STATEMENT

OF

DICK THORNBURGH
ATTORNEY GENERAL

BEFORE

THE

COMMITTEE ON LABOR AND HUMAN RESOURCES
UNITED STATES SENATE

CONCERNING

THE AMERICANS WITH DISABILITIES ACT

ON

JUNE 22, 1989

Mr. Chairman, distinguished members of the Committee, it is a great pleasure for me to be able to present to you the Administration's views on the proposed Americans With Disabilities Act. Twenty-five years ago to this day, Congress and the President were putting the finishing touches on the Civil Rights Act of 1964, the most important civil rights legislation ever passed. It is exciting for me to be a part of the process which, this year, will pass legislation that will extend the Nation's civil rights guarantees to the disability community. Persons with disabilities have already made enormous contributions to American society, and can and will contribute even more as legislation goes forward in this Congress to improve their even greater entry into the mainstream.

It is estimated that there are over 36 million Americans with disabilities. President Bush has consistently supported efforts to bring these Americans into the "mainstream" of American society. As Vice President, he stated that we must develop programs and policies that promote independence, freedom of choice, and productive involvement in the social and economic mainstream. This means access to education, jobs, public accommodations, and public transportation - in other words, full participation in and access to all aspects of society. This year, in his remarks to the Joint Session of Congress, the President reiterated this commitment. We at the Department of Justice wholeheartedly share these goals and commit ourselves, along with the President and the rest of the Administration, to a bipartisan effort to enact comprehensive legislation attacking

discrimination in employment, public services, transportation, public accommodations, and telecommunications.

Despite the best efforts of all levels of government and the private sector and the tireless efforts of concerned citizens and advocates everywhere, many persons with disabilities in this Nation still lead their lives in an intolerable state of isolation and dependence. Fifteen years have gone by since the Rehabilitation Act was passed. In that time the doors of educational opportunity have been opened to persons with disabilities. Nevertheless, persons with disabilities are still too often shut out of the economic and social mainstream of American life. The unreasonable and, in most cases, unthinking failure to eliminate attitudinal, architectural, and communications barriers in employment, transportation, public accommodations, and telecommunications denies persons with disabilities an equal opportunity to contribute to and benefit from the richness of American society. The continued maintenance of these barriers imposes staggering economic and social costs and inhibits our sincere and substantial Federal commitment to the education, rehabilitation, and employment of persons with disabilities. The elimination of these barriers will enable society to benefit from the skills and talents of persons with disabilities and will enable persons with disabilities to lead more productive lives.

Efforts to develop comprehensive legislation to ensure equal opportunity for disabled persons should, of course, also be

mindful of other principles as well. First, any new legislation should take into consideration the existing fabric of Federal laws prohibiting discrimination on the basis of handicap. During the past two decades, Congress has enacted a series of statutes focusing on a wide range of problems and providing an intricate web of enforcement procedures. The courts and Federal agencies have also been active in interpreting these laws, defining the meaning of nondiscrimination in the context of disability. Any new legislation should be coordinated with this body of law in order to avoid inadvertent conflicts, confusion, the inefficient use of enforcement resources, and unnecessary litigation.

New legislation prohibiting discrimination on the basis of disability should use as its model the panoply of civil rights laws prohibiting discrimination on the basis of race, color, national origin, and sex. We must end the anomaly of widely protecting women and minorities from discrimination while failing to provide parallel protection for people with disabilities.

New legislation should also be designed to keep the development of intrusive Federal regulation to a minimum. It is the Administration's goal to regulate the private sector only in those situations where it is necessary and only to the extent called for by the problem at hand. Concerns for the economic efficiency of America's businesses, especially its small entrepreneurs, and for competitiveness in the world economy must be given due weight. Legislation which unduly burdens American businessmen and women is ultimately in no one's interest.

Federal action in this area should likewise recognize that States can act (and most have already acted) to protect the rights of persons with disabilities in ways tailored to each State's particular circumstances.

Finally, the issue of costs, both the fiscal cost of lost income tax revenues and increased transfer payments when disabled persons are not accommodated and the cost of accommodating persons with disabilities, must be considered. Careful consideration must be given to whether the line on costs has been drawn in the proper place, and we will need to work together in the weeks ahead on this.

The cost issue is made more difficult because it is virtually impossible to put a price tag on the accommodations required by any bill in this area. For example, while widening an existing doorway will cost $300 to $600, no one can estimate with any degree of reliability how many doorways will need to be widened. Making accurate cost predictions is also hampered by ambiguity in the standards enunciated in S. 933.

Similarly, we must recognize that passing comprehensive civil rights legislation protecting persons with disabilities will have direct and tangible benefits for our country. As with the area of costs, we have found it difficult to quantify the exact economic benefits of legislation in fiscal terms. Certainly, the elimination of employment discrimination and the mainstreaming of persons with disabilities will result in more persons with disabilities working, in increased earnings, in less

dependence on the Social Security system for financial support, in increased spending on consumer goods, and increased tax revenues. → Brady Op Ed

With these principles as a guide, I would like to address the "Americans with Disabilities Act of 1988." This Committee is to be commended for its efforts in drafting S. 933. One of its most impressive strengths is its comprehensive character. Over the last 20 years, civil rights laws protecting disabled persons have been enacted in piecemeal fashion. Thus, existing Federal laws are like a patchwork quilt in need of repair. There are holes in the fabric, serious gaps in coverage that leave persons with disabilities without adequate civil rights protections. In some areas, there are overlapping pieces of fabric, duplication that has resulted in confusion and counterproductive enforcement efforts. The Administration supports the legislative effort to enact a bill that is at one time cohesive, coordinated, and comprehensive.

I am pleased that S. 933 includes provisions pertaining to job discrimination. Perhaps the most glaring omission in the landscape of disability rights laws is that there is nothing in the Federal law that prohibits discrimination in employment in the private sector against those with disabilities. While persons who work for the Federal Government, who work in federally assisted programs, or who work for certain Federal contractors are protected from discrimination on the basis of handicap, most other workers are not. Each year in this country,

over 150,000 young men and women with disabilities complete their education under the Education of the Handicapped Act, some receiving high school diplomas, some receiving certificates of completion. This education law has been one of our modern success stories in the disability area. But if our investment in the education of these students is to bear fruit, we must ensure that they face an employment arena similarly free of discrimination on the basis of handicap.

President Bush endorses your concept of paralleling in the disability area Title VII of the Civil Rights Act of 1964, the landmark statute that prohibits discrimination on the basis of race, color, national origin, sex and religion. Furthermore, it is the Administration's view that such legislation should use the standard provided by section 504 of the Rehabilitation Act of 1973 -- the concept that nondiscrimination includes the requirement that an employer make reasonable accommodation to the known mental or physical impairments of qualified disabled persons as long as making the accommodation would not result in an undue hardship on the operations of the employer.

Such a law would be a major step forward for persons with disabilities. We must be mindful, however, of the cost burdens that this law more than other civil rights laws will place on businesses. It is our goal here to seek a balance: to bring persons with disabilities into the mainstream of American economic life and reduce the cost to society of exclusion while, at the same time, keeping the American economic system strong and

viable. We are concerned with the impact of S. 933 on small businesses. Because small businesses have limited financial resources, they do not have the advantage of spreading the costs of accommodations over a large payroll. Further, their small workforce gives them limited flexibility in restructuring jobs, a frequently used method of making reasonable accommodations. For these reasons, the Administration would like to join the dialogue with this Committee on the appropriate extent of coverage for smaller employers.

Of course, any legislation must be consistent with Federal drug-free workplace initiatives. I need not remind this Committee of the scourge of illegal drug use in this country and its frightening impact on daily American life. We believe that this bill should make clear that substance abusers should not be included within the protections of this civil rights statute. The bill should also be fully consistent with this Administration's commitment to the eradication of substance abuse in the workplace and elsewhere.

The inclusion of public accommodations in the "Americans with Disabilities Act" is a Federal recognition of their importance in American life. Just as Title II of the Civil Rights Act of 1964 opened up restaurants and theaters to Black Americans, S. 933 promises to persons with disabilities the ability to enjoy full participation in our American way of life. The Administration endorses the prohibition of discrimination on the basis of disability in public accommodations. Recent studies

show that persons with disabilities are too often discouraged from attending concerts, going to restaurants, and attending movies. We recognize that requiring public accommodations to make themselves accessible to persons with mobility impairments and to provide auxiliary aids to those with visual and hearing impairments could result in significant costs. We would like to work with this Committee to develop provisions that will ameliorate the cost burden. Similarly, we need to work together to define the parameters of coverage in this area. We think that modifications to S. 933 should address our concerns regarding the scope of public accommodations.

We also seek a bill in this area that will provide clear guidance so that unnecessary and costly litigation can be avoided. Great care then should be taken in crafting a standard for what constitutes discrimination. It may be preferable to use terms and concepts from section 504, a law that now has a 16-year history, rather than developing new terms and standards. T.A Finally, any new legislative initiative should avoid potential confrontation with the First Amendment to the Constitution that might arise with the coverage of religious institutions.

The provision of accessible transportation for persons with disabilities has been one of the most complex issues faced by Congress and the Executive Branch. Four statutes[1] and a series

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[1] Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794; section 16(a) of the Urban Mass Transportation Act of 1964, as amended, 49 U.S.C. § 1612(a); section 165(b) of the Federal-Aid Highway Act of 1973, as amended, 23 U.S.C. § 142 (continued...)

of current DOT regulations present an interrelated, complicated set of obligations. Several Federal circuit courts have interpreted these statutes and rules. The President agrees with this Committee that additional legislation is needed to set the record straight. We must be careful, however, that our efforts clarify the picture, rather than adding to the confusion.

Our goal, and yours, is to ensure that persons with disabilities have access to adequate transportation in this country, and we support legislation that would focus our efforts on publicly funded transportation services. We recommend enactment of a bill that would, for the first time, guarantee that public bus systems in this country be accessible to persons with mobility impairments. Thus, legislation should require that all new public buses be accessible to persons with disabilities. The Secretary of Transportation should have the flexibility to relax this requirement for any municipality where accessible bus service would prove to be impractical. For instance, in localities with extremely inclement climates where wheelchair lifts do not function for much of the year, it may be more practical to provide accessible paratransit service. Because the average life of a bus is 12 years, accessible bus transportation would become a reality in this country in a relatively short period of time, except for the cases where accessible buses are ineffective. As with other sections of S. 933 that involve state

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and local government services, my experience as a Governor teaches me that it will be important to get input from the affected officials and people with disabilities from around the country before finalizing these provisions.

In addition, legislation should also require paratransit services that supplement, rather than duplicate, the fixed-route bus service. Ideally, paratransit service should be aimed at those severely disabled persons who are unable to use mainline accessible transportation.

Again, we should recognize the cost implications of these requirements. In the public transportation area, a considerable percentage of the capital costs of public transit authorities is borne by the Federal Government. It is unlikely, given existing fiscal constraints, that any substantial amount of new monies will be available in the Federal budget for transportation. Thus, these increased costs for accessibility must be carried out with already planned outlays. Given these fiscal constraints, we think some reasonable limitation on paratransit service costs may be appropriate and we are prepared to discuss with the Committee the level for such a limit.

On another matter, the Administration agrees that a comprehensive bill should address the issue of making our Nation's telecommunications system accessible to deaf persons. The inability to communicate by telephone renders the routine tasks of daily living -- such as making a doctor's appointment or inquiring about a job opportunity -- difficult or even impossible

to accomplish. Establishment of a telecommunications relay service is clearly a vital step toward full integration of deaf persons into the mainstream. Legislation addressing this issue, though, should take into account the ongoing Federal Communications Commission inquiry mandated by the Telecommunications Accessibility Enhancement Act,[2] and preserve the maximum degree of freedom for the FCC to use its expertise in determining which specific requirements will result in the most efficient and cost-effective system.

Because S. 933 uses existing civil rights laws for minorities and women as its model, the remedies under this bill should parallel these existing laws. For example, the enforcement procedures and remedies now available under title VII of the Civil Rights Act of 1964 should be used for violations of discrimination based on disability in the employment area; and title II's enforcement scheme should be available to redress discrimination based on disability in places of public accommodation. This approach is fair and easy to implement. It would provide persons with disabilities with a full array of remedies, including preventive relief and reimbursement for out-of-pocket expenses, including backpay. In addition, use of enforcement mechanisms already in existence should ease enforcement and eliminate inconsistencies and confusion among those who have to comply with the law.

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2 Pub. L. No. 100-542, 102 Stat. 2721 (1988).

I have witnessed the many faces of discrimination confronting persons with disabilities. As noted, over 36 million people in this country are disabled by reason of some physical or mental handicapping condition. The mere existence of these handicapping conditions does not for many of these individuals prevent them from interacting freely with others in society, or from performing the tasks that others perform on a daily basis. But persons with disabilities are all too often not allowed to participate because of stereotypical notions held by others in society--notions that have, in large measure, been created by ignorance and maintained by fear.

It is precisely these sorts of antiquated attitudes that have blocked people with disabilities from entering the mainstream of American life. Certainly attitudinal changes cannot be simply commanded or even legislated out of existence. No particular court order or single piece of legislation can alone change longstanding perception or misperceptions; regrettably, attitudes can only be reshaped gradually. One of the keys to this reshaping process is to increase contact between and among people with disabilities and their able-bodied peers. And an essential component of that effort is the development of a comprehensive set of laws supported by a helpful set of regulations that all work together to promote the integration of people with disabilities into our communities, schools, and work places.

Mr. Chairman, the "Americans with Disabilities Act" can be the vehicle that brings persons with disabilities into the mainstream of American life. On behalf of President Bush, I pledge to this Committee and to the Congress our full support for comprehensive civil rights legislation for persons with disabilities.

We have an historic opportunity to move this legislation expeditiously through the Congress given the broad support for its purpose. Administration representatives are prepared to begin the task immediately of meeting with your respective staffs and those of other principals, such as Senator Dole, to work in good faith towards a consensus of all the issues. During this process, meetings at the principal level would also be beneficial in resolving any major policy questions that arise.

In that spirit, I would urge that the Committee not let an artificial deadline, such as a mark-up, stand in the way of completing this crucial task. I see no reason why a productive effort could not result in such a consensus within a relatively short period. Faced with the opportunity of enacting landmark legislation, a few more days of careful work would be time well spent in my view.

Thank you for this opportunity to testify. The Administration looks forward to working constructively with you on this enormously important piece of legislation.

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In that spirit, I would urge that the Committee not let an artificial deadline, such as a mark-up, stand in the way of completing this crucial task. I see no reason why a productive effort could not result in such a consensus within a relatively short period. Faced with the opportunity of enacting landmark legislation, a few more days of careful work would be time well spent in my view.

Thank you for this opportunity to testify. The Administration looks forward to working constructively with you on this enormously important piece of legislation.

Office of the Attorney General
Washington, D. C. 20530

July 26, 1989

Honorable Edward M. Kennedy
Chairman, Committee on Labor and Human Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

During my testimony before your Committee on June 22, 1989, I presented this Administration's endorsement of comprehensive civil rights legislation for persons with disabilities. The Administration continues to believe that the Americans with Disabilities Act, S. 933, is an appropriate vehicle for landmark legislation in the disability rights area. Our agreement in concept for new legislation, however, cannot mask the problems that we have with several of the bill's provisions. I certainly hope, however, that further discussions will allow us to reach common ground on the issues over which we have differed.

For the past month representatives of the Department of Justice, the Department of Transportation, and the White House have met with you and staff from your Committee and from Senator Dole's office in an attempt to resolve our differences. The discussions have proceeded positively and amicably through numerous sessions, with both sides acting in good faith. The goal has been to reach agreement on a revision of S. 933 that both the Administration and the sponsors of the bill could endorse. Although we have reached agreement on a number of specific issues and provisions, our discussions thus far have not yet reached that goal.

This letter is the "bill of particulars" that I discussed at our meeting Monday night. It constitutes a statement of the Administration's views on the major items in the bill as it is currently drafted and is a summation of the major provisions upon which we agree. More importantly, it posits several options for further discussion over two of the thorny issues over which we have differed: remedies and the scope of public accommodations.

Employment

Perhaps we have reached the most agreement on the employment provisions of the bill. Indeed, the changes that we have agreed upon remove many of the egregious problems that the ADA as

introduced would have caused, particularly for small businesses that are the backbone of our economy.

The Administration continues to endorse the concept of paralleling in the disability area Title VII of the Civil Rights Act of 1964. We believe that, like Title VII, coverage should be phased-in over time. We propose that S. 933 apply to all employers with 25 or more employees two years from enactment of the legislation and that, two years later, coverage be phased-down to include all employers with 15 or more employees. This two-year implementation period will give the Administration time to craft implementing regulations and to engage in wide-reaching technical assistance efforts to explain the bill's requirements to covered entities.

The Administration endorses using the existing standard from the Federal Government's regulations implementing section 504 of the Rehabilitation Act of 1973. Thus, employers would be obligated to make reasonable accommodations to the known disabilities of applicants for employment or employees unless such accommodations would result in an undue hardship on the operation of the employer's business. We recommend that, whenever possible, language in the statute should be taken verbatim from the existing Federal section 504 regulations. This approach is particularly important for the "reasonable accommodation/undue hardship" requirement. (In fact, whenever possible, for all titles of S.933, standards imposed on recipients of Federal funds who would also be subject to the requirements of the Fair Housing Act and Section 504 should be consistent.)

The Senate staff agreed with our suggestion of deleting title I of S. 933 and moving certain of its provisions to the other substantive titles of the bill. For the employment provisions, we agreed to include language from the general prohibitions on discrimination found in Subpart B of the regulations of the Departments of Health and Human Services and Labor implementing section 504. We have included the concept of reemployment inquiries about applicants' disabilities, as well as placing severe restrictions on reemployment physicals and language on selection criteria and testing. We were pleased that there is now agreement with our suggestion that any notion of "anticipatory discrimination" be deleted from S. 933. The Senate staff have also agreed that the bill would include language clarifying that employer-provided health insurance is not required to cover preexisting conditions or alter employer choice of the mix of medical services eligible for reimbursement under a plan.

Remedies

The Administration's position on remedies is based on the belief that S. 933 should use existing civil rights laws for minorities and women as its model. S.933 as introduced would inevitably lead to a massive burden of litigation, benefitting lawyers more than those we all seek to assist.

We would use existing enforcement procedures under Title VII of the Civil Rights Act of 1964 for employment and existing enforcement procedures under Title II of the Civil Rights Act of 1964 for public accommodations. The Administration has opposed going beyond such a model for remedies in this area to include compensatory and punitive damages and jury trials for two reasons: our earnest belief that existing Title II and Title VII remedies will be effective in enforcing the new statute and our fear that the lure of large settlements in compensatory and punitive damages will unnecessarily promote litigation.

However, because of your concern that additional remedies should be available in S. 933, particularly to combat wilful and egregious acts against persons with disabilities, we have given consideration to other options. There are a range of alternatives in the remedies area that, while different from S. 933's current requirements, would nonetheless provide additional remedies for persons with disabilities. Using the pattern and practice authority given to the Attorney General in the Fair Housing Act Amendments of 1988 as a model, the Attorney General could be given authority to seek civil penalties in cases involving egregious and wilful violations. Such an approach could provide substantial penalties in set amounts, with increasing penalties for subsequent violations. This type of approach would not likely foster needless litigation and would still provide a strong fiscal incentive for covered entities to avoid discriminatory practices.

Public Accommodations

The Administration believes that any new civil rights law for persons with disabilities should cover public accommodations if that law is to guarantee access to the mainstream of American life. S. 933 as currently drafted would extend the reach of Federal regulation inappropriately to encompass practically every structure in America for human use -- even homes and churches. This intrusion, we fear, is overly broad and surely would have unknown and unintended consequences.

To this end, we have proposed paralleling the coverage of Title II of the Civil Rights Act of 1964. This would provide coverage of inns, hotels, motels, restaurants, cafeterias, lunchrooms, gasoline stations, motion picture houses, theaters, concert halls, sports arenas, and other places of entertainment.

We have also entertained the concept of adding other categories of public accommodations to this list, particularly the professional offices of health care providers.

The Administration continues to link the scope of coverage of public accommodations with the extent of the nondiscrimination obligation. We have recently given consideration to alternatives suggested by a two-tiered or bifurcated approach to accessible public accommodations. Perhaps we can explore the ramifications of a bifurcated or two-tiered approach that would duplicate the broad coverage of S. 933 but which would provide reduced obligations for some public accommodations.

Under one version of such an approach, the first tier would include all public accommodations covered by title II of the Civil Rights Act of 1964 plus the professional offices of health care providers. These public accommodations would be subjected to nondiscrimination rules, new construction requirements, existing building requirements, including minimal retrofitting requirements (those that are "readily achievable"), and the requirement to provide auxiliary aids to persons who have hearing or vision impairments.

The second tier would include the categories in S. 933 that may truly be described as public accommodations (not all new private buildings as now covered by S. 933). These additional categories of accommodations would be subjected to a significantly less far-reaching set of requirements. Under this compromise approach, the obligation would cover new construction only; there would be no retrofitting or auxiliary aids obligation. Instead, entities covered by this second tier would be required to have any new facilities constructed for first occupancy 30 months after enactment of the bill be accessible. Similarly, when such entities make significant renovations or alterations of their existing facilities, they would have to make such alterations in an accessible manner.

The second tier could contain an exemption for small businesses, perhaps based on the size of the enterprise. In addition, the second tier public accommodations would not be required to install an elevator in buildings up to 3 stories in height.

This approach has the advantage of providing broader coverage, thus promising a fuller implementation of the goal of opening up all aspects of American life to persons with disabilities. It is still cost conscious, however, avoiding costly retrofitting requirements for the second tier and restricting second tier requirements to the more cost effective approach of making new buildings accessible. This approach would not, as does S. 933, subject virtually all new non-residential construction to Federal jurisdiction, in a sense establishing a

Federal building code for all private commercial construction. The Administration would be interested in having the views of S. 933's sponsors on this type of approach to making public accommodations accessible.

During discussions, we have come to understand S. 933's use of the term "readily achievable," the concept that will apply to making alterations in existing facilities. The Senate staff's proposal that facilities will only need to be retrofitted if the alteration is easily accomplishable, or is able to be carried out without much difficulty or expense is an approach that, if fully supported in the legislative history with specific examples, can be viewed favorably by the Administration. Finally, your Committee staff agreed that neither the phrase "potential places of employment" nor anything in the public accommodation provisions is intended as a separate basis for coverage of employers.

Treatment of Religious Entities

The Administration believes that any legislative initiative in this area should be carefully crafted to avoid any potential confrontation with the First Amendment to the Constitution. For example, we believe that churches and synagogues should not be forced to expend monies which have been contributed for religious and charitable purposes in order to meet the expenses of litigation.

We are pleased with your Committee's offer to exempt employment practices from Federal jurisdiction if they are based on the religious tenets of a religious organization or if the employment decision is based on the religion of the employee. The Administration continues to believe, however, that religious entities must be fully exempted, particularly in the public accommodations area, but also in the area of employment.

Public Transportation

Our goal remains that persons with disabilities have access to adequate transportation in this country. For this reason, we continue to recommend that new public buses purchased after enactment of the bill be accessible. Similarly, the bill should also require paratransit services that supplement, rather than duplicate, fixed-route bus service. This paratransit service should be open to those persons with physical or mental disabilities who are unable to use the mainline accessible system by virtue of their disabilities.

We continue to believe, however, that the Secretary of the Department of Transportation should have leeway, in the form of a waiver authority, to make determinations in limited circumstances that not all new buses need be lift-equipped. It is axiomatic

that no rule is reasonable without an exception. For example, if the supply of lift-equipped buses is disrupted, the purchase of new buses should not come to a halt. Similarly, we believe that the obligation to provide paratransit services should be subject to a cost limitation, for example, at 2% of the transit provider's operating budget.

The cost of making older rail stations fully accessible is extremely high. With systems required to purchase lift-equipped buses, there will be fewer funds available for other transit expenditures. Also, increased service will be available with more accessible buses. Therefore, we believe that the provision to require retrofitting key stations in rail systems should be deleted from the bill. Consideration of any requirements in this area would depend on the establishment of a cap on paratransit expenditures. However, this in no way affects the current requirements that a newly constructed station or renovated station be made accessible.

Private Transportation

During the discussions, your staff presented a proposal that would reduce the requirements of S. 933 for private transportation. The Administration continues to believe, however, that, with the exception of employer-sponsored van pools, it would be premature to apply requirements to private establishments using vehicles for transporting individuals or to private entities primarily engaged in the transportation business. Little is known of the exact nature of the demand for accessible private transportation service by persons with disabilities. Furthermore, there is substantial evidence of the financial fragility of private providers, particularly intercity bus owners and operators, and our concern is that the additional costs of providing accessible transportation could drive private providers out of business and would result in decreased services for everyone, particularly vulnerable groups such as the elderly, the young and the poor, especially in rural areas. For these reasons, the Administration believes that S.933 should commission an in-depth study of this area which could determine if there is a need for future legislation.

Telecommunications

The Administration once again endorses the concept of making our Nation's telecommunications system accessible to persons who are deaf or who have hearing or speech impairments. We believe that functionally equivalent phone service for persons with hearing or speech impairments should be provided. We note that negotiations over amendments to the requirements in title V of S. 933 are continuing, and we remain hopeful that an agreement on the exact nature of the legislative vehicle that will ensure such equivalent service will soon be reached.

I am certain that you will find this "bill of particulars" a useful spur to continued discussions. I request that you consider and respond to these points. Then, the principals can meet this Thursday for further discussions. We believe the Administration has made significant offers that, with similar offers on your part, could lead to agreement in key areas. We hope that you will respond in kind. The Administration looks forward to your views in response to this document.

Sincerely,

Dick Thornburgh
Attorney General