. of University Affiliated Programs (AAUAP) (301)588-8252
8630 Fenton St., Ste. 410
Silver Spring, MD 20910
Bill Jones
Al Guida

American Civil Liberties Union (ACLU) (202)544-1681
122 Maryland Ave. N.E. fax (202)546-0738
Washington, DC 20002
Chai Feldblum

American Congress of Rehabilitation Medicine (202)659-2900
1156 15th St. N.W. fax (202)659-2909
Suite 1100
Washington, DC 20005
Dick Verville

American Federation for the Blind (AFB) (202)457-1487
1615 M St. N.W. fax (202)457-1492
Washington, DC 20036
Alan Dinsmore

American Horticultural Therapy Association (AHTA) (301)948-3010
9200 Wightman Rd., Ste. 400
Gaithersburg, MD 20901
Mary DeRiso

American Occupational Therapy Association (AOTA) (301)948-9626
1383 Piccard Dr.
P.O. Box 1725
Rockville, MD 20850
Frederick Somers

American Speech-Language-Hearing Association (ASHA) (301)897-5700
1081 Rockville Pike fax (301)571-0457
Rockville, MD 20852
Roger Kingsley
Sydney Olson
Amie Amiot
Steve White

Arthritis Foundation (AF)
1901 Fort Myer Dr., Ste. 500
Arlington, VA 22209
Aloina McHale

Assn. for Ed. & Rehab of the Blind & Visually Impaired (AER) 206 N. Washington St. Suite 320 Alexandria, VA 22314 Kathy Megivern	(703)548-1884
Association for Retarded Citizens (ARC) 1522 K St. N.W., Ste. 516 Washington, DC 20005 Paul Marchand Marty Ford Kathy McGinley	(202)785-3388 fax (202)467-4179
Conference of Educational Administrative Services for the Deaf 1213 29th St., N.W. Washington, DC 20007 Jack Duncan	(202)333-5841 fax (202)333-5881
Convention of American Instructors of the Deaf 1213 29th St., N.W. Washington, DC 20007 Jack Duncan	(202)333-5841 fax (202)333-5881
Council for Exceptional Children (CEC) 1920 Association Dr. Reston, VA 22091 Joseph Ballard Dawna Ferrar Mary Cohen	(703)264-9410 fax (703)264-9494
Council for Organizational Representatives (COR) 1213 29th St., N.W. Washington, DC 20007 Jack Duncan	(202)333-5841 fax (202)333-5881
Council of State Administrators of Vocational Rehabilitation (CSAVR) P.O. Box 3776 Washington, DC 20007 Joseph Owens Joan Holleron Jack Duncan 1213 29th St., N.W. Washington, DC 20007	(202)638-4634 (202)333-5841 fax (202)333-5881

Disability Rights Education and Defense Fund (DREDF) (202)328-5185
1633 Q St. N.W., Ste. 220
Washington, DC 20009
Pat Wright
Liz Savage

Epilepsy Foundation of America (EFA) (301)459-3700
4357 Garden City Drive fax (301)577-2684
Landover, MD 20785
Richard Nugent
Julie Ward
Donna Ledder

Federation of Families for Children's Mental Health (703)241-8868
c/o 2823 N. Yucatan St. fax (703)358-9242
Arlington, VA 22214
Naomi Karp

Goodwill Industries of America, Inc. (GIA) (301)530-6500
9200 Wisconsin Ave. fax (301)530-1516
Bethesda, MD 20814
Michael Gaul

Inter-National Assn. of Business, Industry and Rehabilitation (I-NABIR) (202)543-6353
P.O. Box 15242 fax (202)546-2847
Washington, DC 20003
Charles Harles

International Assoc. of Psychosocial Rehabilitation Services (IAPSRs) (301)730-7190
5550 Sterrett Place, #214 fax (301)730-5965
Columbia, MD 21044-2626
Ruth Hughes

Kennedy Foundation (KF) (202)393-1250
1350 New York Ave. N.W., Ste. 500 fax (202)737-1937
Washington, DC 20005
Rush Russell

Learning Disabilities Association (LDA) (202)338-7111
4570 MacArthur Blvd., #104
Washington, DC 20007
Dale Brown

Learning Disabilities Association (LDA) (703)243-2614
3115 N. 17th St.
Arlington, VA 22201
Justine Maloney

Mental Health Law Project (MHLP)
1101 15th St. N.W., 12th Fl.
Washington, DC 20005
Joe Manes
Bonnie Milstein

(202)467-5730
fax (202)223-0409

National Alliance for the Mentally Ill (NAMI)
2101 Wilson Blvd, Ste. 302
Arlington, VA 22201
Fred Fedeli
Ron Honberg
Jim Cromwell
Allyson Colgrove

(703)524-7600
fax (703)524-9094

National Association for Music Therapy (NAMT)
505 11th St. S.E.
Washington, DC 20003
Jane Creagan

(202)543-6864

National Assoc. of Developmental Disabilities Councils (NADDC)
1234 Mass. Ave. N.W., Ste. 103
Washington, DC 20005
Susan Ames Zierman
Christina Metzler
Denise Rozell

(202)347-1234
fax (202)347-4023

National Association of Private Residential Resources (NAPRR)
4200 Evergreen Lane, #315
Annandale, VA 22003
Joni Fritz
Aase Collins
Sarah Summers
Jack Duncan

(703)642-6614
fax (703)642-0497

(202)333-5841 fax (202)333-5881

National Assoc. of Protection and Advocacy Systems (NAPAS)
900 2nd St. N.E., Ste. 211
Washington, DC 20002
Lucy Trivelli
Curt Decker
Sallie Rhodes
Bill Mitchell

(202)408-9514
fax (202)408-9520

National Association of Rehabilitation Facilities (NARF)
P.O. Box 17675
Washington, DC 20041
Suellen Galbraith
Michael Graham
Carolyn Zoller

(703)648-9300
fax (703)648-0346

National Assoc. of State Directors of Special Ed. (NASDSE) (202)296-1800
2021 K St., N.W., Ste. 315
Washington, DC 20006
John George

National Assoc. of State Mental Health Program Directors (NASMHPD) (202)624-5837
Hall of the States, #401 fax (202)624-7892
444 N. Capitol St. N.W.
Washington, DC 20001
Clarke Ross

National Assoc. of State Mental Retardation Program Directors (NASMRPD) (703)683-4202
113 Oronoco St. fax (703)684-1395
Alexandria, VA 22314
Sally Carson
Bob Gettings

National Council of Community Mental Health Centers (NCCMHC) (301)984-6200
12300 Twinbrook Parkway, Ste. 320 fax (301)881-7159
Rockville, MD 20852
James Finley
Cynthia Folcarelli

National Council on Rehabilitation Education (202)333-5841
1213 29th St., N.W. fax (202)333-5881
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Consortium for Citizens with Disabilities

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WHITE PAPER ON DISABILITY POLICY

Passage of the Americans with Disabilities Act finally mandates equal rights for persons with disabilities. While earlier legislation, such as Section 504 of the Rehabilitation Act, Education for Handicapped Children Act and Fair Housing Act provided specific protections and access to specific programs for persons with disabilities, the ADA created a broad range of access in both the public and private sectors. Senate leaders on disability policy had this to say about the ADA:

Senator Tom Harkin:

"For million of Americans with disabilities, segregation, isolation and inequality are over. Today our nation says "no" to isolation and exclusion; and "no" to patronizing attitudes. Today, our nation says "yes" to empowering people with disabilities to make choices for themselves; "yes" to treating people with disabilities with dignity and respect; and "yes" to judging people with disabilities on the basis of ability and not on the basis of fear, ignorance and prejudice."

Senator Bob Dole:

"Our message to America today is that inequality and prejudice will no longer be tolerated. Our message to people with disabilities is that your time has come."

To ensure that the time has come and to translate these rights and goals into realities people with disabilities will require improvements in numerous federal programs, as well as improved linkages between these programs to create real opportunities. Currently, these federal programs are under the jurisdiction of various Congressional committees, and many are broad social programs designed to meet the need of many populations, not only persons with disabilities.

To clarify the issues, this briefing paper lays out principles for federal policy, and explains the relevance of federal programs to persons with disabilities. More specific recommendations on each of these policy areas have been submitted to the Congress over the last few years in a number of Congressionally-mandated studies. The Consortium for Citizens with Disabilities is preparing a report (for which this document serves as an Introduction) for the Senate Bipartisan Working Group on Disability Policy which summarizes and analyzes these Congressionally mandated studies.

WHY SHOULD DISABILITY ISSUES BE ON THE POLICY AGENDA?

- 43 million Americans have disabilities, some of which occur at birth or early in life, while others occur in adulthood. Disabilities include conditions such as mental retardation, sensory impairments of hearing or vision, paralysis, cerebral palsy, mental illness, epilepsy, autism, traumatic brain injury, spina bifida, HIV infection and many others.
- While many people with disabilities need only the opportunity to become full citizens, others need supports and services as well as access to be part of the mainstream of life. The Americans with Disabilities Act and other major civil rights laws have opened many doors but some people with disabilities need assistance to enable them to reach these open doors.
- Statistics indicate the gaps. The U.S. Census reports that the unemployment rate among people with disabilities is almost three times higher than the national average. The recent National Consumer Survey of People with Developmental Disabilities shows that nearly 25 percent of the sample need transportation services but do not get this critical support. The school dropout rate for students with disabilities is 26%, which is 10% higher than even the highest regular education drop-out estimate.
- The issues facing people with disabilities affect not only themselves but their families, their neighbors and their communities.

WHAT ARE THE PRINCIPLES THAT SHOULD GUIDE POLICY?

- Policy must encourage the inclusion of people with disabilities in all parts of our society.
- Policy for individuals with disabilities must be linked to the more general policies for the society as a whole. Policy should take into account the role of families and the general community in meeting and needs of people with disabilities.
- Policy must be organized to be consistent, to be coordinated, and to be most efficient.
- Policy must be outcome oriented and the outcomes should be directed toward services and supports which nurture independence, integration and productivity.
- Policy must assure accountability and quality.
- Policy must take advantage of new ideas and new opportunities, such as technological advances, and early intervention strategies which have been proven successful, and make them available and accessible.

WHAT ARE THE CURRENT AND FUTURE DIRECTIONS FOR DISABILITY POLICY?

All aspects of a person's life are affected by federal policy. Federal policy should be outcome oriented and should be directed toward positive goals: integration, independence and productivity.

All federal programs ultimately impact on each other, either directly or indirectly. The interaction of federal policies and programs, for instance the impact of transportation on housing, on education on employment, must also be examined as policy is developed and refined.

EDUCATION

Nearly 5 million students receive federally-assisted special education services annually. This represents a wise decision in public policy. Unfortunately, a large number of students with disabilities are not yet receiving appropriate services. Many students continue to be inappropriately segregated from their peers without disabilities.

Further efforts and resources should focus on providing schools with the resources to provide quality services to meet the special needs of all students with disabilities. Quality education will much better prepare a student for a productive and independent life in the community.

Policies should also focus on better educational beginnings and endings. There are large numbers of infants and toddlers who need but do not have access to early intervention services and full implementation of Part H for infants and toddlers is essential to meet their needs. For older students, there need to be stronger linkages between the schools and community vocational training, transportation, housing and other supports necessary for adult life.

Federal leadership has resulted in more than 200,000 students exiting special education each year. However, these individuals find few resources such as vocational training, transportation and housing options to assist them to live independently, to work or to make a contribution to their communities. Improved linkage between special education and other federal programs is needed.

HOUSING AND SUPPORTS, FAMILIES AND COMMUNITIES

More and more people with disabilities are living in their communities. Studies have consistently shown that people learn and develop more of their potential outside of institutional settings. Over the past 20 years the number of people residing in institutions for persons with developmental disabilities has decreased by 50 percent

(from a high of 194,650 in 1967 to 91,440 in 1989); and in institutions for persons with mental illnesses by 80 percent (from a high of 558,900 in 1955 to 108,800 in 1986).

States have identified over 30,000 people under age 65 who have disabilities who are residing in nursing homes; other estimates suggest this figure may be near 60,000. Federal Medicaid policy has stated a positive goal in mandating that states must continue to move those who are inappropriately placed out of these facilities. therefore, development of community housing and service options is critical.

Never has there been a stronger demand for quality community services, and federal policy must follow this demand. When people live in the community they need supports which help them and their families to be independent and productive. They need access to a variety of affordable housing options and to basic services such as transportation and health care. They need the acceptance and support of their communities as well.

Federal policy must promote the use of both formal and informal supports. In developing policy, we must consider the impact of larger issues. Affordable housing, supported employment and other community-based vocational training, transportation, health care, respite for families and other services which are responsive to individual needs should all be included in the federal agenda. Federal policy must also be responsive to specialized needs, such as those of families with children with disabilities.

INCOME

Over seven million individuals with disabilities receive Social Security Disability Insurance or Supplemental Security Income payments and need these programs for basic support. More must still be done to promote productivity by removing barriers in these programs that prevent people from working. Efforts must be made to establish programs that ensure independence and integration through adequate levels of support and availability. One-half of Americans with disabilities have household incomes of \$15,000 or less (as of 1984) compared to only 25 percent of Americans without disabilities.

EMPLOYMENT

People with disabilities must have a variety of occupational choices to empower them to pursue productive lives. Job training programs, including vocational rehabilitation programs, must focus on achieving appropriate job placements and on providing the necessary on-going supports and specialized technology that persons with disabilities may need in order to succeed at work. Incentives for the private sector to employ people with disabilities also need to be addressed.

TRANSPORTATION

Transportation is a key to full independence, employment and other productive activities, as well as to integration in society. For a variety of reasons, including impairment and income, many people with disabilities do not own or have access to an automobile. Therefore, people with disabilities must have an array of affordable transportation supports available through various federal initiatives and programs.

CIVIL RIGHTS AND ADVOCACY

The Americans with Disabilities Act (ADA), Section 504 and the Fair Housing Act Amendments (FHAA) established certain rights of people with disabilities and provide the legal basis for protecting them against discrimination. Additional policy issues will arise, however, in translating those rights into real changes in people's lives. Federal agencies must fully enforce the anti-discrimination provisions of these laws. People with disabilities need access to advocacy services for assistance in pursuing legal, administrative or other appropriate remedies to protect these and other rights. To further protect their rights, people with disabilities should be included on public bodies which plan for services in order to ensure their full representation in the decisions which affect their lives.

HEALTH CARE, RESEARCH, TRAINING AND PREVENTION

Continued effort must be made to find the means to prevent disabilities and to implement and fund prevention initiatives. Continuing support is also needed for research and personnel training to complete the network necessary to fully address the needs of people with disabilities. These training opportunities also can stimulate economic development and employment in society at large.

People with disabilities must have access to affordable, quality health care, as should people who do not have disabilities. Health care systems, with the capacity to respond to individual needs, should be strengthened to assure access to services for people with disabilities.

CIVIL RIGHTS AND DISABILITY POLICY: A Summary

Based on a review of Congressionally-mandated reports:

TOWARD INDEPENDENCE, National Council on Disability, 1986
ON THE THRESHOLD OF INDEPENDENCE, National Council on Disability, 1988

FORGING A NEW ERA, National Association of Developmental Disabilities Councils, 1990

INTERAGENCY HEAD INJURY TASK FORCE REPORT, Department of Health and Human Services, 1989

Critical Issues Identified in the Reports:

DISCRIMINATION: The consistent, repeated and pervasive discrimination against people with disabilities remains the key factor in the protection of civil rights.

EDUCATION AND OUTREACH: Persons with disabilities are generally uninformed about their rights under various federal programs and laws. Conversely, the public and those responsible for implementation are often unaware of requirements and solutions to accessibility and discrimination issues.

ADVOCACY: Resources must be available to assure that people with disabilities are able to obtain representation in order to assure full protection. Internal mechanisms for due process must provide that hearing officers and others are properly trained.

APPROPRIATE TREATMENT: The choices for services are often limited to institutional settings, the types of treatment that can be obsolete or harmful, and abuse and neglect are all considerations which impact civil rights of vulnerable persons.

Existing Legislation and Current Issues:

Americans with Disabilities Act: Protections addressing many concerns were contained in this landmark civil rights act. Employment, public accommodations, transportation and other areas of life are affected. While this documented and addressed access

to the full benefits of participation, continued monitoring will be critical to achieve full protection. Outreach to the community about both the requirements of the law and ways to effectively realize the letter and spirit of the law are crucial.

Rehabilitation Act, Section 504: Prohibits recipients of federal financial assistance from discriminating on the basis of handicap in numerous aspects of life, including employment, education, architectural accessibility, and health, welfare and social services. Section 504 was a groundbreaking declaration of rights for persons with disabilities and is in many ways the basis for the Americans with Disabilities Act.

Air Carrier Access Act of 1986: Provides protections from discrimination in air travel. Regulations and their implementation by the airline industry, as well as education of people with disabilities, will have considerable impact on success.

Fair Housing Act Amendment of 1988: Prohibits discrimination in housing against people with disabilities, among other groups. Education of consumers of housing as well as developers can begin to open up community housing opportunities. Protection and advocacy can improve implementation.

Protection and Advocacy Systems for the Developmentally Disabled and for the Mentally Ill: These programs provide services including legal, administrative and other remedies or approaches to ensure the protection of the rights of these persons. Also provide information and referral on programs and services and investigate instances of abuse and neglect, thus providing safeguards for individuals who otherwise go unprotected.

Civil Rights of Institutionalized Persons Act (CRIPA): Provides standing to the Department of Justice to bring actions against state mental health and mental retardation facilities for violations of residents rights. DOJ must notify Governors of the findings of DOJ investigations in facilities and give States the opportunity to resolve the problems before litigation.

Voting Access Act: Requires polling places for federal elections to be accessible or provide access to voting for people with disabilities.

Implications for Federal Policy:

Because people with disabilities are often vulnerable because of their disabilities, because they are affected by government action much more than most people, and because society's view has had a detrimental effect on their access to the full benefits of American life, civil rights protections are needed.

Emphasis can be on:

- People with disabilities have rights to the benefits of American society.
- People with disabilities should have access to correct information about benefits and rights available to them.
- People with disabilities should be provided advocacy services when public or private actions interfere with their civil rights.
- Services to people with disabilities must be funded and designed to ensure full protection of rights, including choice, freedom from harm, and access to society.

COMMITTEES WITH INTEREST OR JURISDICTION:

Committee on Labor and Human Resources
 Subcommittee on Disability Policy

Committee on Appropriations
 Subcommittee on Labor, HHS and Education

Committee on the Judiciary
 Subcommittee on Courts and Administrative Practice

EMPLOYMENT AND DISABILITY POLICY: A Summary

Based on a review of Congressionally-mandated reports:

Based on a review of Congressionally mandated reports:

TOWARD INDEPENDENCE, National Council on Disability, 1986
ON THE THRESHOLD OF INDEPENDENCE, National Council on
Disability, 1988
FORGING A NEW ERA, National Association of Developmental
Disabilities Councils, 1990.

Critical Issues Identified in the Reports:

EQUAL OPPORTUNITY: People with disabilities must be protected against discrimination in employment and must be given the appropriate training and supports to enable full participation in the work world. Employment should provide full opportunity and result in real productivity.

INCENTIVES NOT DISINCENTIVES: Federal disability programs reflect an overemphasis on income support and an under-emphasis on initiatives and mechanisms for equal opportunity, independence, productivity, prevention and self-sufficiency.

SUPPORTS: Enabling people to work can include training, technology, individual accommodations and other supports for all, including those with the most severe disabilities. Emphasis must be on exploring and strengthening individual capabilities and potential.

PRIVATE SECTOR OPPORTUNITIES: Efforts to assist private employers to be aware of and use the talents of people with disabilities should be expanded and supported through tax credits and other incentives, linkages with training programs, and general public education.

Existing Legislation and Current Issues:

Americans with Disabilities Act: This landmark civil rights act lays out protections against discrimination and requirements for employers to assure full access to productive jobs by people with

disabilities. Education of the public, particularly employers, is critical in the first phase of implementation; development of appropriate regulations is also vital in assuring the intent of the legislation is fulfilled.

Vocational Rehabilitation Act: This is the largest employment-related program targeted to people with disabilities. The program makes judgments about potential employability prior to eligibility for training or supports which can limit services. A new program, supported employment, which meets the needs of people with more severe disabilities who have traditionally not been served under this program, remains limited in availability and scope. Evaluation and service provisions for individuals with severe disabilities should include the latest knowledge or technology to promote employment in the competitive job market.

Targeted Jobs Tax Credit: These credits have been successful in promoting private sector awareness of the capabilities of people with disabilities but they are limited to one-year per employee. Extension would contribute to stable, continued employment of people with disabilities.

Job Training and Partnership Act: People with disabilities have been included in this program which provides training to "disadvantaged" groups. Possible changes could increase attention to people with disabilities by eliminating income eligibility requirements for this group. Representation on State Coordinating Councils and Private Industry Councils by people with disabilities can be encouraged.

Supplemental Security Income and Social Security Disability Insurance: Income support programs have been altered in recent years to address some of the disincentives such as the so-called Section 1619 provisions to allow continued eligibility for Medicaid while working. Further incentives, such as training and interagency coordination focused on enabling individuals to become employed, could increase the potential for employment and thus self-sufficiency.

Vocational Education Act: Provides grants to states for vocational education at secondary, postsecondary and adult levels. A set-aside which focused resources on people with disabilities, among other groups, was eliminated in the most recent reauthorization.

Implications for Federal Policy:

Work is a central part of any American's life. Federal policy should emphasize the importance of work for people with disabilities, building on the capabilities and potential of these individuals not exaggerating their limitations. The private sector can be a critical partner if given the right information and incentives.

Some basic principles of employment policy are:

People with disabilities can work and want to work; society can ill-afford to ignore their potential contributions.

Overall employment policy which addresses critical areas of training, opportunity, employer incentives and labor relations should include attention to the needs of people with disabilities; the particular needs of people with disabilities must also be addressed with specialized programs that are flexible and competent to meet individual needs.

People with disabilities must have choices about the kind of work they do and the services and supports they receive; this choice and control can only improve productivity, satisfaction and the contribution to society.

COMMITTEES WITH INTEREST OR JURISDICTION:

Labor and Human Resources Committee
 Subcommittee on Disability Policy

Finance Committee
 Subcommittee on Employment and Productivity
 Subcommittee on Social Security and Family Policy
 Subcommittee on Taxation and Debt Management

Judiciary Committee
 Subcommittee on the Constitution
 Subcommittee on Civil and Constitutional Rights

HOUSING AND DISABILITY POLICY: A Summary

Based on a review of Congressionally mandated reports:

TOWARD INDEPENDENCE, National Council on Disability, 1986
ON THE THRESHOLD OF INDEPENDENCE, National Council on Disability, 1988

FORGING A NEW ERA, National Association of Developmental Disabilities Councils, 1990.

THE NATURE AND EXTENT OF LEAD POISONING IN THE CHILDREN OF THE UNITED STATES: A REPORT TO CONGRESS. Agency for Toxic Substances and Disease Registry.

Critical Issues Identified in the Reports:

COMMUNITY INTEGRATION: A range of community-based options must be available, including the wider use of generic housing options.

AFFORDABLE HOUSING: Adequate housing at affordable rates must be made available as most people with disabilities also have low incomes.

ACCESSIBLE HOUSING AND NON-DISCRIMINATION: Housing which is useable by people with disabilities must be made available and discrimination in housing opportunities must be addressed.

LEAD POISONING PREVENTION: Exposure to lead continues to be a serious public health problem for young children, particularly through leaded paint in old housing.

Existing Legislation and Current Issues:

Fair Housing Act Amendments of 1988: Final regulations have been promulgated to implement this law which prohibits discrimination in housing against people with disabilities. HUD is now developing final "accessibility guidelines" for implementation; adequate outreach, education and enforcement for consumers and developers are critical components of an effective implementation. Creative mechanisms to support accessibility modifications by homeowners and renters are also important.

HUD Section 202: Renamed and revised by the National Affordable Housing Act of 1990, this program is now the "Supportive Housing for Persons with Disabilities Program." Changes the program from a direct loan program to a no-interest cash advance program with accompanying rental subsidies for providers of targeted housing; Congressional intent focused on expanding options under the program

and on helping sponsors with fewer regulatory and management obstacles. The shrinking pool of covered housing units continues to be problematic as are set-asides which do not make additional units available.

HUD Section 8 Voucher and Certificate Programs: While an important potential source of housing, these are limited by the availability of existing affordable housing in the marketplace. People can spend significant percentages of their income for housing, even with Section 8 vouchers, and still be severely limited financially. Public housing, which may have certificates attached, is often not accessible or discrimination against people with disabilities occurs.

Section 504 of the Rehabilitation Act: Prohibits discrimination by reason of disability in federally funded programs, including public housing. Enforcement and education (of both housing consumers and providers) are critical to success.

Community Development Block Grants: Funds have been used by local authorities for attention to need for accessible housing but use of this practice has been limited.

Low Income Housing Tax Credit: Could provide a more workable resource for non-profit sponsors of housing for persons with disabilities.

Lead Poisoning Prevention Program: Centers for Disease Control funding for this program was doubled for FY91, reflecting importance of this critical area and the above report's concern that HUD efforts related to lead abatement programs have been very slow.

IMPLICATIONS FOR FEDERAL POLICY:

People with disabilities should be viewed as part of the housing consumer whole and not a discrete group which needs only a few "handicapped" programs and set asides. Equitable access to all generic housing development and subsidy programs has the potential to expand both the quantity and quality of housing options within the community.

Some basic principles of housing policy should be:

- Housing should be considered separate from supports needed to promote choice and integration.
- People with disabilities should have access to all generic housing and subsidy programs; "set asides" should be additional to any generic programs in place.
- Accessible housing and non-discrimination can be improved with outreach and education as well as creative financial supports.

•People with disabilities are potential home buyers.

•Housing can be made safer, thus preventing future disabilities, with the effective, timely implementation of critical lead abatement programs.

COMMITTEES WITH INTEREST OR JURISDICTION:

Appropriations Committee

Labor-HHS-Education and Related Agencies Subcommittee

VA-HUD-Independent Agencies Subcommittee

Banking, Housing and Urban Affairs

Housing and Urban Affairs Subcommittee

Agriculture

Agricultural Credit Subcommittee

EDUCATION AND DISABILITY POLICY: A Summary

Based on a review of Congressionally-mandated reports:

THE EDUCATION OF STUDENTS WITH DISABILITIES: WHERE DO WE STAND?, National Council on Disability, 1989.

FORGING A NEW ERA: THE 1990 REPORTS ON PEOPLE WITH DISABILITIES, National Association of Developmental Disabilities Councils, 1990.

Critical Issues Identified in the Reports:

INTEGRATION: Despite federal law which mandates that all efforts must be made to support students in regular classrooms, the large majority of students are separated from their fellow students in segregated classrooms or schools. This limits opportunity for all children.

INDIVIDUAL NEEDS: The special requirements of each student are required to be assessed and appropriate services provided under federal law but issues such as classification, needs of students with more severe or challenging disabilities, and the inadequacy of availability of related services reduce the effectiveness of education for individual students.

PREPARATION FOR ADULTHOOD: Education for students with special needs rarely prepares students for independent, productive adult lives as part of society. Little preparation is made for transition to adult life through vocational training and coordination with adult supports and programs.

EARLY INTERVENTION: Availability, despite federal assistance and direction under Part H of IDEA (the recently renamed Individuals with Disabilities Education Act) remains inadequate, especially as the need for these services grows rapidly with the increased rate of drug and alcohol abuse by mothers. Outreach is insufficient. Coordination, which is important as the services are by nature interagency including health, education, family supports and other services, in most cases has been inadequate.

PERSONNEL: Better use and management of existing teacher and support staff resources could improve educational success. Supports and training for regular classroom teachers can improve acceptance and outcomes. Severe shortages of specialists, such as therapists, early childhood educators, and special education teachers, are widespread.

Existing Legislation and Current Issues:

Individuals with Disabilities Education Act (IDEA): Formerly the Education of the Handicapped Act, this landmark legislation mandates inclusion of students with disabilities in school systems in order to provide provides federal assistance to states and localities. Funding has never achieved the promised level of 40% of the average per pupil expenditure for special education students; it is currently at around 9%. The law does promise access to integrated education, involvement of parents in the preparation of each child's Individualized Education Plan and provision of services related to education, such as therapies and transportation, however funding is limited. Eligibility for IDEA services depends on assessment and classification of students into categories of "disability." Monitoring of state compliance, particularly on issues of segregation and full parent involvement, has been weak. While mandates, and accompanying court decisions, has made it possible for every child to be served by school districts, the level, type and appropriateness of educational opportunities vary widely.

IDEA Preschool Grants Program: Increases funding available for children ages 3 to 5 with the requirement that states accepting increases must take steps to ensure all children between those ages are receiving appropriate special education services by 1991. Monitoring implementation is crucial.

IDEA Part H/Handicapped Infants and Toddlers Program: Provides federal support for early intervention programs for children from birth through age 2 who have developmental delays or a diagnosed physical or mental disability; may include children "at risk" of developmental delay at the state's discretion. Emphasizes coordination through mandate of a state interagency council, parent involvement and family services, multidisciplinary services, and prevention of both institutionalization and increased disability which might occur without services. State participation is not at maximum levels.

State Operated Programs, P.L. 89-313: Provides supports for students for whom the State Education Agency (SEA) rather than the Local Education Agency (LEA) takes responsibility. These have traditionally been students who attend state schools, although in more recent years there have been a number of states which have chosen to transfer students to the LEA's while still retaining 89-313 as the federal funding source, which is greater per student

than 94-142. There are ongoing discussions about the future of the state operated programs. It is unevenly distributed among the states, with a small number of states receiving most of the funding.

IDEA, Discretionary Programs: Parts C through G of the Individuals with Disabilities Education Act support research and demonstration, innovative practices, personnel training, parent training centers and other activities that provide state of the art direction to the educational field for students with disabilities.

Implications for Federal Policy:

Education is a basic right in American society and a cornerstone of effective democracy. Educational opportunities for children with disabilities should meet individual needs, build on potential, prepare students for productive lives and be provided with all the other children in a community.

Some basic principles of education policy are:

- All children deserve and have a right to an education which enriches their lives, develops their potential and prepares them for participation in society.
- All children, including those with the most severe or challenging disabilities, must be provided education and related services that meet their needs.
- Federal mandates and policy must be accompanied by adequate funding and monitoring to assure all students receive a free, appropriate education.
- Children should be educated with their peers with supports to make their education useful and effective.
- School systems, schools and classrooms must change in order to meet the needs of children with disabilities and the proper supports, technical assistance and information must be made available to facilitate this change and improve the acceptance and education of all children.

COMMITTEES WITH INTEREST OR JURISDICTION

Committee on Labor and Human Resources
Subcommittee on Disability Policy

BIBLIOGRAPHY

Reports Mandated by Congress on Issues Related to Disabilities

TOWARD INDEPENDENCE

National Council on Disability, 1986.

Includes a listing of Federal programs serving people with disabilities, expenditures and recommendations to improve the ability of persons with disabilities to live with dignity and as independently as possible within their communities.

ON THE THRESHOLD OF INDEPENDENCE

National Council on Disability, 1988.

Annual report mandated to review the progress made in implementing the recommendations contained in Toward Independence. Includes available data on health, housing, employment, insurance, transportation, recreation, and education.

THE EDUCATION OF STUDENTS WITH DISABILITIES: WHERE DO WE STAND?

National Council on Disability, 1989.

Special report authorized to review progress in implementing Toward Independence. Presents results of a year-long study of the education of children with disabilities.

INTERAGENCY HEAD INJURY TASK FORCE REPORT

Department of Health and Human Services, National Institute of Neurological Disorders and Stroke, 1989.

Report of the Task Force established at the request of Congress for more information and coordination on head injury. Identifies gaps in research, training and service delivery; recommends solutions.

THE NATURE AND EXTENT OF LEAD POISONING IN CHILDREN IN THE UNITED STATES: A REPORT TO CONGRESS

Department of Health and Human Services, Agency for Toxic Substances and Disease Registry, 1988.

Report on status of lead poisoning hazards and prevention activities with recommendations for further action.

FORGING A NEW ERA: THE 1990 REPORTS ON PEOPLE WITH DEVELOPMENTAL DISABILITIES

National Association of Developmental Disabilities Councils, 1990.

Compilation of the policy barriers identified and recommendations made by state and territorial developmental disabilities councils. Includes reviews of federally-assisted programs in states and results of National Consumer Survey of 15,000 people who have developmental disabilities.

The Administration on Developmental Disabilities

wants you to know about

The ADA

On July 26, 1990, President Bush signed The Americans with Disabilities Act (PL 101-336) into law. The Act (abbreviated "ADA") lays a foundation of full equality for our nation's citizens with disabilities. The ADA extends to people with disabilities civil rights similar to those now available on the basis of race, color, sex, national origin, and religion through the Civil Rights Act of 1964. It prohibits discrimination on the basis of disability in private sector employment, in state and local government activities, in public accommodations and services, including transportation, provided by public and private entities. It also includes provisions for telecommunications relay services. Some features of the Act went into effect almost immediately; others will be phased in over several years.

OVERVIEW

Employment

The ADA prohibits discrimination against qualified individuals with disabilities in employment and includes specific features related to reasonable accommodation, qualification standards and other labor management issues.

"No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment."

PL 101-336 Title I

Public Services

ADA addresses services and activities of state and local governments including actions applicable to public transportation provided by public entities. Transportation provisions of the Act are intended to improve access in equipment (buses, rail coaches), facilities and demand response systems. Some of these include: the purchase of new accessible public transportation equipment, special transportation services that are comparable to fixed route services, modification of key existing facilities to assure access and inter-city and commuter rail accessibility improvements.

"No qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a State or a local government."

PL 101-336 Title II

Public Accommodations

ADA addresses public accommodations, businesses and services operated by private entities. Also included is privately owned transportation. Specific features of the Act vary from section to section laying out how equal access is to be achieved by particular entities.

"No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation."

PL 101-336 Title III

Telecommunications

ADA mandates telecommunications relay services be offered by private companies, and includes services operated by States.

"...shall ensure that interstate and intrastate telecommunications relay services are available ... to hearing-impaired and speech-impaired individuals in the United States."

PL 101-336 Title IV

Miscellaneous Provisions

Various explanations, exemptions, directives and mandated studies are also detailed in the Act.

At your request, ADD can send you additional information.

Administration on Developmental Disabilities

200 Independence Ave, SW
Washington, DC 20201
Phone: 202-245-2890

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EMPLOYMENT

People with developmental disabilities are ready and willing to work. The ADA, when fully implemented, will support their rights to be treated fairly in America's workplaces.

The ADA Says...

"No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment."

Key Employment Provisions

- ADA prohibits discrimination against workers and job applicants with disabilities. This provision is based on the Civil Rights Act of 1964 and Title V of the Rehabilitation Act of 1973.
- Beginning in July 1992, it would apply to all businesses employing 25 or more individuals and then in July 1994 to all employing 15 or more.
- ADA employment provisions apply to employers, employment agencies, labor organizations or joint labor-management committees.
- ADA requires equal opportunity in selection, testing and hiring of qualified applicants with disabilities.
- ADA requires equal treatment in promotion and benefits similar to other civil rights legislation.
- ADA requires reasonable accommodation for workers with disabilities when such accommodations would not impose "undue hardship." Reasonable accommodation is a concept already familiar to and widely used in today's workplace.
- Individuals with a currently contagious disease may be exempt if they pose a direct threat to the health and safety of others.
- The use of drugs and alcohol may be prohibited in the workplace.
- Religious entities may give preference to the hiring of people holding to their particular religious tenets.

(over)

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OPEN FOR BUSINESS

Individuals with developmental disabilities are customers, clients and patrons of American business. The ADA invites closer collaboration in this important relationship.

The ADA says...

"No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation."

- ✓ Businesses that are open to the public such as restaurants, hotels, theaters, stores, offices, transit stations, museums, stadiums, parks, schools, social service agencies or gyms must not discriminate against individuals with disabilities.
- ✓ These provisions become effective January 26, 1992.
- ✓ Business policies and practices must be changed in order to avoid discrimination.
- ✓ Auxiliary aids and services are required unless the business can demonstrate undue hardship.
- ✓ Existing facilities: Barriers must be removed when such removal can be accomplished without much difficulty or expense. If not, alternative methods of making goods and services available must be in place.

- ✓ Altered facilities: Altered area must be accessible to the maximum extent feasible. In major structural alterations, a path of travel to the altered area and restrooms serving the altered area must be accessible.
- ✓ New facilities must be accessible unless structurally impracticable.
- ✓ Elevators need not be provided in buildings under three floors or with less than 3000 square feet per floor, other than in shopping centers and health care buildings.
- ✓ Bona fide private clubs and religious groups are not covered by these provisions.

ENFORCEMENT

Individuals may sue in court to obtain an order to stop discrimination. This action does not allow money damages. The Attorney General, on behalf of citizens, may also sue to stop discrimination and receive money damages and penalties as remedies.

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TRANSPORTATION

Getting from here to there is essential for a productive and independent life in the community. Over this decade and in the ones to come, America will become a nation with transportation options for all its citizens regardless of their mobility methods. The ADA sets out a plan to include people with disabilities as part of the riding public.

The ADA says...

Transportation provided by a governmental entity:

"No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."

Transportation provided by a private business:

"No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation."

Some Key Provisions

- ✓ As of August 26, 1990, publicly funded systems must purchase (or lease) only accessible bus and rail vehicles.
- ✓ For individuals who cannot use the typical fixed route systems, public transit authorities must provide comparable service unless it would pose an undue hardship.
- ✓ All demand-response service which is provided to the general public, and privately-funded fixed-route service, must purchase only accessible vehicles unless it can be demonstrated that the service is accessible when viewed in its entirety. An exception is privately-funded fixed-route service, which uses vehicles carrying fewer than 16 people.
- ✓ Newly-purchased over-the-road coaches purchased after July 26, 1996 must be accessible. In the case of small companies, the effective date is July 26, 1997. The President can extend this for one year further. The law commissions a three-year study to determine the best

way to provide access to over-the-road coach services.

- ✓ New bus and rail depots must be accessible. In altered facilities, the altered area must be accessible to the maximum extent feasible. In major structural alterations, a path of travel to altered areas and restrooms serving altered areas must be accessible. Existing facilities must be accessible when viewed in their entirety.
- ✓ Rail:
 - New vehicles must be accessible.
 - One car per train must be accessible by July 1995.
 - Key rail stations must be accessible by July 1993, with exemptions available up to year 2020.
 - Amtrak stations must be accessible by year 2010.

ENFORCEMENT

The Architectural and Transportation Barriers Compliance Board will issue minimum guidelines for accessibility of new or remodeled depots. The Department of Transportation will issue and enforce regulations.

Administrative remedies and the right of individuals to sue in Federal Court are available. Attorneys' fees are allowed but punitive damages are not. The Attorney General in the U.S. Department of Justice may file suits and seek penalties. States may be sued.

Timetables for the issuance of regulations and for compliance vary from section to section. Some transportation features of the Act are already in effect while other features are to be phased in over several years.

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TELECOMMUNICATIONS

The telephone is a link to others in business, family and community. Callers unable to use voice are often isolated or are dependent on people who speak and hear to make their calls for them. The ADA will bring down this communication barrier.

The ADA says....

"In order ... to make available to all individuals in the United States a rapid, efficient nationwide communication service, and to increase the utility of the telephone system of the Nation, the [The Federal Communications] Commission shall ensure that interstate and intrastate telecommunications relay services are available, to the extent possible and in the most efficient manner, to hearing-impaired and speech-impaired individuals in the United States."

- ✓ By July 26, 1993, telephone companies must ensure that interstate and intrastate telecommunications relay services are available.
- ✓ Telecommunications relay services may be offered by the company itself or through another provider.
- ✓ Telecommunications relay services must operate every day, all day.
- ✓ Telecommunications relay services may not cost more than regular voice services.
- ✓ Relay operators may not refuse calls or limit the length of calls that use telecommunications relay services.

- ✓ Relay operators may not reveal the content of any relayed conversation and may not keep records of conversations.
- ✓ Relay operators may not edit or change conversations.

A Key Term.

The *Telecommunications relay services* usually consist of a human operator who enables two way communication between an individual who uses a telecommunications device for the deaf (TDD) or other non-voice terminal device and an individual who does not use such a device and uses voice in the typical fashion.

ENFORCEMENT

The Federal Communications Commission will write regulations by July 26, 1991. Individuals may file complaints with The Federal Communications Commission. Individuals may not sue directly through the courts; money damages are not provided.

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DOCUMENTS AND INFORMATION

- The ADA is now or will soon be available in your local library.
- The ADA is available in print from: Government Printing Office, Superintendent of Documents, Washington, DC 20402. Request PL 101-336 in writing and enclose a check or money order for \$1.50 per copy, payable to The Superintendent of Documents.
- The text of the ADA is available on the Enable electronic bulletin board for downloading. Phone via modem: 304-766-7842.
- The text of the ADA is available on audiocassette from the Senate Disability Policy Office, Hart Senate Office Building SH 113, Washington, DC 20510.
- The President's Committee on Employment of People with Disabilities has available several additional ADA brochures, an analysis, an outline and a timeline and implementation chart. The Fall issue of *Worklife*, will reproduce the ADA text in print, Braille and audiotape. 1111 20th Street, NW, Suite 636, Washington, DC 20036.
- The Department of Justice has ADA fact sheets available in print, Braille, large type and audiotape. Contact the Coordination and Review Section, Civil Rights Division, U. S. Department of Justice, Box 66118, Washington, DC 20035. Phone: 202-514-0301 (v) or 202-514-0381 or 0383 (TDD). Electronic files on a bulletin board are available by modem at 202-514-6193.
- The National Library Service for the Blind and Physically Handicapped will have the ADA available to its subscribers by November 1990.

SENATE REPUBLICAN LEADER BOB DOLE

Kansas Senior Senator
Senate Finance Committee
Senate Agriculture Committee
Senate Rules Committee



Leadership

Senator Bob Dole, one of America's most respected and best known leaders, has a distinguished record of public service that spans almost four decades.

A tough, common sense conservative from America's heartland, Senator Dole has earned national acclaim with his leadership for budget responsibility, tax reform, a sound Social Security system, quality and affordable health care, rights for the disadvantaged and persons with disabilities, and for a better future for rural America.

Also respected as a master legislator, he was unanimously reelected by his Republican colleagues to a third term as their Senate Leader on November 28, 1988.

Service

Bob Dole was first elected to the United States Senate in 1968, after serving four consecutive terms in the House of Representatives. From 1981 to 1984, he was Chairman of the powerful Senate Finance Committee, where he was instrumental with President Reagan in laying the foundation for America's strongest economic recovery in thirty years.

Born and raised on the plains of western Kansas, Bob Dole has been a fixture on the Agriculture Committees ever since he came to Washington in 1961. In fact, he has often been called the voice of American agriculture on Capitol Hill.

Sacrifice

During the second World War, Bob Dole left premedical studies at the University of Kansas to enlist in the Army. Rising quickly to a position of command, he became a platoon leader in the legendary Tenth Mountain Division in Italy. In 1945, he was gravely wounded on the battlefield and was later twice decorated for heroic achievement. His decorations include two Purple Hearts and a Bronze Star with Oakleaf Cluster.

As a result of his injuries, Bob Dole spent thirty-nine months in hospitals fighting for his life, an experience that helped make him a lifelong advocate for veterans and individuals with disabilities. In 1948, he was honorably discharged from the Army with the rank of Captain.

Achievement

At age 26, Bob Dole entered public office for the first time when he was elected to the Kansas House of Representatives. Two years later, he became Russell County's prosecuting attorney, an office he held until his 1960 election to Congress. Senator Dole later became Republican National Chairman and President Gerald Ford's running mate in the 1976 Presidential election. In the past two Senate elections in Kansas - 1980 and 1986 - Bob Dole won every one of the state's 105 counties.

Senator Dole was born in Russell, Kansas on July 22, 1923, the eldest son of Doran and Bina Dole. He attended local public schools and later the University of Kansas. After the war, he continued his education at the University of Arizona at Tucson and at Washburn Municipal University in Topeka, from which he earned his bachelor's and law degrees.

Senator Dole is married to Elizabeth Hanford Dole, President Bush's pick to be America's new Secretary of Labor. She also served in Ronald Reagan's cabinet as Secretary of Transportation, only the seventh woman in history to hold a cabinet post. Senator Dole also has a daughter, Robin, who resides in Washington, D.C.

INTERVIEW.

IN ADDITION, HE SAID, THE MEDICARE AND MEDICAID SYSTEM CAN TRAP DISABLED PEOPLE WHO MAY BE WARY OF LOSING THEIR GOVERNMENT MEDICAL PROTECTION IF THEY ACCEPT JOBS. THERE ARE ALSO MORE OLDER DISABLED PEOPLE, WHO ARE LESS LIKELY TO BE WORKING, HE SAID.

THE LIKELY REASON FOR THE RELATIVE INCOME DECLINE IS THAT "MOST EMPLOYERS THINK ONLY IN TERMS OF ENTRY LEVEL POSITIONS (FOR THE DISABLED) AND TEND TO LEAVE THEM THERE," HE SAID.

"PEOPLE WITH DISABILITIES HAVE THE GREATEST PROBLEMS WITH UPWARD MOBILITY AND CAREER ADVANCEMENT," HIPPOLITUS SAID. "THEY ARE PERCEIVED AS FITTING INTO SOME PARTICULAR AREA BUT NOT AS MOVING UP. AS EVERYBODY ELSE MOVES UP THE CAREER LADDER THEY DON'T."

HE HELD OUT HOPE FOR IMPROVEMENT, HOWEVER, IN THE AMERICANS WITH DISABILITIES ACT, RECENTLY VOTED OUT OF A SENATE COMMITTEE, WHICH HE SAID CAN ACT AS A CIVIL RIGHTS ACT FOR THE HANDICAPPED.

THE CENSUS BUREAU STUDY, THE FIRST TO COMPARE THE EMPLOYMENT OF DISABLED PEOPLE OVER TIME, DOES NOT INCLUDE EXPLANATIONS FOR THE CHANGES. IT IS BASED ON THE CURRENT POPULATION SURVEY, WHICH CONDUCTS INTERVIEWS WITH ABOUT 60,000 HOUSEHOLDS EVERY MONTH.

THE REPORT CLASSIFIED PEOPLE AS DISABLED IF THEY REPORTED A HEALTH PROBLEM WHICH PREVENTED THEM FROM WORKING OR LIMITED THE TYPES OF WORK THEY COULD DO, BUT IT DID NOT SPECIFY PARTICULAR TYPES OF DISABILITIES. THE STUDY COVERED PEOPLE AGED 16 TO 64.

FOR MALES, FULL-TIME WORKERS DECLINED FROM 29.8 PERCENT OF PEOPLE WITH DISABILITIES IN 1981 TO 23.4 PERCENT IN 1988. PART-TIME DISABLED MALE WORKERS DROPPED FROM 41.9 PERCENT TO 35.8 PERCENT.

DISABLED FEMALE FULL-TIME WORKERS EDGED UP FROM 11.4 PERCENT TO 13.1 PERCENT AND PART-TIME WORKERS ROSE FROM 23.5 PERCENT TO 27.5 PERCENT.

AVERAGE EARNINGS OF DISABLED MALES ROSE FROM \$12,579 IN 1980 TO \$15,497 IN 1987, BUT IN THE SAME PERIOD EARNINGS OF ALL MALE WORKERS CLIMBED FROM \$16,362 TO \$24,095.

FOR DISABLED WOMEN EARNINGS ROSE FROM \$5,335 TO \$8,075 WHILE EARNINGS OF ALL WOMEN WENT FROM \$7,770 TO \$13,000.

THE YEARS USED TO COMPARE EMPLOYMENT RATES DIFFER SLIGHTLY FROM THOSE USED TO COMPARE INCOME BECAUSE, WHILE PEOPLE WERE ASKED ABOUT THEIR DISABILITIES AT THE TIME OF THE STUDY THEY WERE ASKED TO LIST THEIR EARNINGS IN THE PRIOR YEAR.

THE EMPLOYMENT FIGURES FOR THE DISABLED IN 1988 ALSO DISCLOSED THAT BLACKS WERE THE MOST LIKE TO BE DISABLED, AT 13.7 PERCENT, COMPARED WITH 9.2 PERCENT OF HISPANIC AMERICANS AND 7.9 PERCENT OF WHITES.

DISABILITY WAS MOST COMMON AMONG OLDER GROUPS, AT 22.3 PERCENT FOR THOSE AGED 55 TO 64, THE REPORT FOUND. DISABILITY RATES IN OTHER AGE GROUPS WERE: 45 TO 54, 10.3 PERCENT; 35 TO 44, 7.1 PERCENT; 25 TO 34, 5.6 PERCENT; AND 15 TO 24, 3.0 PERCENT.

AP-WX-08-13-83-500EDT

UNBX

AP-DISABLED WORKERS

FOR RELEASE 6:30 P.M. EDT, TIME SET BY SOURCE

DISABLED WORKERS DROP IN NUMBER, EARNINGS

BY RANDOLPH E. SCHMID

WASHINGTON (AP) -- DISABLED AMERICANS ARE LESS LIKELY TO HOLD JOBS NOW THAN THEY WERE EARLIER THIS DECADE, AND THOSE WHO DO WORK HAVE LOST EARNING POWER, THE CENSUS BUREAU REPORTED TUESDAY.

THE SHARE OF DISABLED MEN WHO WORK FULL TIME DROPPED FROM 29.8 PERCENT IN 1981 TO 23.4 PERCENT LAST YEAR, THE REPORT SAID. DISABLED WOMEN HAD A SLIGHT INCREASE IN THE SAME PERIOD, FROM 11.4 PERCENT TO 13.1 PERCENT WORKING FULL TIME.

EARNINGS OF BOTH DISABLED MEN AND WOMEN DECLINED IN RELATION TO ALL WORKERS DURING THE 1980S, THE BUREAU REPORTED.

THE EARNINGS OF DISABLED MEN FELL FROM 77 PERCENT OF WHAT ALL WORKERS BROUGHT HOME TO 64 PERCENT, WHILE FOR WOMEN THE RATE FELL FROM 69 PERCENT TO 62 PERCENT.

THE FIGURES CAME AS NO SURPRISE TO PAUL HIPPOLITUS, DIRECTOR OF PLANS, PROJECTS AND SERVICES FOR THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED.

LAWS MANDATING EQUAL EMPLOYMENT FOR THE DISABLED DO NOT COVER ALL EMPLOYERS AND HAVE FAILED TO HAVE A MAJOR IMPACT, HIPPOLITUS SAID IN AN INTERVIEW.

IN ADDITION, HE SAID, THE MEDICARE AND MEDICAID SYSTEM CAN TRAP DISABLED PEOPLE WHO MAY BE WARY OF LOSING THEIR GOVERNMENT MEDICAL PROTECTION IF THEY ACCEPT JOBS. THERE ARE ALSO MORE OLDER DISABLED PEOPLE, WHO ARE LESS LIKELY TO BE WORKING, HE SAID.

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Marian West



Congressman
MAJOR OWENS
NEWS RELEASE

FOR IMMEDIATE RELEASE

Contact: Margaret Summers
(202) 225-6231

OWENS, JACKSON, PRESS FOR DISABLED AMERICANS' CIVIL RIGHTS BILL

"This year marks the 25th anniversary of the 1964 Civil Rights Act," notes Congressman Major Owens (D-NY), Chairman of the House Subcommittee on Select Education. "And while there have been efforts by the Reagan and Bush Administrations to weaken its protections against racial discrimination it remains one of the strongest pieces of legislation ever passed by the Congress."

As part of an effort to extend its protections against discrimination in employment, communications, transportation, public service and public accommodations to Americans with disabilities, Congressman Owens and other Congressional lawmakers have introduced H.R. 2273, the Americans with Disabilities Act of 1989. The measure has 188 House co-sponsors.

The House Subcommittee on Select Education, which has jurisdiction over disability rights matters, and the House Subcommittee on Employment Opportunities, will hold a joint hearing on the Americans with Disabilities Act Tuesday, July 18, 9:30 a.m., Room 2175 Rayburn.

In recognition of the similar experiences with discrimination and injustice shared by African-Americans and disabled Americans in the U.S., Congressman Owens has invited civil rights leader and former Democratic Presidential candidate Reverend Jesse Jackson to be a witness in the hearing. Both Owens and Jackson have pointed to the parallels between the African-American civil rights struggles of the Sixties and the disability rights and empowerment movement of the Eighties, the hallmark of which was the highly successful Gallaudet University mass demonstration last Spring for a deaf president and deaf trustees.

2-2-2

Scheduled to testify is Sandra Parrino, Chairwoman of the Council on Disability, the organization which originated and spearheaded the American with Disabilities Act.

Also scheduled to testify is Justin Dart, Chairman of the Task Force on the Rights and Empowerment of Americans with Disabilities. The Task Force, which was appointed by Congressman Owens, is charged with documenting instances of discrimination against disabled Americans nationwide, and with making legislative recommendations to the Congress. Chairman Dart, a long-time advocate for Americans with disabilities, will present some of the hundreds of disability discrimination letters and diaries he has collected during the course of public forums on discrimination against disabled Americans which were held last year in 44 states, the District of Columbia, and Guam.

Among the other scheduled witnesses are Congressman Ronald Dellums (D-Calif.), Chairman of the Congressional Black Caucus, and a spokesperson from the Leadership Conference on Civil Rights.

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