

BOB DOLE
KANSAS
141 SENATE HART BUILDING
(202) 224-6521

COMMITTEES:
AGRICULTURE, NUTRITION, AND FORESTRY
FINANCE
RULES

United States Senate

WASHINGTON, DC 20510-1601

August 12, 1991

The Honorable Catherine Bertini
Assistant Secretary
Food and Consumer Services
U.S. Department of Agriculture
Room 208-W, Administration Building
Washington, D.C. 20250

Dear Catherine:

It is my understanding that a federal district court recently ruled that funds set aside under an approved Plan for Achieving Self Support (PASS) must be excluded from calculations of food stamp eligibility and allotments. I am writing to urge that USDA not appeal the court's decision, but rather revise its policy so that PASS accounts are excluded from calculations of food stamp eligibility and benefits. Such a determination appears to be within the Department's authority, is in keeping with Congressional intent on the PASS program, and would be good public policy as well. It also should not open the food stamp program up to abuse or set a bad precedent, because PASS accounts are monitored by the Social Security Administration.

Congress has explicitly stated that the PASS provision is to be "liberally construed" if necessary to help achieve the program's objective, which is to promote the gainful employment of people with disabilities. Counting PASS accounts for food stamp purposes frustrates Congressional intent by effectively ruling out participation in PASS by disabled individuals who must depend on food stamps to meet their nutritional needs. I know firsthand how great a barrier the current interpretation of food stamp regulations is for would-be PASS participants. Mr. Tim Steininger, the man who inspired me to establish the Dole Foundation for the Employment of People with Disabilities, now faces the prospect of losing his eligibility for food stamps or dropping out of PASS. It was Mr. Steininger who first brought this issue to my attention.

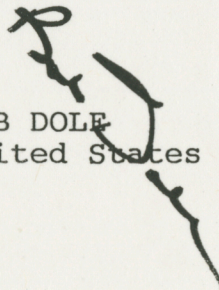
I understand that USDA has worked with the Agriculture Committees on language to amend the food stamp program specifically to exclude PASS accounts from food stamp eligibility and benefit calculations. While I would be supportive of legislation to accomplish this goal, I encourage the Department

The Honorable Catherine Bertini
August 12, 1991
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to accept the federal district court's ruling on this matter and
revise its policy on PASS accordingly.

Your consideration of this request is much appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Dole", written over the typed name and title.

BOB DOLE
United States Senate

BD/sh

United States Senate

WASHINGTON, DC 20510-1601

September 18, 1990

Daniel C. Sullivan
Executive Director
Delaware Valley Project with Industry, Inc.
Six Franklin Plaza
Philadelphia, PA 19102

Dear Friends:

I'm sorry I am not able to be with you in person this morning. However, I wanted to take this opportunity to welcome you and to participate with you in what I know will be a series of successful programs to assist the business community in the Delaware Valley in meeting the non-discrimination and increased employment goals of the Americans with Disabilities Act.

President Bush signed the Americans with Disabilities Act into law on July 26th, 1990. Bi-partisan support in Congress as well as the cooperative efforts of people with disabilities, business leaders, and concerned American citizens made this historic legislation possible. As a result, this law will prevent discrimination in employment, public accommodations, transportation, and telecommunications. Most importantly, skilled qualified individuals, regardless of a disability will become productive, contributing members of society. Tax users will become tax payers, and all Americans will benefit through the ability of an all inclusive workforce and a stronger American economy. Many people with disabilities, because of the opportunity to work, will become more active consumers, purchasing the goods and services that they desire and need.

Projects with Industry programs such as the one my good friend Dan Sullivan directs in the Delaware Valley are in a unique position to assist in the implementation of the ADA. They are critical in providing the technical assistance needed to engage the talent and leadership of private industry as partners in 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.

My 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. Delaware Valley Project with Industry is

one of the excellent programs our foundation has assisted. I know that Paul Hearne, President of the Dole Foundation, is with you this morning and he will tell you of his vision of how we can all work together to meet the goals of the Americans with Disabilities Act.

Tony Coelho, your keynote speaker will share with you his personal and professional experience that played such a significant role in creation of the ADA. I encourage you to participate with Magee Rehabilitation Hospital and Delaware Valley Project with Industry in a cooperative effort to develop the knowledge and awareness necessary so that my disabled peers can and will live lives of dignity and self support.

Sincerely,

Bob Dole
United States Senate

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October 13, 1991

PARAQUAD
4475 Castleman
St. Louis, MO. 63110

Dear Friends:

I'm sorry I am not able to be with you in person today. However, I wanted to take this opportunity to welcome you to St. Louis and the Fourth Japan-USA Conference on Persons with Disabilities. Your conference comes at an opportune time as this country undergoes implementation of the Americans with Disabilities and the proliferation of state-of-the-art technology enables people with disabilities to lead lives of enhanced self determination.

President Bush signed the Americans with Disabilities Act into law on July 26th, 1990. Bi-partisan support in Congress as well as the cooperative efforts of people with disabilities, business leaders, and concerned American citizens made this historic legislation possible. As a result, this law will prevent discrimination in employment, public accommodations, transportation, and telecommunications. Most importantly, skilled qualified individuals, regardless of a disability will become productive, contributing members of society. Tax users will become tax payers, and all Americans will benefit through the ability of an all inclusive workforce and a stronger American economy. Many people with disabilities, because of the opportunity to work, will become more active consumers, purchasing the goods and services that they desire and need.

Issues being discussed at this conference will provide critical assistance needed to engage the talent and leadership of private industry as partners in the rehabilitation process. Together, both the disability and business communities working together 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.

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I send my very best wishes and congratulations for what is sure to be a successful and provocative conference. I look forward to working with Senator Eita Yashiro and distinguished Members of the Japanese delegation in a cooperative effort to develop the knowledge and awareness necessary so that my disabled peers throughout the world can and will live lives of dignity and self determination.

Sincerely,

Bob Dole
United States Senate

TESTIMONY OF JANET DORSEY BEFORE THE
EQUAL OPPORTUNITY EMPLOYMENT COMMISSION

Thank you for the opportunity to provide comments on the Americans with Disabilities Act. Title I, which encompasses strong employment provisions to this landmark legislation is a key component of this law. Today's hearings provide a timely opportunity to offer comments on how to effectively implement the law's true intent.

Public sector employment of people with disabilities is not new at the federal level. Section 504 of the Rehabilitation Act of 1973 has for the past 15 years provided clearly defined policies and mandates against discrimination of people with disabilities in the workplace. The significant body of knowledge gained from our experience with 504 on successfully employing people with disabilities must be shared with the business community and other entities subject to the requirements of ADA.

The success of the Americans with Disabilities Act is dependent upon successfully building on 504's achievements. This important law laid the foundation for an effective federal disability rights mandate. Without 504 there would be no ADA. Applying ADA to the private sector brings with it many challenging and contentious issues which must be further defined in making these significant changes a reality.

During Congressional consideration of the ADA an important provision was added to ensure that technical assistance be an integral part of the law. If the success of ADA is dependent upon the degree to which it is successfully implemented than technical assistance must be a large component of that charge. Implementation is a task that will involve numerous organizations and agencies from both the private and public sectors as well as an informed disability community and public.

Many policy questions must be answered as regulations are written. Businesses will be challenged to understand their obligations under the law, to learn new concepts related to disability policy and to apply both to the particulars of their setting. Persons with disabilities will be challenged to know their new rights and exercise them.

Since passage of the Americans with Disabilities Act employers have voiced uncertainty of how to meet their obligation of implementing this law. The more contentious issues needing clarification and that can be successfully addressed through available technical assistance and outreach are:

- o What is the definition of disability?
- o What is a qualified individual with a disability?

o What is reasonable accommodation and in providing such an accommodation -- what constitutes an undue hardship?

o Does the prohibition of medical examination apply to employees?

o Can an employer take future risk of injury into consideration in deciding whether or not to hire an applicant?

o Can the employer take into consideration a collective bargaining agreement in denying a reasonable accommodation?

o How can an employer determine the essential functions of the job?