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CHRONOLOGY OF THE ADA PROCESS
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October 21, 1987: first meeting with Bob Burgdorf, Pat Wright, Bonnie Milstein, Terry Muhlenberg etc. Reviewed Bob's draft; initial discussions. Agreed to use the Section 504 regulatory approach so as to have more detail in the law.

November-December 1987: Meetings of the drafting group and meetings with Senator Weicker (11/20), Senator Harkin (12/3) and Senators Weicker and Harkin together (12/8).

January 1988-March 1988: Efforts by disability advocates focus on passage of the Civil Rights Restoration Act (CRRA): CRRA passes the Senate on January 28, 1988; by the House on March 2, 1988; final override of Presidential veto by Senate and House occurs on March 22, 1988.

Some meetings on ADA continue during this time period of January-April 1988.

April 28, 1988: S. 2345 and H.R. 4498 introduced in Senate and House.

April 1988-September 1988: Efforts by disability advocates focus on passage of the Fair Housing Amendments Act. Apr. 20: markup by House Judiciary Committee; June 29, 1988: passed by the House of Representatives; August 2, 1988: passed by the Senate; August 8: Senate version of FHAA passed by House. (Constant meetings throughout.)

April 1988-September 1988: Some meetings on the ADA. We review the description of the ADA, and business concerns regarding the ADA, prepared by the Chamber of Commerce. The Chamber's memo seems to indicate that passage of the ADA is a foregone conclusion. (!)

September 27, 1988: Joint Senate-House hearing on the ADA.

September 1988-November 1988: Disability advocates focus on Appropriation bills and Fair Housing regulations.

December 1988-January 1989: Work on the redrafting of the ADA begins in earnest. Bobby Silverstein in Harkin's office is redoing the draft.

January 1989: Internal work and research on the new ADA draft.

February 1989-April 1989: Meetings of disability lawyers to discuss possible aspects of the new bill; meetings with Senate staff (Bobby Silverstein, Carolyn Osolinik; Michael Iskowitz) to

discuss concerns. Lots of meetings; research; preparing materials; making decisions.

Sample meetings:

February 2, 1989: CCD (Consortium of Citizens with Disabilities Civil Rights Task Force--disability coalition) Meeting

Feb. 16, 1989: CCD mtg (at MHLP)

March 10, 1989: Meeting with Senator Dole and Mo West

March 10, 1989: Meeting with Mark Dissler (Senator Hatch)

March 13, 1990: Meeting with Sen. Durenberger's staff

March 15, 1989: CCD Meeting

March 21, 1989: CCD Meeting

March 30, 1989: Meeting with Bobby Silverstein

April 18, 1989: Meeting with Bobby Silverstein

April 19, 1989: Meeting with Bobby Silverstein and Carolyn Osolinik

May 2, 1989: CCD Meeting

May 2, 1989: Lawyers Meeting (meeting of disability lawyers dealing with substance of the bill) (2-5)

May 4, 1989: Lawyers Meeting (9-12)

May 9, 1989: S. 933/ H.R. 2273 introduced in Senate and House. We hope for immediate White House endorsement of the bill, based on all the compromises made in the drafting between January and April 1989, but the endorsement is not forthcoming. There are rumors that the Administration will endorse the bill.

May 9, 10, 16, 1989: Senate Labor and Human Resources Committee hearings on the ADA. Administration not ready to testify yet. More meetings. Senator Hatch makes dramatic appeal/challenge to the Administration to testify by a date certain.

May-June 1989: More meetings; ideas for getting the Administration to come forward; meetings with House of Representative staff members; Administration agrees to testify at special hearing on June 22; disability advocates start meeting with business representatives to hear business concerns regarding the bill.

Sample meetings:

May 22, 1989: Lawyers Meeting

May 24, 1989: Meeting with Bobby Silverstein and Carolyn Osolinik

May 25, 1989: Meeting with Ed Cook, House Ed and Labor Comm.

May 26, 1989: Meeting with Rochelle Dornat, Cong. Coehlo

May 30, 1989: Meeting with Ed Cook

June 1, 1989: ACLU/DREDF meeting, 9-5

June 2, 1989: CCD Meeting, 2 p.m.

June 5, 1989: Meeting with Sen. Dole, 11 a.m.
June 7, 1989: Meeting with Cong. Hamilton Fish, 4:30 p.m.
June 8, 1989: Meeting with business representatives, 2 p.m.
June 8, 1989: Meeting with Cong. Fish, 3:15 p.m.
June 9, 1989: Meeting with Stuart Ishimaru, House Judiciary Committee, 1 p.m.
June 13, 1989: Lawyers Meeting, 10-2
June 14, 1989: Meeting with Stuart Ishimaru, 2 p.m.
June 15, 1989: Meeting with business representatives, 10:30 a.m.
June 20, 1989: Lawyers Meeting, 3 p.m.
June 21, 1989: Lawyers Meeting, 9:30 a.m.
June 21, 1989: Meeting with business representatives, 3 p.m.

June 22, 1989: Attorney General Thornburgh testifies before Senate Labor and Human Resources Committee; states that Administration will support the ADA, but requires "a few changes" in the bill first.

June 23-August 2, 1989: Takes a while for the Administration to collect its negotiating team from the White House, Office of Management and Budget, Department of Justice, and Department of Transportation (with comments from the EEOC); once team is organized, headed by William Roper from the White House Domestic Policy Office, almost constant meetings with Senate staff members. Main Senate staff negotiators: Bobby Silverstein from Sen. Harkin's office, Carolyn Osolinik from Senator Kennedy's office, with Michael Iskowitz; other involved Senate staffers: Mark Dissler from Sen. Hatch's office and staff members from offices of Senators Simon, Durenberger and Jeffords.

Administration demands that actual negotiations take place solely between the Administration negotiators and Senate representatives; business and disability advocates are not invited. Constant interchange takes place, however, between Administration and business community; constant interchange and meetings takes place between Democratic Senate staffers and disability advocates during the negotiation process. Some interchange continues directly between business and disability representatives. Disability advocates and business representatives also meet with House of Representatives staff members and some House hearings are held. House Representatives are not made a part of the negotiating process between Senate and Administration, although disability advocates would like to see them brought into the process.

Sample meetings:

June 23, 1989: Meeting with B. Silverstein and C. Osolinik, 9 a.m.
June 27, 1989: Lawyers Meeting, 2 p.m.

June 27, 1989: Meeting with Pat Morrissey, Cong. Bartlett's office, 4:30 p.m.
June 29, 1989: Meeting with business representatives, 2 p.m.
July 3, 1989: Meeting with Bobby Silverstein and Carolyn Osolinik, 3 p.m. re Administration concerns
July 13, 1989: Meeting with Cong. Tom Ridge
July 18, 1989: Hearing before House Education & Labor Committee
July 24, 1989: CCD Meeting
July 26, 1989: Meeting with Bobby Silverstein and Carolyn Osolinik, 7:30 a.m.

August 2, 1989, 3 a.m.: Final deal is reached between the Administration and Senate negotiators.

August 2, 1989, 10:00 a.m.: Senate Labor and Human Resources Committee passes the ADA by a unanimous vote

August 3, 1989: Hearing before House Judiciary Committee

August 4, 1989: Congress recesses for August vacation

August 1989: Disability advocates recover. (Feldblum goes to Hawaii and New Mexico and does not utter the word ADA for two weeks)

August 21-August 31, 1989: Senate Labor and Human Resources Committee report reviewed by Administration negotiators, business community (via the Administration) and disability advocates; changes made to accommodate various concerns

Sept. 7, 1989: Senate passes ADA by a vote of 77-8.

Sept. 8, 1989: Disability advocates wish there was only one House of Congress to deal with. Thank goodness, at least the House has Congressman Steny Hoyer.

September 1989-November 1989: Strategy sessions begin in earnest between Congressman Steny Hoyer and his staff person Melissa Schulman and disability advocates. It is understood that the House Education and Labor Committee will be the first Committee to deal with the ADA.

House Republican leader informally designates Congressman Steve Bartlett (R-TX), a member of the House Education and Labor Committee, to represent the House Republicans in negotiations with Congressman Steny Hoyer, informally designated by House Democrats as their representative. House Republicans, in general, are pleased with the changes made as a result of the Administration-Senate negotiations, but would like to put their own mark on the bill. In addition, representatives of the

business community are still unhappy with certain aspects of the bill and would like the House to address those areas. Using the Senate-passed bill as a starting point, Bartlett and Hoyer engage in negotiations. Unlike the Administration-Senate negotiations, both disability advocates and business representatives are part of these discussions. Minority staff attorneys of the House Education and Labor Committee, Randy Johnson and Pat Morrissey, staff Congressman Bartlett during the negotiations; Melissa Schulman staffs Congressman Hoyer. Active participation by disability and business advocates. The official understanding is that the results of these negotiations will not bind the House Education and Labor Committee, but the final package (if one is agreed upon) will be offered to the Subcommittee Chair, Congressman Major Owens, D-NY, who may choose to offer it as a substitute bill for Committee consideration.

A final, negotiated ADA is agreed upon between Hoyer and Bartlett. Agreement is reached on seventeen statutory changes; other areas are dealt with through the development of report language. The disability coalition votes to support the negotiated package. Congressman Owens offers the revised ADA for successful Education and Labor Committee consideration and passage. The Education and Labor Committee uses the Senate Labor Committee report as a base and incorporates the negotiated report language changes into that base.

Sample meetings:

Sept. 13, 1989: Hearing before House Education and Labor Committee
Sept. 15, 1989: Meeting with Rep. Steny Hoyer
Sept. 19, 1989: Meeting with Rep. Fish, Ralph Neas
Sept. 26, 1989: Hearing before House Education and Labor Committee
Sept. 27, 1989: Meeting with Ed and Labor staff
Sept. 29, 1989: Meeting with Steny Hoyer
Oct. 2, 1989: CCD Meeting
Oct. 2: Meeting with Stuart Ishimaru and Ivy Young, Judiciary Committee staff
Oct. 3: Meeting with Melissa Schulman
Oct. 11: Meeting for Judiciary staff
Oct. 12: Hearing before House Judiciary Committee
Oct. 23: CCD meeting
Oct. 24: Meeting with Judiciary staff, 11:30 a.m.
Oct. 24: Meeting with Ed and Labor Committee staff, 1:30 p.m.
Oct. 25: Meeting with House staff
Oct. 25: CCD meeting
Oct. 16-Nov. 10: Negotiating team meetings

November 14, 1989: Education and Labor Committee passes negotiated version of ADA, 35-0.

December 1989: Disability advocates recover from Hoyer-Bartlett negotiations and Education and Labor markup; Democratic and Republican House Energy and Commerce (E&C) staff busily at work redrafting the ADA provisions regarding Amtrak and commuter rail.

January 1990-March 1990: House E&C staff informally share their redrafted version of the ADA with disability advocates. Disability advocates seriously dislike the reworked version. (seriously dislike). Disability advocates draft response to changes for the E&C staff, explaining concerns. Discussions (not official "negotiations") begin between disability advocates and E&C staff. Unlike all discussions to date in other forums on the ADA, this takes place with Democratic and Republican staff together on one side of the table and disability advocates on the other. Discussions proceed fitfully. Congressman Steny Hoyer discusses situation with Congressman Dingell, Chairman of the E&C Committee and all agree to attempt to reach resolution (including the disability advocates). Congressman Hoyer convenes a set of official negotiations with Democratic and Republican E&C staff members. Disability advocates participate, as do representatives of Amtrak. A final negotiated package is agreed upon and the disability coalition votes to accept the package. House Energy and Commerce Committee passes the revised ADA by vote of on March 13.

February 1990-April 1990: During the same period of time, disability advocates meet with staff members of the House Public Works and Transportation Committee (PWT), dealing with issues concerning public and private bus transportation. Primary staff members are Roger Slagle and Phyliss . The dynamics of these discussions are somewhat different: Committee Democratic members have changes they would like to make in the ADA; disability advocates negotiate over those changes. Republican Committee members have additional changes they ask Democratic members to make; those requests are conveyed to disability advocates and responses are prepared: either refinements are accepted or disability community, with Democratic Committee support, vow to fight the Republican changes. There is no overall package negotiated between the Democrats and Republicans on the Committee, as had been the case with every other Committee. The PWT Committee is the first Committee, during markup, to have "party-line" votes on Republican amendments. All such amendments are defeated. PWT Committee passes ADA by a vote of on April 3.

March 1990-April 1990: Disability advocates meet with Judiciary (JY) staff members. Primary staff members are Stuart Ishimaru and Ivy Young. JY staff members prepare 100 questions anticipated for the markup to which disability advocates respond. JY staff also compile requests from business community for further changes in the law; some changes made. Several Members of Congress putting pressure on the Administration for changes,

re issues on essential functions, people with mental illness who pose threats to others, and definition of "direct threat." Administration negotiators (Lee Lieberman and MaryAnn McGettigan) meet with disability advocates to work out compromise. A "three-by-three" approach is adopted: three changes from the Administration; three from disability community. Ranking Republican Member, Rep. Hamilton Fish, offers the package. Judiciary Committee passes ADA by vote of on May 3. Judiciary Committee rejects amendment championed by the National Restaurant Ass'n regarding food-handlers with AIDS.

Sample meetings:

- Jan. 8: Disability meeting
- Jan 12: Meeting at MHLP (Discuss E&C staff draft)
- Jan. 16: Disability meeting
- Jan. 22: Meeting with E&C staff
- Jan. 23: Meeting with Bobby Silverstein and Carolyn Osolinik
- Jan. 24: Meeting with Steny Hoyer
- Jan. 25: Meeting with E&C
- Jan. 29: CCD meeting
- Jan. 31: Meeting with Bobby S., Carolyn O.
- Feb. 1: Negotiating meeting with E&C
- Feb. 5: CCD meeting
- Feb. 5: Meeting with Evan Kemp
- Feb. 6: Meeting with E&C staff
- Feb. 12: CCD Meeting
- Feb. 14: Meeting in Sen. Harkin's office
- Feb. 20: Meeting with E&C staff
- Feb. 20: Meeting with Public Works and Transportation staff
- Feb. 21: Meeting with Steny Hoyer
- Feb. 22: Hearing before House Small Business Committee
- cFeb. 23: Hoyer and Dingell talk
- Feb. 26: CCD meeting
- Mar. 1: Meeting with PWT staff
- Mar. 2: Meeting with PWT staff
- Mar. 2: Negotiating meeting with E&C staff
- Mar. 5: Negotiating meeting with E&C staff, 9 a.m.-1 p.m.; 6 p.m.-9 p.m.
- Mar. 7: Negotiating mtg with E&C: 11:30 am-3 p.m.; 6-11 pm
- Mar. 8: Negotiating mtg with E&C, 4-9 p.m.
- Mar. 10: Negotiating mtg with E&C, 12-6 p.m. (Sat.): negotiations completed
- Mar. 11: Preparing E&C draft (Sun.)
- Mar. 13: Energy and Commerce markup
- Mar. 16: Meeting with Steny Hoyer, Norm Mineta, PWT staff and disability advocates
- Mar. 22: Meeting with PWT staff
- Mar. 26: Meeting with PWT staff
- Mar. 28: Meeting with PWT staff
- Mar. 29: Meeting with Judiciary staff

Mar. 29: Meeting with Bobby Silverstein and Carolyn Osolinik
 Mar. 3: Mtg with PWT staff
 Apr. 2: Mtg with Melissa, Ralph, Pat
 Apr. 2: Mtg with PWT staff
 Apr. 5: Mtg with Judiciary (JY) staff
 Apr. 12: Mtg with Melissa, AIDS advocates
 Apr. 13: Mtg re Congressional coverage
 Apr. 17: Mtg with Melissa, Pat, 9:30 am-6:30 pm
 Apr. 18: Mtg with JY staff; mtg with Melissa, Pat
 Apr. 19: Mtg with JY staff
 Apr. 21: Mtg with Melissa, JY staff (Sat.)
 Apr. 24: Mtg with Pat, Arlene, 10 am
 Apr. 24: Mtg with Rep. Bartlett, Pat, 2 pm
 Apr. 25: Judiciary Subcommittee Markup
 Apr. 26: Mtg with JY staff
 Apr. 26: Mtg with National Restaurant Ass'n lobbyists
 Apr. 27: Mtg with Steny Hoyer
 Apr. 30: Mtg with Rep. Hamilton Fish
 May 1: Judiciary Committee markup-day one
 May 2: Judiciary Committee markup--completed

May 1990-June 1990: Disability advocates work on Judiciary Committee report, providing assistance; advocates work with Hoyer staff to merge the four Committee bills into one ADA. House leadership decides on Congressional coverage for House. Strategy meetings held regarding substance of the rule for ADA. Rules Committee meets: makes ten amendments in order, including the Chapman amendment regarding foodhandlers and AIDS. Amendment regarding phase-in for small businesses under Title III negotiated to some extent and disability coalition decides not to fight it. House considers ADA on May 17, passes the Chapman amendment regarding foodhandlers with AIDS; other negative amendments defeated, other amendments (as previously agreed upon) are accepted. House completes consideration of ADA on May 22, defeats negative transportation amendments, passes ADA by vote of

Lobbying commences to prevent a Senate motion to instruct on the Chapman amendment. On June 6, Senate passes motion to instruct its conferees, sponsored by Sen. Helms, to accept the Chapman amendment by vote of 40-53. Intensive lobbying continues on House conferees. ADA conferees meet on June 25; House conferees vote not to accept the Chapman amendment; Senate conferees recede. Senate conferees maintain coverage of the Senate under the ADA, allowing private right of action in court. Senate leadership and several prominent Senators not pleased with the Congressional coverage resolution. More meetings; more lobbying. Final breakthroughs: Senate adopts Sen. Ford amendment on Congressional coverage on July 10 in context of Civil Rights Act of 1990; Sen. Hatch and disability advocates develop

alternative to Chapman amendment two hours before Senate consideration of the ADA conference report; Senate votes to recommit the ADA conference report to conference with the Hatch alternative on Chapman and the Ford alternative on Congressional coverage. ADA conferees meet for second time; adopt conference report with two Senate changes. House passes ADA evening of July 12 by vote of 377-28; Senate passes ADA morning of July 13 by vote of 91-6. President signs ADA on July 26.

Sample Meetings:

May 7-11: Mtgs re Judiciary Committee report
May 10: Reviewed E&C committee report draft
May 11: Mtg with Melissa, Pat
May 17: House Floor Consideration--day one (Chapman amendment passes)
May 22: House Floor Consideration--ADA passes
June 4: CCD mtg
June 6: Senate passes motion to instruct on Chapman amendment, 40-53
June 6: AIDS coalition mtg
June 7: AIDS coalition mtg
June 8: Mtg at the White House (re Chapman amendment)
June 11: CCD mtg
June 18: CCD mtg
June 19: ACLU/ADA mtg
June 25: First ADA conference (Chapman removed)
July 6: ADA mtg
July 10: ADA mtg (with Senators)
July 11: Senators mtg; Hatch in the hallway; writing alternative; Senate passes Hatch alternative to Chapman, 39-61
July 12: Conferees meet, 9 am
July 12: House passes ADA, 377-28
July 13: Senate passes ADA, 91-6
July 26: President signs ADA

The term "disability advocates" in this chronology means the following:

In terms of strategy meetings on ADA, the following people (at various points) were probably present: Pat Wright, Disability Rights Education and Defense Fund; Ralph Neas, Leadership Conference on Civil Rights; Chai Feldblum, ACLU; Liz Savage, Epilepsy Foundation; Mort Halperin, American Civil Liberties Union. With regard to AIDS strategy issues in particular: Tom Sheridan, AIDS Action Council. ADA strategy meetings also took place in the context of the CCD meetings, attended by the 30-40 disability coalition lobbyists.

In terms of legal meetings on the ADA (which is what most of this chronology focuses on), the following people were always present: Pat Wright, DREDF; Chai Feldblum, ACLU. The following people (at various points) were also present: Arlene Mayerson, DREDF (particularly for Senate Labor Committee consideration and Judiciary Committee consideration); Robert Burgdorf, Jr., National Council on Disability; Easter Seals; D.C. School of Law (particularly for first ADA and Senate consideration of ADA); Jim Weisman, Eastern Paralyzed Veterans of America and David Capozzi (for E&C and PWT Committee considerations). Karen Strauss, National Center for Law and the Deaf, coordinated all the disability advocacy work on the telecommunications section of the ADA.