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United States Senate

WASHINGTON, DC 20510-1601

April 11, 1991

The Honorable Evan Kemp
Chairman
U.S. Equal Employment Opportunity Commission
1801 L Street, N.W.
Washington, D.C. 20507

Dear Chairman Kemp:

Throughout Congressional consideration of the Americans with Disabilities Act (ADA), I was concerned about the impact of the proposed legislation on the business community -- particularly the small business community. As we approach the effective dates of the ADA, we must be cognizant of the importance of providing timely and adequate technical assistance to American small businesses.

The Equal Employment Opportunity Commission's proposed guidelines are comprehensive and far reaching. Your expedient drafting of the proposed regulations for employment underscores your steadfast commitment to ensuring that people with disabilities have the opportunity to live lives of dignity and independence.

However, publication of the proposed rules in the Federal Register has led to many complaints regarding the ADA's non-discriminatory intent. For example, one of my constituents who is a small business owner requested that I sponsor an amendment to clarify the definitions employed in the ADA. "The provisions of this law," he wrote, "are so extremely vague that it is a horror story for American employers." This constituent concluded his letter by stating that the law created "a hunting license for lawyers and for unscrupulous persons with fictitious or questionable 'disabilities'."

Although I have received similar letters of complaint from small businessmen nationwide, I am confident that a strong program of technical assistance will adequately address the concerns of our business community.

Prior to ADA's final passage, I authored an amendment to establish a program of technical assistance for the business and disability communities. Last session and again in March, Congress appropriated funds for technical assistance to ensure that both communities know their obligations and their rights under this new, historic law. I am delighted to learn that EEOC's plans to make technical assistance available to the business community are progressing rapidly.