

The Americans with Disabilities Act of 1988

SECTION-BY-SECTION SUMMARY

Section 1 -- Short Title

Provides that the law may be cited as the Americans with Disabilities Act of 1988.

Section 2 -- Findings and Purpose

Subsection (a) presents congressional findings about people with disabilities, their disadvantaged status in our society, the seriousness of discrimination against them, and the costliness of such discrimination to our country.

Subsection (b) provides a statement of the overall purposes of the Act centering on the establishment of a clear and comprehensive National mandate for the elimination of discrimination against persons with disabilities.

Section 3 -- Definitions

Provides definitions of key terms used in the Act, including "physical or mental impairment" and "reasonable accommodation." The former is defined identically with its definition in existing regulations under section 504 of the Rehabilitation Act of 1973. The definition of "reasonable accommodation" is drawn from Accommodating the Spectrum of Individual Abilities, a report issued by the U. S. Commission on Civil Rights.

Section 4 -- Scope of Discrimination Prohibited

Tells what persons and agencies are prohibited from discriminating against persons with disabilities. Provides broad scope of coverage in line with other types of civil rights laws. Includes, among others, the Federal Government, Federal contractors and grantees, employers engaged in interstate commerce having 15 or more employees, housing providers covered by Federal Fair Housing laws, public accommodations, interstate transportation companies, and state and local governments.

Section 5 -- Forms of Discrimination Prohibited

Subsection (a) tells what actions constitute discrimination prohibited by the law. These include various types of intentional and unintentional exclusion; segregation; inferior or less effective services, benefits, or activities; architectural, transportation, and communication barriers; failing to make reasonable accommodations; and discriminatory qualifications and performance standards.

Subsection (b) specifies that certain actions do not constitute discrimination. These include unequal treatment that is wholly unrelated to a person's disability, or is the result of the legitimate application of qualifications and performance standards that are necessary and related to the ability to perform or participate in the essential components of the job or activity involved.

Section 6 -- Limitations on the Duties of Accommodation and
Barrier Removal

Subsection (a) provides that barrier removal or reasonable accommodations are not required to be made if to do so would fundamentally alter or threaten the existence of the program, business, activity, or facility in question.

Subsection (b) permits a reasonable period of time, not to exceed two years, for making substantial modifications to existing buildings and facilities in order to remove barriers.

This period may be extended up to five years through regulations governing particular classes of buildings and facilities.

Subsection (c) provides that regulations may permit a reasonable period of time, not to exceed fifteen years, for making substantial modifications to existing platforms and stations of mass transportation systems.

Section 7 -- Regulations

Subsection (a) calls for the Architectural and Transportation Barriers Compliance Board to issue minimum guidelines for accessibility of buildings, facilities, vehicles, and rolling stock. It also calls for Federal agencies to issue regulations for implementing and enforcing the requirements of the Act, including the following:

Employment.....Equal Employment Opportunity Commission
Housing.....Secretary of Housing & Urban Development
Transportation..... Secretary of Transportation
Public accommodations.....Secretary of Commerce

Federal contractors and subcontractors ·····Secretary of Labor
State and local governments, and insurance····· Attorney General
(Department of Justice)

Subsection (b) provides that existing regulations under section 504 of the Rehabilitation Act of 1973 shall remain in effect unless they are superseded by regulations under this Act. No regulations under this Act may provide less protection to persons with disabilities than is available under current regulations.

Section 8 -- Enforcement

Establishes enforcement procedures for the requirements of the Act. These include administrative remedies, a private right of action, monetary damages, injunctive relief, attorney's fees, and cutoffs of Federal funding.

Section 9 -- Effective Date

Provides that the Act shall take effect on the date of its enactment.