



EDWARD M. KENNEDY ORAL HISTORY PROJECT

Interviewer's Briefing Materials Robert Dole Interview, 5/16/2006

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Miller Center Documents¹

- Robert Dole Timeline.
- Busing 1974-1975 Overview Memo.
- 1982 Voting Rights Act Extension Overview Memo.
- U.S. Sanctions on South Africa Overview Memo.
- Americans with Disabilities Act Overview Memo.
- Kennedy-Kassebaum Overview Memo.

Secondary Source Materials

- Robert Dole bio, <http://bioguide.congress.gov>.
- Adam Clymer, *Edward M. Kennedy: A Biography* (New York: William Morrow and Company, Inc., 1999) pp. 332-337, 445-456, 572-576.
- Helen Dewar, "Senate Approves Disabled Rights Bill; Bush Expected to Sign Landmark Legislation," *The Washington Post*, 07/14/1990.
- *1991 Congressional Quarterly Almanac* (Washington, D.C.: Congressional Quarterly, Inc., 1991) pp. 251-252, 254-257, 260-261.
- Adam Clymer, "Senators and Bush Reach Agreement on Civil Rights Bill," *The New York Times*, 10/25/1991.
- Adam Clymer, "The Health Care Debate: The Overview; National Health Program, President's Greatest Goal, Declared Dead in Congress," *The New York Times*, 09/27/1994.
- Douglas Kneeland, "Dole Speech Assays His Prospects of a 1980 Race Against Kennedy," *The New York Times*, 08/08/1979.
- "Dole Thinks Kennedy Will Head Opposition," *The Washington Post*, 08/13/1979.
- "Republicans Take Turns Criticizing Kennedy as Haig Hints He Will Run," *The New York Times*, 09/30/1979.

¹ These are original documents created by Miller Center researchers for the Edward M. Kennedy Oral History Project. Please acknowledge credit for any use of these materials.

- Adam Clymer, “Dole Blocks Vote on Raising Minimum Wage,” *The New York Times*, 03/27/1996.
- Adam Nagourney, “Dole Meets a Setback: Stumping in Senate May Not Prove Easy,” *The New York Times*, 04/18/1996.

SENATOR ROBERT J. DOLE TIMELINE

Prepared by Anne Mariel Peters

Miller Center, University of Virginia, 04/13/2006

- 1945** Dole is assigned as a platoon leader in Italy to the 10th Mountain Division, Company I Third Battalion, 85th Regiment. Dole receives a shell wound that will hospitalize him for more than three years, require grueling therapy and operations, and leave him with a permanently disabled right arm. Dole receives two Purple Hearts for his injuries and a Bronze Star for his attempt to assist a downed radio man. (Bob Dole, *One Soldier's Story*, USA: HarperCollins, 2005, pp. 10-11, 135; Dole Archive; *Encyclopedia of World Biography*)
- 1951** Dole becomes a Republican member of the Kansas House of Representatives. (*Encyclopedia of World Biography*)
- 1952** Dole graduates from Washburn University with an undergraduate and law degree, and is admitted to the Kansas bar the same year. (*Encyclopedia of World Biography*)
- 1953** Dole becomes County Attorney of Russell County, Kansas. (*Encyclopedia of World Biography*)
- 1960**
- November* After Rep. Wint Smith (R-KS) retires, Dole is elected as a Republican to represent the 6th district of Kansas in the U.S. House of Representatives. (*Encyclopedia of World Biography*)
- 1961**
- January* Dole is sworn into Congress.
- 1962**
- November* Dole is re-elected to represent the 1st Kansas congressional district, which was created when the 6th and 3rd districts were merged. Dole defeats another incumbent, J. Floyd Breeding (D-KS), by 21,000 votes. ("Bob Dole," *Newsmakers 1994*, Issue 4, Gale Research, 1994.)
- Edward Moore Kennedy (EMK) is elected to fill his brother John F. Kennedy's Senate seat.

1968

November After Senator Frank Carlson (R-KS) retires, Dole is elected to the U.S. Senate with more than sixty percent of the popular vote, defeating moderate Democrat William Robinson. (*Encyclopedia of World Biography*)

1969

January Dole is sworn into the Senate.

EMK becomes Senate Majority Whip.

1971 President Richard Nixon names Dole Chairman of the Republican National Committee (RNC) over the opposition of White House aides, who allegedly believe Dole to be too independent. (*Newsmakers 1994*)

January EMK loses his Majority Whip post 31-24 to Senator Robert Byrd (D-WV).

1972

November Nixon is re-elected to the presidency, and praises Dole for his role as RNC Chairman. However, Dole has had a rocky chairmanship with limited access to Nixon, and he later claims that he “got cut out of all of the action—thank goodness [I] didn’t go to jail.” (*Newsmakers 1994*)

1973 Dole ends his tenure as Chairman of the RNC. (*Newsmakers 1994*)

March On the 27th, the Senate passes a bill to extend twelve expiring federal health programs for one year, which was managed on the floor by EMK. Dole supports the bill, claiming that alterations in the programs “at this late date would stifle the efforts and erode the accomplishments” of existing programs. (1973 *Congressional Quarterly Almanac*, Washington, D.C.: Congressional Quarterly, Inc., 1973, p. 491)

1974

April On the 11th, the Senate passes 53-32 the Federal Elections Campaign Amendments (FECA) of 1974 after a filibuster of southern Democrats and conservative Republicans is defeated. EMK is a consistent supporter of the legislation, claiming that it will remove the influence of big money in politics. The bill contains an EMK amendment to restore full public financing for presidential general election campaigns and a Dole amendment prohibiting the use of franking for campaign solicitations. An amendment by Dole that would have completely rewritten the bill and deleted its public financing provisions is defeated. EMK votes in favor of the Senate bill. Dole votes against it, arguing that the legislation is irrelevant to the problem of Watergate. (1974 *Congressional*

Quarterly Almanac, Washington, D.C.: Congressional Quarterly, Inc., 1974, pp. 611, 617, 622-623, 20-S, 22-S; Adam Clymer, *Edward M. Kennedy: A Biography*, New York: William Morrow and Company, 1999, p. 210)

- May* An amendment to the Elementary and Secondary Education Act extension bill sponsored by Senator Edward Gurney (R-FL), which would issue an all-out ban on busing, is narrowly tabled 47-46. Siding with traditional civil rights senators such as Jacob Javits (R-NY), Claiborne Pell (D-RI), Philip Hart (D-MI), Walter Mondale (D-MN), and Edward Brooke (R-MA), the only black U.S. senator, EMK provides continual criticism of the amendment and votes to table the bill; Dole votes against tabling. Senator Birch Bayh (D-IN) successfully proposes a diluted amendment, which emphasizes court-ordered busing as a last resort and prohibits cross-district busing unless both districts involved have practiced segregation. The final bill also contains a Dole provision prohibiting Department of Justice interference in segregated schools before allowing the school to voluntarily adopt a corrective plan. (*1974 Congressional Quarterly Almanac*, pp. 462, 30-S; *The Washington Post*, 05/16/1974)
- October* On the 1st, the Senate approves by voice vote the conference report of the Freedom of Information Act, which EMK had managed in conference committee. (*1974 Congressional Quarterly Almanac*, p. 652)
- On the 17th, President Gerald Ford vetoes the Freedom of Information Act. (*1974 Congressional Quarterly Almanac*, p. 653)
- November* On the 21st, the Senate joins the House in overriding the veto of the Freedom of Information Act. EMK strongly supports the override, claiming that the bill is a positive legacy of the Watergate era, but Dole urges the Senate to sustain the veto along with Senators Robert Griffin (R-MI) and Roman Hruska (R-NE). (*1974 Congressional Quarterly Almanac*, p. 654)

1975

- September* The Senate tables 42-35 a Dole amendment that would prohibit the use of Department of Justice funds to intervene in any court suit seeking to require forced busing. EMK votes to table the bill. (*1975 Congressional Quarterly Almanac*, Washington, D.C.: Congressional Quarterly, Inc., 1975, p. 56-S)
- December* On the 6th, Dole marries Elizabeth Hanford, a Harvard-educated activist lawyer.

1976

- August* At the Republican National Convention, held in Kansas City, Dole wins the nomination as Ford's vice-presidential running mate. He replaces incumbent Vice President Nelson Rockefeller, whom many Republicans regard as too liberal. (*Encyclopedia of World Biography*)

- October* Dole and Democratic vice-presidential contender Mondale participate in an explosive first vice-presidential debate in Houston, Texas. (*Encyclopedia of World Biography*)
- November* The Ford-Dole ticket is defeated by Carter and Mondale.
- 1977** The Senate passes provisions from President Jimmy Carter's energy plan in the form of six different bills.
- October* On the 27th, the Senate tables 62-16 a Dole-EMK amendment to delete a tax credit of twenty percent on small expenses for residential insulation. (*1977 Congressional Quarterly Almanac*, Washington, D.C.: Congressional Quarterly, Inc., 1977, p. 745)
- On the 31st, the Senate passes a House resolution to provide energy tax incentives after six days of debate. Finance Committee Chairman Russell Long (D-LA) had to overcome a broad opposition coalition including Dole and EMK, who both vote against the final Senate bill. The bill includes an EMK provision to scale back a major energy-saving tax break from the committee bill. Dole fights against the bill to the very end, and in honor of Halloween, unsuccessfully introduces an amendment to substitute the Senate energy tax provisions with those of the House, which Dole finds "even scarier." (*1977 Congressional Quarterly Almanac*, pp. 741-743, 87-S)
- 1978**
- January* The Criminal Code Reform Act of 1978, of which EMK is the chief sponsor, is passed by the Senate on the 31st. The bill would establish fixed prison terms, essentially eliminating parole and time off for good behavior from the sentencing process. The bill also contains a Dole provision defining "patently offensive" material in the context of community values. To ensure passage of the bill after twelve years of debate, EMK has opposed numerous Democratic amendments to the bill in the Judiciary Committee. However, Dole votes against the Senate bill and it eventually dies in the House. (*1978 Congressional Quarterly Almanac*, Washington, D.C.: Congressional Quarterly, Inc., 1978, pp. 165, 3-5, 5-5)
- May* On the 15th, the Senate votes 54-44 to approve a controversial sale of F-16 warplanes to Saudi Arabia and Egypt. The initiative was proposed by Carter to reward moderate, pro-Western Arab regimes in their support of the peace process, and was followed by large-scale presidential lobbying of senators to approve the sale. The vote cuts across partisan lines. Dole and EMK vote against the sale. (*The Wall Street Journal*, 05/16/1978)
- August* On the 27th, the Senate approves a three year extension of the health planning system after retaining a provision prohibiting doctors from buying expensive

medical equipment. EMK led the fight against efforts to toss the equipment provision, but Dole voted for an amendment that would remove the provision. However, EMK himself suggested funding cuts in the bill after the committee markup and reportedly agreed to cost-cutting changes when Dole proposed them. The measure is eventually defeated in the House. (*1978 Congressional Quarterly Almanac*, pp. 617-618)

1979

May On the 14th, EMK unveils his comprehensive national health care plan, the Health Care for All Americans Act, which will rival Carter's health proposal to be announced next month. Key to the Carter plan is catastrophic health care coverage, which EMK and labor unions oppose on the basis that it will reduce demand for a more comprehensive national health program. Senators Pete Domenici (R-NV), John Danforth (D-MO), and Dole eventually announce their own catastrophic coverage bill as well. (*1979 Congressional Quarterly Almanac*, Washington, D.C.: Congressional Quarterly, Inc., 1979, pp. 536, 538, 540)

Late Summer EMK decides to challenge Carter for the 1980 Democratic presidential nomination. (Clymer, pp. 283-284)

August On the 7th, when asked what he is going to say at a National Press Club speech this week, Dole says, "I'm going to nominate Teddy Kennedy. Do him a favor." Dole is one of nine formal and informal Republican presidential candidates for 1980. Dole reportedly sees himself as a dark horse candidate against Republican Governor Ronald Reagan of California, but Dole professes that running against EMK as the Democratic nominee could give his candidacy some advantages, namely the ability to point out clear philosophical differences between himself and EMK in the Senate on issues such as energy. Dole says he considers "the real threat on the Democratic side" to be EMK due to Carter's "shrinking resources." (*The New York Times*, 08/08/1979, 08/13/1979)

September On the 29th, at an annual meeting of the National Federation of Republican Women, Republican presidential hopefuls take turns bashing EMK. The blasts at EMK come after Dole tells the audience that EMK is "the last New Dealer." (*The New York Times*, 08/30/1979)

1980

March Dole withdraws his candidacy for president on the 15th. (*The New York Times*, 03/16/1980)

August On the 11th, EMK loses a procedural vote on binding delegates at the Democratic National Convention, effectively ending his campaign.

- December* On the 9th, a Senate filibuster kills an EMK-supported fair housing bill after sponsors fail to muster enough support for a second cloture vote. Eight Democrats and three Republicans who had voted for cloture the first time switch positions on the second cloture vote; Dole and Senator Nancy Landon Kassebaum (R-KS) are two of the senators that had switched. (*1980 Congressional Quarterly Almanac*, Washington, D.C.: Congressional Quarterly, Inc., 1980, p. 373)
- 1981** Dole becomes Chairman of the Senate Finance Committee. (*1981 Congressional Quarterly Almanac*, Washington, D.C.: Congressional Quarterly, Inc., 1981, p. 52)
- April* On the 7th, Senator Charles McC. Mathias (R-MD), EMK, and six other senators introduce legislation to extend key provisions of the Voting Rights Act (VRA) until 1992. Reagan takes no position on the bill, but expresses reservations over the next two years. Dole, a member of the eighteen-person Judiciary Committee, appears to be on the fence, as does Senator Howell Heflin (D-AL). (*1981 Congressional Quarterly Almanac*, p. 416; Clymer, p. 335)
- October* Negotiations among Senate Majority Leader Howard Baker (R-TN), Senators Howard Metzenbaum (D-OH), Joseph Biden (D-DE), Byrd, Mathias, and EMK fail to produce an agreement for Judiciary Committee action on the VRA. Minutes before normal procedures would have moved the bill to the Judiciary Committee, Byrd objects, fearing that the bill would be masticated by staunchly conservative Judiciary Chairman Strom Thurmond (R-SC). (*1981 Congressional Quarterly Almanac*, pp. 415-418)
- December* On the 16th, Mathias and EMK introduce in the Senate a carbon copy of the successful House version of the VRA extension. The most controversial aspect of the House bill is the prohibition of election laws or procedures that “result” in discrimination, overturning a prior Supreme Court ruling that “intent” had to be proved in discrimination cases. The test in the House bill is called the “results” test. (*1982 Congressional Quarterly Almanac*, Washington, D.C.: Congressional Quarterly, Inc., 1982, p. 375)
- 1982**
- May* On the 3rd, Dole announces a compromise bill on the VRA extension, which he drafted with Mathias and EMK. The “Dole compromise” keeps the “results” test from the House bill, but adds a section spelling out how the test could be met. Dole has also spoken with President Ronald Reagan, who publicly endorses the compromise bill the same day. (*1982 Congressional Quarterly Almanac*, p. 375; Clymer, p. 336; *The New York Times*, 05/04/1982)
- On the 4th, the Dole compromise is adopted by the Judiciary Committee 14-4. (*1982 Congressional Quarterly Almanac*, p. 376)

June On the 18th, the Senate passes the VRA extension 85-8. Before approving the bill, the Senate overwhelmingly rejects fifteen amendments that Mathias, Dole, and EMK claim would weaken the measure. The Senate sponsors want to prevent all non-technical amendments in order to avoid a conference with the House, where House sponsors have promised to accept the Senate bill if it is passed without substantive change from the Judiciary Committee version. (*1982 Congressional Quarterly Almanac*, pp. 373, 376)

1983

April After millions of letters pour into Congress requesting the repeal of a provision of the 1982 Tax Equity and Fiscal Responsibility Act (TEFRA), the Senate debates a repeal of the law. The provision requires financial institutions to withhold for income taxes ten percent of all interest and dividend income. Metzenbaum, Dole, and EMK lead the floor fight against repeal on the 18th. Dole accuses banks and financial institutions of a deceptive lobbying campaign against the tax. (*1983 Congressional Quarterly Almanac*, Washington, D.C.: Congressional Quarterly, Inc., 1983, p. 262)

On the 19th, Dole realizes that he cannot successfully filibuster repeal legislation offered by Senator Bob Kasten (R-WI) with only 28 votes, and opts for a compromise. (*1983 Congressional Quarterly Almanac*, p. 262)

On the 21st, the Senate votes 91-5 on a compromise plan to delay interest and dividend withholding until at least 1987, if not forever.

May On the 25th, the Senate Finance Committee approves 11-8 a TEFRA compromise plan with additional provisions intended to make the bill more acceptable to the Reagan administration, which opposes the repeal. (*1983 Congressional Quarterly Almanac*, p. 264)

June On the 16th, the Senate approves the Finance Committee's withholding repeal package. Dole votes in favor, EMK votes against. (*1983 Congressional Quarterly Almanac*, pp. 264, 29-S)

1985

January Dole becomes Senate Majority Leader.

March On the 27th, the Senate approves a bill (S 998) calling for delayed economic sanctions if significant progress against apartheid is not made in two years.

April On the 3rd, the Senate approves 89-4 a resolution introduced by EMK that condemns apartheid in South Africa. Dole votes in favor. (*1985 Congressional Quarterly Almanac*, Washington, D.C.: Congressional Quarterly, Inc., 1985, pp. 85, 9-S)

- May* On the 2nd, the House Foreign Affairs Committee approves EMK's Senate resolution against apartheid, but the resolution never makes it to the House floor. On the same day, the committee approves a bill (HR 1460) that would impose immediate sanctions on South Africa, which can be waived for an initial period of one year and successive periods of six months if the Pretoria government demonstrates progress in deconstructing apartheid. (*1985 Congressional Quarterly Almanac*, p. 85)
- June* On the 4th, the Senate Foreign Relations Committee approves 16-1 a compromise bill (S 995) that imposes a combination of immediate and delayed sanctions on South Africa. The bill incorporates provisions from a bill offered by Senator Richard Lugar (R-IN), Mathias, and Dole, and a stronger alternative formulated by Senator Chris Dodd (D-CT). Defeated 7-9 by the committee are tough provisions to ban new investment by U.S. firms, the importation of Krugerrands, and technology sales to the Pretoria government. These unsuccessful provisions were taken from a bill sponsored by Senator Lowell Weicker (R-CT) and EMK that is nearly identical to the House bill. (*1985 Congressional Quarterly Almanac*, pp. 87-88)
- On the 5th, the House votes overwhelmingly to impose sanctions on South Africa. (*1985 Congressional Quarterly Almanac*, p. 86)
- July* On the 8th, the South Africa sanctions bill comes to the Senate floor from the Foreign Relations Committee. Conservatives try to delay action on the measure, while liberals try to add harsher sanctions to the bill. Senator Jesse Helms (R-NC) raises the specter of a filibuster, but Dole files a successful cloture petition to proceed with debate. EMK and his allies re-group to push for a ban on Krugerrand imports, but drop this demand in exchange for a GOP pledge to oppose amendments that would further dilute the bill. On the 11th, the full Senate votes 80-12 to approve the South Africa sanctions bill. Dole and EMK vote in favor. (*1985 Congressional Quarterly Almanac*, p. 30-S)
- August* Congress cuts the fiscal year 1986 budget by more than \$55 billion, calling for more cuts in federal programs than ever before. The result is a culmination of a seven month struggle between House and Senate, Republicans and Democrats. Byrd leads the Democrats in a Senate floor fight against Dole. Ultimately, however, important Democratic demands are rejected, including an EMK amendment to restore Medicare and Medicaid funding. (*1985 Congressional Quarterly Almanac*, pp. 449, 451)
- On the 1st, the House overwhelmingly approves the HR 1460 conference report. However, Senators Malcolm Wallop (R-WY) and Helms block Senate action by threatening a filibuster. Dole files a cloture petition again, setting the cloture vote for September. (*1985 Congressional Quarterly Almanac*, p. 89)

- September* Dole and Lugar press the White House to accept the sanctions bill or at least adopt some of its provisions. On the 9th, Reagan signs an executive order for sanctions on South Africa hours before the scheduled Senate vote, declaring that he will be forced to veto the sanctions legislation. Dole persuades most Republicans to accept the executive order and not vote for cloture. Dole asks for unanimous consent to put aside the cloture vote, but EMK objects, saying that the executive order is too weak. The vote falls short of ending the filibuster on a 53-34 vote. (*1985 Congressional Quarterly Almanac*, p. 90; Clymer, pp. 380-381)
- On the 10th, EMK appears on the *CBS Morning News* and states that the Republican Party must choose between being “the party of Lincoln or the party of apartheid.” In the coming days, Democrats continue to keep the sanctions issue on the floor with repeated votes, angering Dole, who removes the Senate’s copy of the conference report and gives it to Lugar, who puts it in his Capitol hideaway. The bill’s absence means that the Senate can no longer consider it. EMK and Byrd, the Senate’s most able parliamentarian, are furious. When the bill resurfaces two weeks later, the Democratic effort has lost steam. (Clymer, p. 381)
- 1986** EMK repeatedly threatens to introduce sanctions legislation as amendments to the defense bill and an extension of the federal debt limit, allegedly angering Dole. (*1986 Congressional Quarterly Almanac*, p. 412)
- March* On the 27th, the Senate begins debate on aid to Nicaraguan “contras,” for which Dole hopes to fashion a bipartisan compromise of seventy to eighty votes, demonstrating strong Hill support for Reagan’s Nicaragua policy. Two amendments by EMK, which would prohibit all U.S. aid to the contras and bar introduction of U.S. combat forces into Nicaragua without congressional approval, are defeated. During floor debate, Dole says, “I would suggest to my friend from Massachusetts that he recently has withdrawn from the ’88 race, and I suggest we let the President proceed.” Legislation allocating \$100 million in contra aid is passed 53-47. (*1986 Congressional Quarterly Almanac*, Washington, D.C.: Congressional Quarterly, Inc., 1986, pp. 401-403, 411-414)
- June* On the 18th, the House passes HR 4868, imposing a comprehensive trade embargo on South Africa. HR 4868 is given little hope of passing in the Senate.
- July* On the 24th, Dole and Byrd begin negotiating an agreement that will include both sanctions on South Africa and the \$100 million in aid requested by Reagan to assist Nicaraguan contras.
- August* On the 1st, one week after Reagan has appealed to Congress to “resist this emotional clamor for punitive sanctions,” the Senate Foreign Relations Committee approves 15-2 a strict sanctions bill (S 2701) that is largely based on a proposal by Lugar.

On the 5th, Byrd offers a South Africa sanctions amendment to the defense authorization bill, including a cloture petition that would block a contra amendment to the bill. This allegedly infuriates Dole, who counters with his own amendment coupling South Africa and contra aid, thereby linking an issue important to Byrd (South Africa) and an issue important to Dole (contra aid). (*1986 Congressional Quarterly Almanac*, pp. 412-413)

On the 9th, Byrd and Dole reach an agreement to allow debate on both contra aid and sanctions, including a clause inserted by Dole that will require the Senate to invoke cloture on both sanctions and contra aid before it can pass a bill containing either provision.

On the 13th, the Senate passes a military construction appropriations bill containing \$70 million for contra military aid and \$30 million for non-military supplies. This bill had been cleared by the House on June 25th.

On the 15th, the Senate passes 84-14 HR 4868, imposing sanctions on South Africa, after substituting the text of the Senate measure into the House bill. Lugar claims that the overriding goal was to round up at least eighty votes; this would either persuade Reagan to sign the bill, or provide the means to override his veto. Included in this bill are strict measures forbidding the imports of South African iron, steel, and agricultural products, as well as the export of U.S. crude oil and petroleum products. These provisions were introduced by EMK, and were initially tabled on the 14th. However, after dropping a provision prohibiting renewals of current loans and short-term credits, the measure is adopted despite an effort by Lugar to table it; Dole voted in favor of tabling EMK's amendment, but voted in favor of the overall bill. (*1986 Congressional Quarterly Almanac*, pp. 366, 43-S)

September On the 26th, Reagan vetoes HR 4868. (*1986 Congressional Quarterly Almanac*, p. 361)

October On the 2nd, the Senate enacts HR 4868 by a 78-21 vote, overriding Reagan's veto and marking one of the most stunning blows to Reagan's presidency. The override is strongly supported by EMK but criticized by Dole, who contends that South African apartheid is a domestic civil rights issue that cannot be remedied by a "feel good vote." (*1986 Congressional Quarterly Almanac*, pp. 359, 372)

1987

January Dole becomes Senate Minority Leader.

On the 21st, Senator Albert Gore (D-TN) and EMK tell a small meeting of liberal Democrats that the Senate must move forward on two un-ratified U.S.-Soviet nuclear test ban treaties to improve U.S.-Soviet relations. Foreign Relations Committee Chairman Pell begins negotiations with National Security Adviser Frank Carlucci, whom Dole and Helms urge not to cut a deal behind the backs of

Senate Republicans. (*1987 Congressional Quarterly Almanac*, Washington, D.C.: Congressional Quarterly, Inc., 1987, pp. 211-212)

September On the 24th, Senator Mark Hatfield (R-OR) and EMK propose nuclear test ban legislation as an amendment to the defense bill. The amendment is tabled 61-36; Dole votes in favor of tabling. No test ban legislation is enacted this year. (*1987 Congressional Quarterly Almanac*, pp. 214, 47-S)

1988 Dole is an unsuccessful candidate for the Republican presidential nomination, losing to Vice President George H.W. Bush.

January On the 28th, the Senate passes 75-14 the Civil Rights Restoration Act (CRRA). The law, of which EMK is the chief sponsor, overturns the Supreme Court's decision in *Grove City College v. Bell*, which substantially restricted the reach of four existing civil rights laws. Although the court ruling was one of civil rights, abortion has now entered the debate, as the law could possibly lead to the withholding of federal funds for Catholic teaching hospitals that perform abortions. Dole misses the vote, but speaks out repeatedly in favor of the initiative. (*1988 Congressional Quarterly Almanac*, Washington, D.C.: Congressional Quarterly, Inc., 1988, pp. 64, 68; Clymer, p. 433)

March The Senate unanimously passes EMK's resolution urging Reagan to impose "additional diplomatic, political, and economic pressure" against the Panamanian government, and calling for dictator Manuel Noriega's extradition to the United States on drug trafficking and racketeering charges. Noriega is reported to possess classified White House and CIA files on the political and personal lives of Helms and EMK, who have been vocal opponents of his regime. (*1988 Congressional Quarterly Almanac*, pp. 551, 554)

On the 16th, Reagan vetoes the CRRA, claiming that it would restrict the freedom of religious organizations. Dole responds, "I think the president made a mistake." (*1988 Congressional Quarterly Almanac*, pp. 67-68)

On the 22nd, both Houses of Congress override Reagan's veto of the CRRA, enacting it into law. EMK votes in favor; Dole is absent again, but later says that he would have returned to Washington to vote against the override if it would have made a difference. (*1988 Congressional Quarterly Almanac*, pp. 63, 68, 13-S)

May On the 17th, an amendment by Dole is passed 86-10 expressing the sense of the Senate that the U.S. should not drop a drug trafficking indictment against Noriega in exchange for his departure from Panama. EMK votes in favor. (*1988 Congressional Quarterly Almanac*, p. 420)

1989

- January* On the 25th, the Senate votes 99-0 to confirm Elizabeth Dole as Secretary of Labor. EMK praises her as “an excellent choice.” (*1989 Congressional Quarterly Almanac*, Washington, D.C.: Congressional Quarterly, Inc., 1989, p. 398)
- March* After Weicker is defeated for re-election, EMK replaces him as Senator Tom Harkin’s (D-IA) cosponsor of the Americans with Disabilities Act (ADA), which would give the disabled broader protections against bias in public accommodations and employment than other minority groups covered under the 1964 Civil Rights Act. Drafts of the bill go back and forth between Senator Orrin Hatch (R-UT), Harkin, and the White House. (Clymer, pp. 449-450)
- May* On the 9th, hearings on the ADA begin with testimonies from disabled Americans.
- On the 16th, Dole testifies in general support of the bill, but expresses fear that some of its provisions might invite excessive litigation. He conveys that the Bush administration wants to support the bill, but that they require more time to “get their act together.” (Clymer, p. 451)
- On the 17th, the Senate passes 63-37 conference legislation that would increase the minimum wage to \$4.55. The law, sponsored in the Senate by EMK, is more generous than that of the administration; Elizabeth Dole had unveiled a program proposing a phased increase of the minimum wage to \$4.25 over three years, which also allowed employers to pay new hires below the minimum wage. Dole votes against EMK’s bill, expressing concerns that President George H.W. Bush may veto and chastising proponents for risking overall wage increases to make a political point. (*1989 Congressional Quarterly Almanac*, pp. 336, 339, 16-S)
- June* On the 13th, Bush vetoes the minimum wage legislation. The next day, a veto override fails in the House by thirty-seven votes. (*1989 Congressional Quarterly Almanac*, p. 340)
- On the 27th, negotiations between Senate leaders and the White House on the ADA begin. Administration officials prefer to deal with EMK, as Harkin is currently up for re-election and they want to deny him credit for the bill. Bush chief of staff John Sununu tells EMK that all rifts can be settled easily if EMK removes his chief civil rights counsel, Carolyn Osolinik, from the negotiating team. EMK calls Osolinik and congratulates her on a job well done. (Clymer, p. 452)
- July* During the month, Senate and White House negotiators meet ten times to discuss the ADA. On the 28th, Senator Dave Durenberger (R-MN), Harkin, Hatch, Dole, and EMK meet in Dole’s Capitol office with Attorney General Richard Thornburgh, Harkin aide Bobby Silverstein, Samuel Skinner, Roger Porter, Sununu, and Osolinik. Sununu reportedly loses his temper with Silverstein, after

which EMK turns red in the face and tells Sununu that yelling at staff is unacceptable. A compromise is engineered in which EMK accepts a provision eliminating damages in lawsuits in exchange for administration acceptance of a broad definition of public accommodation. All disagreements occurring in negotiation are kept secret until after the bill's passage. (Clymer, pp. 452-453)

September On the 7th, the Senate approves its version of the ADA. EMK and Dole vote in favor of the bill, which contains a Dole provision to provide federal assistance to private entities to help them meet the law's accessibility requirements. The Bush administration threw its support behind the bill after congressional sponsors agreed to limit remedies for discrimination to those available under the 1964 Civil Rights Act. (*1989 Congressional Quarterly Almanac*, pp. 244, 35-S)

1990

March On the 1st, Senate and White House negotiators emerge from a month of talks with a proposal for a massive overhaul of the 1970 Clean Air Act (CAA), one provision of which is an innovative cap and trade system for sulfur dioxide emitted from power plants. Negotiators have even secured a no-filibuster agreement from Byrd, who blocked clean air legislation throughout the 1980s. Dole supports the proposal wholeheartedly, deeming it the most important legislation of the year, and pledges to defend the bipartisan bill with Senate Majority Leader George Mitchell (D-ME). (*1990 Congressional Quarterly Almanac*, Washington, D.C.: Congressional Quarterly, Inc., 1990, pp. 232, 234)

On the 19th, Byrd proposes an amendment to the CAA that would provide generous job loss benefits to coal miners who would be displaced by acid rain provisions in the legislation. Dole opposes the amendment and makes veto threats on behalf of the White House to round up opposition votes. (*1990 Congressional Quarterly Almanac*, pp. 236-237)

On the 20th, an amendment by EMK is passed that requires the National Institute of Environmental Health Sciences to establish programs to research the health effects of air pollution and to train doctors in treating air pollution-related ailments. The same day, an amendment by Senator John Kerry (D-MA), which would allow the federal government to design implementation plans for cities failing to do so effectively, is killed. Senator Max Baucus (D-MT), Dole, and Mitchell lead the effort to kill the Kerry amendment; EMK votes against killing it. (*1990 Congressional Quarterly Almanac*, pp. 235, 10-S)

On the 29th, Byrd's amendment is defeated 49-50 in what is widely considered the most dramatic moment of the debate on the bill. EMK votes for the amendment, Dole against it. (*1990 Congressional Quarterly Almanac*, pp. 237, 12-S)

April On the 3rd, the Senate passes the 1990 Clean Air Act Amendments. EMK and Dole vote in favor. (*1990 Congressional Quarterly Almanac*, pp. 231, 13-S)

July

On the 13th, the Senate approves the conference report of the ADA 91-6. EMK chairs the conference. The most controversial issue in conference is a House amendment allowing HIV-positive individuals to be transferred out of food-handling jobs. Dole is in favor of the amendment despite his dedication to the ADA, disabled rights groups, and AIDS research, but the amendment is eventually dropped by both the Senate and the House. (*1990 Congressional Quarterly Almanac*, pp. 447, 460)

On the 18th, the Senate passes the Civil Rights Act of 1990, a job discrimination bill sponsored by EMK. Dole, who was critical to the passage of civil rights legislation during the 1980s, supports the administration's bill instead, and accuses Democrats of trying to "put the Republicans on record as being against civil rights" when they force a vote on the bill. (*1990 Congressional Quarterly Almanac*, pp. 462, 466; Clymer, p. 462)

Bush signs the ADA on the 26th. All of the managers of the bill are invited to the signing ceremony, but Dole is the only lawmaker mentioned by Bush during the ceremony. In his autobiography, Dole cites the ADA as one of his greatest legislative achievements. (Clymer, p. 472; Dole, p. 278)

August

On the 2nd, Iraq invades Kuwait. Within hours, Kuwait and the U.S. request a meeting of the United Nations Security Council.

October

On the 1st, the Senate approves 96-3 a resolution supporting U.S. military deployment in the Gulf. Dole votes in favor, but EMK opposes the resolution, calling it "a Tonkin Gulf resolution for the Persian Gulf," even though Mitchell has made it clear that the authorization is not for the use of force now or in the future. (*1990 Congressional Quarterly Almanac*, p. 734)

On the 16th, the Senate approves 75-21 the National Community Service Act, which would establish grants for community service programs and volunteers of all ages. The conference legislation, pushed through the Senate by EMK, is opposed by Bush because it provides financial incentives for volunteer work. Dole votes for the bill and proposes a successful amendment to allow people with disabilities to participate in volunteer programs under the act. (*1990 Congressional Quarterly*, pp. 559, 561)

On the 22nd, Bush vetoes the Civil Rights Act of 1990. Two days later, the Senate sustains the veto.

On the 27th, the Senate approves the conference report of the 1990 Clean Air Act Amendments 89-10. Dole and EMK vote in favor. (*1990 Congressional Quarterly Almanac*, pp. 229, 11-S)

- November* The Senate Republican leadership calls for a special session of Congress to discuss troop deployments. Dole's goal is to provide Bush with standing authorization for military action, and calls the special session a chance for Congress to "put up or shut up." (*1990 Congressional Quarterly Almanac*, pp. 720, 737)
- December* Dole says too many members of Congress are trying to bind Bush's hands on Iraq, declaring, "The last thing we need are more timid signals from Congress." (*1990 Congressional Quarterly Almanac*, p. 743)

1991

- January* On the 12th, the Senate votes 52-47 for the "Authorization for Use of Military Force Against Iraq Resolution." Minutes later, the House approves identical legislation. Dole votes in favor, EMK against. (*1990 Congressional Quarterly Almanac*, pp. 748-749)
- On the 17th, a U.S. led military coalition launches a massive air campaign in Iraq dubbed *Operation Desert Storm*. The same day, the Senate 98-0 approves a resolution supporting the president's actions in Iraq. EMK votes in favor despite his criticism of Bush's Iraq policy. (*1990 Congressional Quarterly Almanac*, p. 754)
- July* On the 18th, the Senate adopts 99-0 a leadership proposal directing states to require health professionals engaged in invasive procedures to be tested for the AIDS virus. The initiative, authored by EMK and sponsored by Dole, is intended to counter an earlier initiative proposed by Helms. Helms' proposal would impose large fines and prison terms on health workers who know that they have the AIDS virus, yet continue to perform invasive procedures on patients with notifying them. Nevertheless, the Helms initiative passes 81-18. (*The New York Times*, 07/19/1990)
- September* On the 11th, the Senate approves 99-1 an amendment to the budget for the Departments of Labor and Health and Human Services that requires health care workers exposed to body fluids to be covered by a protective barrier to prevent transmission of disease. The amendment is co-sponsored by Dole and EMK. (*The New York Times*, 09/12/1991)
- October* On the 24th, after twelve hours of meetings, Danforth, EMK, the White House, and Republican Senate leaders reach a compromise for a no-quota civil rights bill that would address employment discrimination. Dole had delayed floor action on Danforth's bill while pressing for meetings with the White House, which were eventually held between White House counsel C. Boyden Gray, Danforth, Dole, six undecided Republican senators, Sununu, and EMK in Dole's Capitol hideaway. In addition to arranging the meetings, Dole also played an active role in negotiating the compromise. Democrats claim that the crucial White House

concession was agreeing to jury trials for damages sought in sex discrimination cases, although Sununu insists that this was not a major concession. (*The New York Times*, 10/25/1991, 10/26/1991)

On the 25th, Bush claims that the compromise civil rights bill validates him as a supporter of civil rights without sacrificing his opposition to hiring quotas. EMK praises Bush “for rejecting...the advice of those who have been urging him to divide the nation over race,” but Mitchell claims that the administration only offered a compromise for fear of a veto override. (*The New York Times*, 10/26/1991)

On the 29th, an amendment by Dole to the Civil Rights Act of 1991, which would establish a Glass Ceiling Commission to recommend ways to lift barriers to women and minorities in job advancement, is passed 96-0. EMK votes in favor. (*1991 Congressional Quarterly Almanac*, Washington, D.C.: Congressional Quarterly, Inc., 1991, pp. 257, 30-S)

On the 30th, the Senate approves 93-5 the Civil Rights Act of 1991, which allows monetary damages for job discrimination based on sex, religion, race, or disability. Dole and EMK vote in favor. (*1991 Congressional Quarterly Almanac*, pp. 252-261)

November Bush signs the Civil Rights Act of 1991. EMK is the only Democratic lawmaker to attend the signing ceremony, as others have boycotted it due to three phrases in Bush’s draft speech that they found problematic. Only one of the phrases remains, advocating a narrow interpretation of the bill; it was written by Dole. (*1991 Congressional Quarterly Almanac*, p. 261)

1993

January President William J. Clinton appoints his wife, Hillary, to head a Task Force on National Health Care Reform, with the goal of writing legislation to be submitted to Congress by April 30th. The task force is coordinated by Ira Magaziner. (*The New York Times*, 08/29/1994)

February At a Democratic Senators’ retreat in Jamestown, EMK touts health care reform as his most important priority. (Clymer, p. 524)

June On the 10th, White House officials reveal that Federal Circuit judge Stephen Breyer is Clinton’s most likely nominee to succeed Byron White as Associate Justice of the U.S. Supreme Court. Breyer was formerly an EMK aide and Chief Counsel to the Judiciary Committee, and enjoys broad bipartisan support. Dole says that he is leaning towards Breyer, as does Hatch. (*The New York Times*, 06/11/1993)

On the 14th, Federal Appeals Court Judge Ruth Bader Ginsburg is nominated as Associate Justice. Senator Daniel Patrick Moynihan (D-NY) quietly backed Ginsburg until it was revealed that Breyer did not pay Social Security taxes for his house cleaner and he failed to impress Clinton in a highly publicized personal interview. Dole had continued to support Breyer, claiming that Breyer should not be disqualified as a candidate for not paying Social Security taxes for an employee. (Clymer, pp. 526-527; *The New York Times*, 06/14/1993)

July In a letter to EMK, President of the Red Cross Elizabeth Dole voices clear support for Clinton's National Service bill, which her husband opposes, stating that the Red Cross looks forward to the passage of legislation that would "enlarge the means by which individuals can make a difference in their communities." EMK is managing the bill. (*The New York Times*, 06/27/1993)

On the 30th, EMK offers an amendment to Clinton's National Service bill that would restrict spending on the program to \$1.5 billion over three years. The proposal placates Republicans, and is adopted by unanimous consent. (1993 *Congressional Quarterly Almanac*, Washington, D.C.: Congressional Quarterly, Inc., 1993, p. 403)

August After overcoming Republican delaying tactics, the Senate amends and passes 58-41 the House version of the National Service bill on the 3rd. EMK votes in favor, saying, "National Service is what the effort to reinvent America is all about." Dole votes against the initiative. (1993 *Congressional Quarterly Almanac*, pp. 400, 402, 30-S)

September On the 8th, the Senate passes the conference report of the National Service bill 57-40. EMK votes in favor; Dole votes against. Dole complains that the bill will add to the deficit, saying, "It isn't paid for." (1993 *Congressional Quarterly Almanac*, p. 33-S; *The New York Times*, 09/09/1993)

November On the 16th, the Senate passes 69-30 a bill sponsored by EMK that would make it a federal crime to intimidate abortion clinic workers or women seeking to obtain an abortion by force or threat of force. EMK reworked the original bill to accommodate suggestions from the Department of Justice and, to win over Republicans, broadened the bill's protections to include facilities that provided counseling on abortion alternatives. Dole agrees to vote in favor after the penalties are reduced. Dole says he has no doubt that EMK will preserve this position in conference committee. (1993 *Congressional Quarterly Almanac*, pp. 354-356, 48-S; Clymer, p. 535)

On the 19th, the Senate begins debate on a compromise version of the Handgun Waiting Period bill, otherwise known as the Brady Bill. Under the agreement, Mitchell and Dole offer a five day waiting period for handgun purchases, funds for a national computer database of criminal records, and pre-emption of state and local waiting periods once the national instant-check system is in place. The next

day, the Senate passes the Brady Bill 63-36 after a Republican filibuster is broken. Dole votes against the bill, wanting additional provisions, but EMK votes in favor. (*1993 Congressional Quarterly Almanac*, pp. 302, 51-S)

On the 24th, the Senate adopts the conference report of the Brady bill by voice vote. Biden, Metzenbaum, and EMK lead the Democrats in conference committee. (*1993 Congressional Quarterly Almanac*, p. 303)

1994

May On the 12th, the Senate clears the conference report for EMK's legislation combating violence at abortion clinics 69-30. Opponents argue that the measure is so broad that it could be used to punish legitimate, non-violent protesters, and that the maximum penalties, which are larger than the ones EMK had committed to in the Senate bill, are too high. EMK votes in favor, Dole against. (*1994 Congressional Quarterly Almanac*, Washington, D.C.: Congressional Quarterly, Inc., 1994, pp. 357, 20-S)

June The Senate Labor and Human Resources Committee, chaired by EMK, votes 11-6 to approve a bill modeled on the Clinton health plan. EMK's committee duels with Moynihan's Finance Committee for primary jurisdiction of the bill. (*1994 Congressional Quarterly Almanac*, p. 320)

On the 11th, while speaking at the RNC's Northeast regional meeting in Boston, Dole says that he will oppose any health care legislation requiring employers to insure their workers. (*The New York Times*, 06/12/1994)

On the 29th, Dole announces a Republican health care plan that would alter insurance laws and provide \$100 billion in subsidies for the very poor over five years, claiming that this plan would not lead to "big, big, big bureaucracy," new taxes, or cost controls, all criticisms of the Clinton plan. The Dole plan does not have universal coverage as a goal. (*1994 Congressional Quarterly Almanac*, p. 340; *The New York Times*, 07/03/1994)

August On the 2nd, Mitchell and a bipartisan group of senators propose legislation that Mitchell says will achieve coverage for ninety-five percent of Americans by 2000. The proposal is backed by Clinton, who says he cannot accept lower universal coverage provisions than those in Mitchell's bill. Dole notes that it is late in the year for a new proposal, and says he has problems with the bill's standard benefits package and limits on how much more the elderly could be charged than young people. The full Senate begins debate on the 9th. (*1994 Congressional Quarterly Almanac*, p. 321; *The New York Times*, 08/20/1994)

On the 19th, a group of senators led by John Chafee (R-RI) and John Breaux (D-LA) offer a bipartisan compromise on national health legislation. (*1994 Congressional Quarterly Almanac*, p. 321)

On the 25th, the Senate starts its August recess and Mitchell withdraws his bill. A battle over the Administration's crime bill has tied up the health care legislation, which is essentially killed by the inability of either House to rally both liberal and conservative Democrats. (*1994 Congressional Quarterly Almanac*, p. 321; *The New York Times*, 08/29/1994)

1995

January Dole becomes Senate Majority Leader.

August On the 2nd, the Senate Labor Committee approves 16-0 a proposal by Kassebaum and EMK (S 1028, or the "Kennedy –Kassebaum" bill) to introduce individual and group health insurance portability, as well as to insert language encouraging the creation of medical savings accounts (MSAs). The MSA provision, which conservatives view as a means of encouraging private competition among health insurance companies, is added by a 9-7 party-line vote. (*1995 Congressional Quarterly Almanac*, Washington, D.C.: Congressional Quarterly, Inc., 1995, pp. 7-24)

1996 Dole runs for president of the United States.

January Clinton calls for the enactment of the Kennedy-Kassebaum bill in his State of the Union address on the 23rd. (Clymer, p. 572)

On the 25th, Kassebaum and EMK argue for the introduction of their health insurance reform legislation. EMK urges Dole to bring the bill to the floor, claiming that senators "who profit from the abuses of the current system... have placed secret holds on the bill in an attempt to kill it." (Clymer, p. 572)

On the 31st, ABC's *Nightline* program asks Dole, who is campaigning for the presidency in New Hampshire, why he will not call up the Kennedy-Kassebaum bill. Dole responds that there are a lot of holds on it and that he does not know why. (*1996 Congressional Quarterly Almanac*, Washington, D.C.: Congressional Quarterly, Inc., 1996, p. 6-28; Clymer, p. 573)

February On the 6th, Dole lifts the holds on the Kennedy-Kassebaum bill, and debate is scheduled for mid-April. (*1996 Congressional Quarterly Almanac*, p. 6-30)

March By late March, Dole has secured the Republican presidential nomination, and reportedly switches his focus to Congress in an attempt to show that he can succeed where Clinton has failed. This makes Dole vulnerable because Democrats can now stall or force votes on his amendments. (Clymer, p. 573)

On the 26th, Dole withdraws a promise from Republican Whip Trent Lott (R-MS) to allow Democrats to offer an amendment to an army base redevelopment bill,

creating some new park areas. Dole reportedly fears that Democrats will attach an amendment for minimum wage legislation to the bill, which is precisely what Kerry and EMK do after Dole makes a rare parliamentary slip. (Clymer, p. 574)

On the 28th, the House passes its own version of the Kennedy-Kassebaum bill (HR 3103) by a party-line vote of 267-151. The House bill contains provisions for group and individual insurance portability, the creation of MSAs, and incentives for insurance-pooling among small businesses. (*1996 Congressional Quarterly Almanac*, pp. 6-32, 6-33)

April

On the 16th, Dole pulls an immigration bill co-sponsored by EMK after reportedly being angered by Democratic attempts to introduce amendments on the minimum wage and Social Security. (*The New York Times*, 04/17/1996)

Dole wants the Kennedy-Kassebaum bill to pass, but prefers to steer it towards MSAs, going against the wishes of Kassebaum and EMK, who have already built a broad Senate coalition for the bill on the basis that no provision for MSAs and no additional amendments will be added. On the 17th, Dole proposes a broad amendment that includes the controversial MSA provision and an array of politically desirable tax provisions designed to lure other senators from Kassebaum's no-amendment strategy. (*1996 Congressional Quarterly Almanac*, pp. 6-33, 6-34)

On the 18th, Kassebaum offers a motion to kill Dole's MSA proposal as Vice President Al Gore stands ready to break a tie. Dole tries to persuade Republican colleagues to switch to his side, but after winning over Senators Bill Frist (R-TN) and William Cohen (R-ME), Dole gives up. Dole is defeated once, 53-45, and a second time, 52-46. The Senate votes 98-0 to accept the rest of Dole's amendment, with the exception of revenue programs intended to fund the MSAs. (*1996 Congressional Quarterly Almanac*, p. C-43; Clymer, p. 575)

On the 23rd, the Senate votes 100-0 to approve the HR 3103, the House version of the Kennedy-Kassebaum bill, by striking out all of the bill after the enacting clause and inserting the text of S 1028, as amended. (*1996 Congressional Quarterly Almanac*, pp. 6-28, S-17)

Late in the month, Dole proposes a set of conferees who had backed his MSA provision for the Kennedy-Kassebaum bill, but EMK objects. EMK comes to the press gallery and says that Dole told him on the floor that he was not that crazy about MSAs, but that he needed them for political reasons. Democrats then use procedural motions to block Dole from appointing conferees, insisting that the Senate conferees reflect the Senate position on MSAs. Kassebaum, according to her spokesman, defers to Dole on this issue due to his status as majority leader. (*1996 Congressional Quarterly Almanac*, p. 6-34; Clymer, p. 576)

- May* On the 2nd, EMK proposes a bill creating a national historic park in New Bedford dedicated to whaling and the Nicodemus Historical site in Kansas to commemorate newly freed slaves who settled there. Dole gets the bill passed. (Clymer, p. 576)
- On the 9th, a proposal by Dole to substitute a gasoline tax reduction for the minimum wage increase is killed after a Democratic filibuster. EMK remarks that the Senate is stuck in the “Doledrums.” (Clymer, p. 574)
- On the 15th, Dole announces that he will resign from the Senate next month. (Clymer, p. 574)
- June* Kassebaum reaches a compromise on the Kennedy-Kassebaum bill with House Ways and Means Chairman Bill Archer (R-TX). The compromise includes a scaled-down MSA program that would be expanded after three years. The compromise is met coldly by Democrats, and EMK accuses Kassebaum of caving to the House Republican leadership on the issue of MSAs. (*1996 Congressional Quarterly Almanac*, p. 6-38)
- On the 11th, Dole resigns from the Senate to campaign for the presidency. Dole cites EMK and their collaboration on the ADA in his farewell speech as EMK watches from the crowd. After the speech, EMK shakes hands with Dole and bids him goodbye. (Clymer, p. 576)
- July* On the 25th, EMK and Archer announce a new compromise that includes an MSA pilot program that would expand after four years, subject to congressional vote. This is a victory for EMK, who also won several other concessions considered crucial for consumer protection in the compromise. (*1996 Congressional Quarterly Almanac*, p. 6-39)
- August* On the 2nd, the Senate approves the conference report of the Kennedy-Kassebaum bill.
- On the 21st, Clinton signs the Kennedy-Kassebaum legislation. The same day, Clinton signs legislation mandating a ninety cent increase in the minimum wage. (*1996 Congressional Quarterly Almanac*, p. C-43)
- November* Dole is defeated by Clinton for the presidency.
- 1997**
- January* On the 17th, Dole is awarded the Presidential Medal of Freedom.
- 2003**
- July* The Robert J. Dole Institute of Politics is opened at the University of Kansas.

BUSING FOR DESEGREGATION 1974-1975

Prepared by Anne Mariel Peters

Miller Center, University of Virginia, 04/14/2006

In both 1974 and 1975, Congress passed laws containing amendments that restricted the ability of courts and the Department of Housing, Education, and Welfare to order the busing of students for the purpose of racial desegregation in public schools. While Dole consistently supported anti-busing measures and opposed efforts to dilute them, EMK stood firm against any sort of anti-busing provision throughout this period, breaking with several fellow Northern Democrats and large segments of his urban, working class constituency.

In the early 1970s, a series of federal court decisions found that racially imbalanced schools impeded the civil rights of minority students. As a result, courts began to order the racial integration of public schools, sometimes requiring the racial breakdown of each school to match that of the school district as a whole. To achieve this goal, courts often required students to be bused into schools whose racial profile was considered to be reflective of racial discrimination. In addition, the Department of Health, Education, and Welfare (HEW) had the ability to terminate federal school funds to enforce busing or other desegregation plans under Title IV of the 1964 Civil Rights Act, but the White House had rarely used this tool. Busing occurred most often in large, ethnically segregated school systems, including those in Boston, Cleveland, and Richmond. Busing was met with a fair amount of opposition, particularly among Southerners and the Northern working class.

On March 26 and 27, 1974, the House passed two anti-busing amendments to the Elementary and Secondary Education Act (ESEA) extension bill (HR 69), declaring that:

- All public schoolchildren were entitled to an equal educational opportunity and a child's neighborhood was the basis for his public school assignment; the failure of a school district to attain a racial or gender balance of students would not constitute a denial of equal educational opportunity.
- All federal courts and agencies would be prohibited from ordering long-distance busing of children to end school desegregation.

In the Senate, Senator Edward Gurney (R-FL) sponsored an ESEA amendment proposing an all-out ban on busing, claiming, "Busing is spreading like a cancer through every part of our country." Gurney's amendment was narrowly tabled 47-46. Siding with traditional civil rights senators such as Jacob Javits (R-NY), Claiborne Pell (D-RI), Philip Hart (D-MI), Walter Mondale (D-MN), and Edward Brooke (R-MA), the only black U.S. senator, EMK provided continual criticism of the Gurney amendment and voted to table the bill; Dole voted against tabling. A more dilute amendment proposed by Senator Birch Bayh (D-IN) was subsequently adopted. Key anti-busing provisions in the Senate ESEA bill (S 1539) included:

- Bayh amendment: Prohibited court-ordered busing unless all other alternatives were found inadequate and unless it was found that both districts involved had practiced segregation.

- Dole amendment: Prohibited Department of Justice interference in segregated schools before allowing the school to voluntarily adopt a corrective plan.

While the House amendment completely forbade busing, the Senate amendment allowed courts to order busing beyond districts next to a student's home if doing so was required to guarantee the student's civil rights. Conferees agreed on a busing compromise with the following provisions:

- Allow courts to determine when extensive busing was necessary.
- Allow courts to terminate a busing order if it determined the school district was no longer violating the civil rights of its students.
- Prohibition on the use of federal funds for busing to overcome racial imbalance, except for impact aid designated for handicapped children or the educationally disadvantaged.

On August 21, 1974, President Gerald Ford signed HR 69 into law (PL 93-380). In September 1974, EMK was chased off the speaker's stand into a nearby federal office building at an anti-busing rally in Boston, where he had sought to calm a crowd of disgruntled parents. Most of the protesters came from solidly Democratic, Irish, and pro-Kennedy neighborhoods, and were angry at EMK's vote that helped narrowly defeat the anti-busing amendment in May. In April 1975, EMK was jeered and jostled by busing opponents after giving a speech at a school in Quincy, Massachusetts. And in September 1975, the birthplace of John F. Kennedy in Brookline, Massachusetts was defamed with graffiti ("Bus Teddy") and damaged by fire in an apparent act of protest against busing. EMK still refused to hedge his support for school desegregation.

In November 1974, Congress also attached three diluted Senate anti-busing amendments to the 1975 HEW appropriations bill (HR 15580).

- Prohibition on the use of federal funds for busing to overcome racial imbalance. This provision was intended to close loopholes that surfaced in the ESEA conference bill, but it was likely to have little impact because so few federal funds were used for such purposes.
- The second and third amendments prohibited the use of federal funds to force any school already desegregated to: (a) bus school children; (b) abolish schools; and (c) require attendance at any school against the choice of the student's parents. The House language would have required these amendments to apply to all schools.

In the fall of 1975, anti-busing proponents in the Senate tried to rally support for a constitutional amendment to ban court-ordered busing. It was believed that a constitutional amendment was the only way to end "forced" busing because legislation prohibiting the courts from doing so would probably be found unconstitutional. Four constitutional amendments were proposed:

- S J Res 29, by Senator William V. Roth (R-DE), would amend the constitution to bar the transportation of students on the basis of race, color, national origin, or sex. Similar amendments were proposed by Dewey Bartlett (R-OK) and John Tower (R-TX).

- A broader amendment, offered by William Lloyd Scott (R-VA), would forbid the assignment of students to schools and the assignment of local, state, and federal government employees on the basis of race.

None of the proposals for a constitutional amendment was successful, and on September 3, the Senate tabled 42-35 a Dole amendment to the State, Justice, and Commerce appropriations bill that would have prohibited the use of Department of Justice funds to intervene in any court suit seeking to require forced busing (EMK voted to table the bill). However, on September 26, the Senate passed an HEW appropriations bill (HR 8069), to which it attached three anti-busing amendments that were not included in the House bill. EMK was the only Northern Democrat to oppose all three amendments. These amendments were:

- Biden amendment (1): Prohibited HEW from threatening aid cutoffs to require school systems to assign students or teachers on the basis of race. EMK voted against; Dole announced for. Senator Joseph Biden (D-DE) introduced his amendment as a counter to an unsuccessful amendment by Senator Jesse Helms (R-NC) that would have forbidden HEW to force local schools to classify students by race, thereby depriving HEW of key information used to assess whether a school was guilty of segregation practices.
- Biden amendment (2): A more legally explicit version of Biden's first amendment sought to assure Northern liberals that Biden's first amendment would not weaken HEW's other discrimination remedies. EMK voted against; Dole in favor.
- Byrd amendment: Prohibited HEW from threatening aid termination to force school systems to bus students beyond the school closest to the student's home that offered the courses sought by the student. EMK voted against; Dole against.

Debate over the Senate's anti-busing amendments stalled HR 8069 in conference for two months. Ultimately, both Biden amendments were dropped and the Byrd amendment was retained. Nobody spoke against the bill; Brooke said he would withhold his opposition in the interests of enacting the appropriations bill. Ford vetoed the bill on December 19, claiming that it was too expensive, but Congress voted to override the veto in January 1976, enacting HR 8069 into law (PL94-206).

1982 VOTING RIGHTS EXTENSION ACT

Prepared by Anne Mariel Peters

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The Voting Rights Act Extension of 1982 was a bill introduced by EMK, Senator Charles Mathias (R-MD), and six other senators that extended key provisions of the 1965 Voting Rights Act. Following a yearlong battle over the burden-of-proof for voting discrimination, during which the Reagan administration remained largely aloof, the bill was passed after Dole, EMK, and Mathias engineered a compromise in the Senate.

The Voting Rights Act (VRA) of 1965 prohibited the use of literacy tests or similar methods to discriminate against black voters; gave the Department of Justice the power to send federal examiners into areas with low black voting participation; and established criminal penalties for the obstruction of voting rights. The law was extended in 1970 and 1975, when its protection was extended to other racial minorities, but its key provisions would have become ineffective on August 6, 1982.

On April 7, 1981, Senator Charles McC. Mathias (R-MD), EMK, and six other senators introduced legislation to extend key provisions of the VRA until 1992. The same day, House Judiciary Chairman Peter Rodino (D-NJ) introduced a similar bill in the House. Rep. Henry Hyde (R-IL) later introduced his own bill that would have extended the VRA's enforcement provisions but allowed jurisdictions meeting certain requirements to "bail out" from coverage. Chairman of the Civil and Constitutional Rights Committee Don Edwards (D-CA), Reps. Hamilton Fish, Jr. (R-NY), F. James Sensenbrenner (R-WI), and Rodino subsequently produced a compromise bill including a bail-out provision.

On October 5, the House approved the VRA extension (HR 3112) 389-24. Key provisions of the House bill included:

- Two-year extension of Section Five of the 1965 VRA, which required nine states and portions of thirteen others to receive Justice Department approval before making changes to election laws or procedures.
- Pre-clearance sections of Section Five would become permanent in 1984.
- Establishment of a new bail-out procedure, by which states could apply for exemption from Section Five, as of 1984. A covered jurisdiction would be allowed to bail out if it could show a three-judge panel in the District of Colombia that it had a clean voting rights record for the previous ten years.
- Certain voting rights violations under Section Two of the 1965 VRA would be proven by showing that an election law had *resulted* in discrimination. This is called the "results test," and overturns a prior Supreme Court ruling that "intent" had to be proved in discrimination cases.

On October 14, Senate Democrats used procedural tactics to keep HR 3112 from going to the Senate Judiciary Committee after negotiations failed among staunchly conservative committee chairman Strom Thurmond (R-SC), Majority Leader Howard Baker, Jr. (R-TN),

Minority Leader Robert Byrd (D-WV), Howard Metzenbaum (D-OH), Joseph Biden (D-DE), Mathias, and EMK. Minutes before normal procedures would have moved the bill to the Judiciary Committee, Byrd objected, fearing that the bill would be masticated by Thurmond. Dole, who was a member of the eighteen-person Judiciary Committee, appeared to be on the fence, as did Senator Howell Heflin (D-AL). In addition, administration officials refused to testify on voting rights in 1981. President Reagan took no position on the extension until November 6, 1981, when he announced that he favored a ten-year extension of the Section Five and a bail-out provision.

On December 16, 1981, Mathias and EMK introduced a carbon copy of the successful House version of the VRA extension. Following markup of the bill by the Constitution Subcommittee, it became clear that the Judiciary Committee was polarized on the bill, with Dole and Heflin as the crucial swing voters. Dole's political price for negotiating a compromise was small, but he was greatly needed by Mathias and EMK to bring along undecided Republicans and ensure a veto-proof majority. Dole then began working with the administration and other senators in pursuit of a compromise, the most notable collaboration of which appears to be between Dole staffer Sheila Blair and Mathias staffers Mike Klipper and Burt Wides. The most controversial aspect of the House bill was the provision for a "results" test, and this issue occupied most of Dole's efforts. On May 3, Dole announced that a compromise, which Mathias and EMK had helped to draft, had been reached. The Dole compromise, which was adopted May 4 by the Judiciary Committee, contained the following key provisions:

- Retained the House "results" test, but added a section specifying how the test could be met. The language for this section was lifted directly from a 1973 Supreme Court case, *White v. Register*, which involved the dilution of minority votes in two Texas counties.
- Twenty-five year extension of Section Five, rather than the ten years, as approved by the Constitution Subcommittee, or permanently, as approved in the 1981 House bill.
- Retained the House bail out provision.

Debate in the Senate began in earnest on June 17, after Senator Jesse Helms (R-NC) gave up on a filibuster he had been waging since June 9. Before approving the bill, the Senate overwhelmingly rejected fifteen amendments that Mathias, Dole, and EMK claimed would weaken the measure. The sponsors wanted to prevent all non-technical amendments in order to avoid a conference with the House, where sponsors promised to accept the Senate bill if it passed without substantive change from the Judiciary Committee version.

The VRA Extension of 1982 was passed 85-8 by the Senate on June 18, 1982, and by the House on June 23, 1982. EMK, Byrd, and Dole voted in favor. Key provisions of the bill included:

- Twenty-five year extension of Section Five of the 1965 VRA.
- Starting in 1984, the bill permitted covered jurisdictions to exempt themselves from Section Five if they could prove that they had a clean voting rights record for the previous ten years.
- Certain voting rights violations under Section Two of the 1965 VRA would be proven by showing that an election law had *resulted* in discrimination. This provision also specified

that a court would have to look at the “totality of circumstances” in determining whether a voting rights violation had been proved.

In contrast to the 1965 VRA, the VRA Extension of 1982 commanded broad Southern support. Fourteen Southern Democratic senators voted in favor of the 1982 VRA extension versus five voting in favor of the original VRA in 1965.

U.S. SANCTIONS ON SOUTH AFRICA

Prepared by Anne Mariel Peters

Miller Center, University of Virginia, 04/03/2006

In October 1986, Congress approved an override of President Ronald Reagan's veto of a bill to impose sanctions on apartheid South Africa. The override was the culmination of a two-year long congressional-executive struggle over sanctions and dealt a serious blow to the Reagan administration's policy of "constructive engagement" towards South Africa. As bipartisan support for sanctions grew during 1985, Reagan stood firm on the position that no sanctions legislation should be passed, opting instead to impose his own sanctions through executive order, a move that Senate Majority Leader Bob Dole (R-KS) encouraged Republicans to accept. However, sanctions legislation was passed by Congress in August 1986, and Reagan subsequently vetoed the legislation.

During the Cold War, U.S. policy towards South Africa was two-pronged; it expressed concern about the Pretoria government's policy of apartheid, but it also sought to maintain good relations with a valuable anti-communist ally. The U.S. had steadily increased pressure on South Africa since the John F. Kennedy administration, peaking with the pro-human rights platform of Jimmy Carter. However, when Ronald Reagan became president, he almost immediately relaxed pressure on the South African government, choosing instead to engage in "constructive engagement," whereby more congenial negotiations would be used to encourage South Africa to abandon apartheid. By 1985, constructive engagement faced broad congressional opposition, including from key House Republicans who feared that Reagan's policy would undermine the ability of the Republican Party to attract black voters. This opposition came to the forefront in December 1984, when protesters staged daily rallies outside of the South African embassy in Washington and there was a resurgence of violence in South Africa.

On April 3, 1985, the Senate approved 89-4 a resolution introduced by EMK (S J Res 96) that condemned apartheid in South Africa. Dole voted in favor. On May 2, the House Foreign Affairs Committee approved S J Res 96 by voice vote. On the same day, the committee approved a bill (HR 1460) that would have imposed two immediate sanctions on South Africa, which could be waived for an initial period of one year and successive periods of six months if the Pretoria government demonstrated progress in deconstructing apartheid. The sanctions were:

- Ban on new bank loans to Pretoria government.
- Ban on U.S. computer sales to South Africa that may have increased the ability of the government to track political dissidents and enforce apartheid.

In addition, the House bill would have imposed the following additional sanctions:

- Ban on new investment by U.S. firms in South Africa.
- Ban U.S. purchases of Krugerrands, South African gold coins.

On June 5, the House approved HR 1460 after soundly defeating seven Republican measures to dilute the bill. Although some House Republicans claimed that the measure was too tough for

them to support, fifty-six Republicans ended up supporting the bill. Only three amendments were added, the most important of which was an amendment by Rep. John Conyers (R-MI) to ban the sale of nuclear power technology and equipment to South Africa.

In 1985, the Senate Foreign Relations Committee approved two sanctions bills 16-1, much to the surprise of the Reagan administration. S 998 was approved on March 27, calling for delayed economic sanctions if significant progress against apartheid had not been made in two years. S 995 was approved on June 4; this bill incorporated much of S 998, but made some of the sanctions immediate. S 995 was a compromise of the original bill offered by Senate Foreign Relations Committee Chairman Richard Lugar (R-IN), Senator Charles McC. Mathias (R-MD), and Dole, and a stronger alternative (S 1228) formulated by Senators Chris Dodd (D-CT), Mitch McConnell (R-KY), and William V. Roth, Jr. (R-DE). Defeated 7-9 by the committee were harsh provisions to ban new investment by U.S. firms, the importation of Krugerrands, and technology sales to the Pretoria government. These unsuccessful provisions were taken from a bill sponsored by Senator Lowell Weicker (R-CT) and EMK that was nearly identical to the House bill. As approved by the committee, S 995 contained the following provisions:

- Ban on new bank loans to the Pretoria government.
- Ban on sale of U.S. nuclear technology to South Africa.
- Ban the sale of U.S. computer goods to some South African government agencies.
- Require most U.S. firms in South Africa to comply with the Sullivan Principles, a code of conduct for U.S. businesses operating in South Africa that alleviated apartheid conditions in their own factories and workplaces.

The Senate passed S 995 on July 11 by an 80-12 vote; EMK and Dole voted in favor. Floor manager Lugar faced numerous obstacles as conservatives tried to delay action on the measure and liberals endeavored to add harsher sanctions. Dole filed a successful cloture petition to proceed with debate after Senator Jesse Helms (R-NC) attempted a filibuster. EMK and his allies re-grouped to push for a ban on Krugerrand imports, but dropped this demand in exchange for a GOP pledge to oppose amendments that would further dilute the bill.

On August 1, the House approved the conference report on HR 1460. However, Senators Malcolm Wallop (R-WY) and Helms blocked Senate action by threatening a filibuster. Dole filed a cloture petition again, and set a vote for September 9. During the first week of September, Dole and Lugar pressed the White House to accept the sanctions bill or at least adopt some of its provisions. Hours before the Senate vote on the September 9, Reagan issued an executive order for sanctions on South Africa and declared that he would be forced to veto the sanctions legislation. The executive order imposed the following provisions:

- Ban the importation of Kruggerands.
- Ban the importation of South African-made weaponry.
- Ban the export of computers and computer software to South Africa.
- Ban loans by U.S. banks or companies to the South African government or any of its subsidiaries.
- Ban the export to South Africa of nuclear power equipment not related to humanitarian purposes.

Dole persuaded most Republicans to accept the executive order and not vote for cloture. Accordingly, Dole asked for unanimous consent to put aside the cloture vote; EMK objected, saying that the executive order was too weak, yet Democrats fell short of cloture with a 53-34 vote. Democrats subsequently sought to keep the sanctions issue on the floor with repeated votes, angering Dole, who removed the Senate's copy of the conference report and gave it to Lugar, who locked it in his Capitol hideaway. The bill's absence meant that the Senate could no longer consider it; EMK and Senate Minority Leader Robert Byrd (D-WV) were reportedly furious. When the bill resurfaced two weeks later, the Democratic effort had lost steam.

On June 18, 1986, the House passed HR 4868, which contained a strict substitute sanctions bill proposed by Rep. Ronald Dellums (D-CA). The bill, which was given little hope of passing in the Senate, would have:

- Imposed a comprehensive trade embargo on South Africa.
- Required the 284 U.S. firms operating in South Africa to leave within six months of enactment.
- Banned the sale of Krugerrands in the U.S.
- Denied U.S. landing rights for South African airlines.

In 1986, EMK repeatedly threatened to introduce sanctions legislation as amendments to the defense bill and an extension of the federal debt limit, angering Dole. On July 24, Dole and Byrd began negotiating an agreement that would include both sanctions on South Africa and the \$100 million in aid requested by Reagan to assist Nicaraguan contras. On August 1, one week after Reagan had appealed to Congress to "resist this emotional clamor for punitive sanctions," the Senate Foreign Relations Committee approved 15-2 a strict sanctions bill (S 2701) that was largely based on a proposal by Lugar. On August 5, 1986, Byrd offered a sanctions amendment to the 1987 defense authorization bill, including a cloture petition that would block a contra aid amendment to the bill. This infuriated Dole, who countered with his own amendment coupling sanctions and contra aid, thereby linking an issue important to Byrd (South Africa) and an issue important to Dole (contra aid). By August 9, Byrd and Dole reached an agreement to allow debate on both contra aid and sanctions, including a clause inserted by Dole that would require the Senate to invoke cloture on both sanctions and contra aid before it could pass a bill containing either provision.

On August 13, the Senate passed a military construction appropriations bill containing \$70 million for contra military aid and \$30 million for non-military supplies (this bill had been cleared by the House on June 25). On August 15, the Senate passed 84-14 HR 4868 after substituting the text of the Senate measure into the House bill. Lugar claimed that the overriding goal was to round up at least eighty votes; this would either persuade Reagan to sign the bill, or provide the means to override his veto. Included in this bill were strict measures forbidding the imports of South African iron, steel, and agricultural products, as well as the export of U.S. crude oil and petroleum products. These provisions were introduced by EMK, and were initially tabled on August 14. However, after dropping a provision prohibiting renewals of current loans and short-term credits, the measure was adopted on August 15 despite an effort by Lugar to table it; Dole voted in favor of tabling.

The Senate legislation sought to influence the Pretoria government to:

- Suspend the state of emergency that began in June 1986, and to respect the right to equality of all races.
- Release African National Congress leader Nelson Mandela and his colleagues from prison.
- Remove legal restrictions on the organization of political parties.
- Establish a timetable for dismantling apartheid.

Key provisions of the Senate bill included:

- Ban the operation of South African-owned airlines in the U.S., and U.S. airlines from landing or taking off in South Africa.
- Ban the importation of items produced by South African state-owned industries; textiles and uranium products; iron and steel; coal; agricultural products; and sugar products.
- Bar new U.S. loans to South African businesses owned by non-blacks, and to the Pretoria government.
- Ban exports of crude oil and petroleum products to South Africa.
- All of the sanctions imposed by Reagan's executive order.
- An amendment by Helms calling on the South African government and the ANC to renounce violence. Lugar and Dole supported the Helms amendment, yet EMK claimed that it would alter the bill's original purpose.

On September 12, the House cleared the Senate bill 308-77, eliminating the need for a conference bill.

On September 26, Reagan vetoed the South Africa sanctions legislation. On September 29, the House voted 313-83 to override Reagan's veto of HR 4868. On October 2, the Senate followed suit, voting to override 78-21 and thus enacting HR 4868 (PL 99-440) and marking one of the most stunning blows to Reagan's presidency. The override was strongly supported by EMK but criticized by Dole, who contended that South African apartheid was a domestic civil rights issue that could not be remedied by a "feel good vote." Dole was only one of six Senate Republicans who originally voted in favor of HR 4868 and subsequently switched his vote to support Reagan's veto.

THE AMERICANS WITH DISABILITIES ACT

Prepared by Anne Mariel Peters

Miller Center, University of Virginia, 04/25/2006

The Americans with Disabilities Act sought to remedy extant civil rights legislation that did not extend protection against discrimination in public accommodations, private sector employment, and the provision of state and local government services to disabled individuals. The legislation met opposition from business groups concerned about costs of accommodation, and was also controversial because of its implicit coverage of individuals with HIV/AIDS. EMK co-sponsored the bill, saw it through the Labor and Human Resources committee, and chaired the conference. A consistent supporter of the bill, Dole took a lead in facilitating negotiations between the Bush administration and a bipartisan group of senators.

The first version of the Americans with Disabilities Act (ADA) was introduced in April 1986 by Senator Lowell Weicker (R-CT). In 1988, Weicker introduced the bill again with Senator Tom Harkin (D-IA), who had succeeded Weicker as chairman of the subcommittee on the handicapped in 1987. No serious legislative effort was made to push the bill through in 1988, although its existence served as a rallying point for disabled advocacy groups. After Weicker was defeated for re-election in 1988, EMK replaced him as Harkin's chief cosponsor in 1989. In March and April of 1989, drafts of the bill went back and forth among the White House, Harkin, and Senator Orrin Hatch (R-UT). Although President George H.W. Bush had long supported the ADA concept, his administration was hesitant to support the bill because of the massive changes in accommodation and hiring practices that it would entail; these were also the primary concerns of the business community. The strongest administration critics of the bill were chief of staff John Sununu and Secretary of Transportation Samuel Skinner.

The ADA bill (S 933) was introduced on May 9, 1989, and hearings in the Senate Labor and Human Resources Committee (the only committee with jurisdiction over the bill) began immediately. On the 16th, Dole testified in general support of the bill, but expressed concern that some of its provisions might invite excessive litigation. He conveyed that the Bush administration wanted to support the bill, but that they required more time to "get their act together." On the 22nd, the Bush administration sent Attorney General Richard Thornburgh to testify; EMK designated Thornburgh's testimony as a full committee meeting, over which he presided. In his opening statements, EMK explained the bill in the context of civil rights, and emphasized that the bill's accommodation requirements would not adversely affect small businesses. Thornburgh conveyed administration concerns with the bill's cost, scope of public accommodations to be covered, and the precision of the terms "undue hardship" and "reasonable accommodation."

On May 27, negotiations between Senate leaders and the White House on the ADA began. Of the bill's cosponsors, administration officials preferred to deal with EMK, as Harkin was up for re-election and it was believed he would likely try to take credit for the bill. Early on in the negotiations, Sununu told EMK that all rifts could be settled easily if EMK removed his chief civil rights counsel, Carolyn Osolinik, from the negotiating team (EMK subsequently called Osolinik and congratulated her on a job well done).

During the month of July, Senate and White House negotiators met roughly ten times to discuss the ADA. A breakthrough meeting occurred on the 28th, when Senator Dave Durenberger (R-MN), Harkin, Hatch, Dole, and EMK met in Dole's Capitol office with Thornburgh, Harkin aide Bobby Silverstein, Samuel Skinner, Roger Porter, Sununu, and Osolinik. Sununu reportedly lost his temper with Silverstein, after which EMK turned red in the face and told Sununu that yelling at staff was unacceptable. After this exchange, a compromise was engineered in which EMK accepted a provision eliminating damages in lawsuits in exchange for administration acceptance of a broad definition of public accommodation. All disagreements occurring in negotiation were kept secret until after the bill's passage. The Bush administration threw its support behind the bill after congressional sponsors agreed to limit remedies for discrimination to those available under the 1964 Civil Rights Act. In public accommodations cases, the attorney general would only be allowed to seek compensatory (not punitive) damages and civil penalties of up to \$50,000 for the first violation and \$100,000 for subsequent violations. Initially S 933 would have allowed the victim to sue for both compensatory and punitive damages.

On September 7, 1989, the Senate approved its version of the ADA by a 76-8 vote. EMK and Dole voted in favor of the bill, which also contained a Dole amendment to provide federal assistance to private entities to help them meet the law's accessibility requirements. Major provisions of the Senate bill included:

- **Employment.** Prohibited an employer from discriminating against a qualified individual with a disability with regards to job application procedures; the hiring or discharge of employees; compensation; advancement or job training; and other terms and conditions of employment. Individuals using illegal drugs were barred from being considered disabled, and the U.S. government, U.S. government corporations, and private membership clubs were exempted from the law.
- **Public Services.** Prohibited discrimination against a person with a disability in the provision of services by any state or local government agency.
- **Public Accommodations.** Barred discrimination on the basis of disability in the full and equal enjoyment of goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation. Failure of covered entities to provide accommodations for the disabled within thirty months of enactment would be considered discriminatory.
- **Telecommunications.** Required the Federal Communications Commission to ensure that communications relay services were constantly available for the deaf within and across states; also required common carriers to provide relay services either individually or through designees.

The House passed its version of the ADA (HR 2273) on May 22, 1990 by an overwhelming majority of 403-20. Support for the bill was so strong in both chambers that a House-Senate conference would probably not have been required but for the House bill's inclusion of a controversial amendment permitting employers to transfer employees with contagious diseases out of food-handling jobs (known as the Chapman amendment). Lawmakers claim that the amendment was aimed towards people with HIV/AIDS, and the White House opposed it. Dole was in favor of the amendment despite his dedication to the ADA, disabled rights groups, and AIDS research. The amendment was eventually dropped in the conference,

which EMK chaired. The conference report was passed by the House 377-28 on July 12, and on July 13, the Senate approved the conference report by a 91-6 vote. EMK and Dole voted in favor.

Bush signed the ADA (PL 101-336) on July 26, 1990. All of the managers of the bill were invited to the signing ceremony, but Dole was the only lawmaker mentioned by Bush during the ceremony. In his autobiography, Dole cites the ADA as one of his greatest legislative achievements.

KENNEDY-KASSEBAUM BILL

Prepared by Anne Mariel Peters

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In August 1996, Congress passed the Kennedy-Kassebaum health insurance bill after a battle over provisions for medical savings accounts, which were favored by Senate Majority Leader Bob Dole (R-KS) and House Republicans as a stimulus for private-sector health insurance competition, yet opposed by President Bill Clinton and congressional Democrats for their potential use as tax havens for the wealthy. The final bill provided for both individual and group insurance portability and established a four-year MSA pilot program.

After the failure of his national health insurance plan in 1994, President Bill Clinton shifted his focus to supporting a narrower bipartisan health insurance initiative being developed by retiring Senator Nancy Landon Kassebaum (R-KS) and EMK. On August 2, 1995, the Senate Labor Committee approved 16-0 the Kennedy-Kassebaum initiative (S 1028) with the following key provisions:

- Group health insurance portability: Limited to twelve months the period in which a group insurer could refuse or limit coverage of a new enrollee for a health condition that was diagnosed or treated in the six-month period before the enrollment.
- Individual health insurance portability: Required insurers offering individual coverage to issue an individual policy to anyone who met three criteria: (1) had coverage for at least eighteen months; (2) was not eligible for coverage under any group plan; and (3) has exhausted COBRA coverage.
- Following a 9-7 partisan vote on an amendment proposed by Senator Bill Frist (R-TN), language encouraging the creation of medical savings accounts (MSAs) was inserted. The creation of MSAs would allow individuals with high-deductible insurance plans (catastrophic plans) to make tax-deductible contributions to a special medical savings account. The account was to be used to pay for medical expenses, and employees could save what they did not use. Concerned that they could be used as tax havens for the wealthy, EMK opposed MSAs, which Republicans touted as a means to encourage private-sector competition.

It took months to bring S 1028, which subsequently became the target of interest groups, presidential campaigns, and partisan politics, to the Senate floor. The health insurance industry, which was crucial to the defeat of the 1994 Clinton initiative, vehemently opposed individual insurance portability. Clinton called for the passage of Kennedy-Kassebaum in his 1996 State of the Union address. And Senate Republicans concerned about group-to-individual portability requirements placed holds on the bill.

In the meantime, the House passed its own version of the bill (HR 3103) by a party line vote of 267-151 on March 28, 1996. The House bill included the following key provisions:

- Group insurance portability

- Individual insurance portability
- Provisions for MSAs
- Exemption from state regulations for small businesses forming insurance pools

Dole did not persuade his GOP colleagues to lift their holds on the bill until February 7, 1996, when debate was scheduled for late April. On April 23, the Senate approved the House bill 100-0 after substituting an amended version of S 1028, a vote that masked the degree of controversy over the inclusion of MSAs in the bill. Dole had led the fight for MSAs in the Senate, going against the wishes of Kassebaum and EMK, who had already built a broad coalition for the bill on the basis that no provision for MSAs and no additional amendments would be added. On April 17, Dole proposed a broad amendment that included the controversial MSA program and an array of politically desirable tax provisions designed to lure other senators from Kassebaum's no-amendment strategy. However, Kassebaum and EMK succeeded in stripping the MSA provision from the Dole amendment 52-46, with Vice President Al Gore present in the case of a tie vote. Five Republicans, including Kassebaum, joined Democrats in opposing the MSA provision. Dole tried to persuade Republican colleagues to switch to his side, but after winning over Frist and Senator William Cohen (R-ME), Dole gave up. The Senate voted 98-0 to accept the rest of Dole's amendment, with the exception of revenue programs intended to fund the MSAs. Key provisions of the Senate bill included:

- Group insurance portability
- Individual insurance portability
- Dole amendment, minus MSAs and MSA revenue programs
- Mental health parity provision

Dole had a second chance to insert MSAs into the bill during conference committee, although White House Chief of Staff Leon Panetta and Gore informed him that Clinton would veto the bill if it contained MSAs. When Dole sought approval of his proposed conferees in late April, EMK objected, accusing Dole of "stacking the deck" in favor of MSAs; Democrats then used procedural motions to block Dole from appointing conferees, insisting that Dole appoint conferees who reflected the Senate position on MSAs. Kassebaum, according to her spokesman, deferred to Dole on this issue due to his status as majority leader. In addition to the MSA provision, other difficult issues included mental health coverage provisions only in the Senate bill, and small business health insurance pools and a medical malpractice cap only in the House bill.

Just before Dole's departure from the Senate on June 11, Kassebaum reached a compromise with House Ways and Means Chairman Bill Archer (R-TX). The compromise included:

- A scaled down MSA program in exchange for an expansion of the program, subject to congressional vote, three years later
- No cap on malpractice awards
- No incentives for small-business health insurance pools
- No mental health parity provision

The Kassebaum-Archer compromise was met coldly by Democrats, and EMK expressed disappointment that Kassebaum had “bowed to the pressure of... the House Republican leadership.”

After Dole left the Senate to focus on his presidential campaign, Senator Trent Lott (R-MS) took his place as majority leader. On July 25, EMK and Archer unveiled a new compromise, the focus of which was a pilot MSA program that would expand after four years, subject to congressional vote. This requirement for congressional approval of MSA expansion was a victory for EMK, who also won several other provisions considered crucial for consumer protection, including restrictions on catastrophic coverage deductibles and limits on annual contributions to MSAs. Lott subsequently appointed conferees, and negotiations began.

After dropping the mental health and medical malpractice provisions, the Kennedy-Kassebaum bill (HR 3103/ S 1028, formally “The Health Insurance Revisions Act of 1996”) was passed by the House on August 1 and by the Senate 98-0 on August 2, 1996. Key provisions of the bill included:

- Group insurance portability
- Individual insurance portability
- MSA pilot program: The MSAs were to be made available to a limited population of roughly 750,000 for four years, beginning January 1, 1997. After that, Congress was to vote on whether to expand eligibility to everyone. Included in the pilot were workers at companies with fewer than fifty employees, self-employed workers, and the uninsured.
- Required enrollment: Required group insurers to enroll employees who initially declined coverage because they were covered under another group plan that they had since lost.
- Exclusions based on health: Prohibited insurers from refusing coverage because of an employee’s health status.
- Availability of group coverage: Required insurers that sold policies in the small group market to offer health plans to all employers in that market.
- Guaranteed renewability: Required insurers to renew most policies, with cases of fraud and non-payment exempted.

On August 21, 1996, Clinton signed the bill (PL 104-191).