

MEMORANDUM TO SENATOR DOLE

DA: June 16, 1995
FR: Alec Vachon
RE: ADA and REGULATORY REFORM

DISABILITY COMMUNITY CONCERNS. As you know, the "disability community" is concerned about potential implications of reg reform for ADA, special ed law, and section 504 of the Rehab Act.

On May 10th, I met with 5 individuals representing the Consortium of Citizens with Disabilities to discuss their concerns. They asked for a blanket exemption from reg reform for these statutes. I asked what were their specific concerns-- exactly how might reg reform "damage" disability rights statutes. Apart from a hypothetical "rollback" of these civil rights protections, no one could cite specific problems. Incidentally, prior to meeting with me, CCD members had met with staffers from 16 other Senate offices--apparently without much luck.

COULD REG REFORM BE GOOD FOR ADA? I also suggested that-- potentially--reg reform might be good for ADA. Since there is a lot of noise about alleged problems with ADA, reg reform puts responsibility on those making complaints to show there is a better way to meet the statutory goals of ADA. Also, as I have written you before, local government associations--like the U.S. Conference of Mayors--have told me ADA regs are generally very good. ADA regs specify outcomes in most cases, not detailed prescriptions on how to achieve those outcomes. In fact, they have said if environmental regs were modeled on ADA regs, there would be a lot fewer complaints about environmental regs.

OUTSIDE ADVICE. Since the disability community cannot articulate specific problems with reg reform, I sent a June 9th draft of the reg reform bill to an attorney at Paralyzed Veterans of America (PVA) for a legal/disability analysis. I also plan to talk to Boyden Gray--who is well versed in both ADA and reg reform--Hatch's staff, and other offices.

NEXT MEETING WITH DISABILITY GROUPS. The disability groups have asked for another meeting on this issue--including with you. I have deferred acting on this request until I can obtain a legal analysis of the implications of reg reform for ADA.

REG REFORM, BOSTON GLOBE STORY, AND PARTISAN POLITICS. As you know, Mike Kranish of the Boston Globe is writing a story apparently coming out Saturday bashing you as "soft" on ADA because of your support for reg reform. I will have more details for you shortly, but in my view this is pure partisan politics. And we should expect a lot more of it.

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