

## CHANGES AGREED TO BY THE COUNCIL

- Section 1 (a)(4) Adds the words "programs," "activities" and "jobs" to illustrate the types of discrimination encountered by people with disabilities.
- Section 1 (a)(6) Adds finding to explain how people with disabilities should, in a constitutional context, be viewed as a class.
- Section 3 (1) Defines the phrase "on the basis of handicap" to clarify the intent of the act.
- Section 3 (C) Removes specific conditions to be covered by the Act as they were deemed more appropriately discussed in accompanying reports.
- Section 3 (3) Adds language consistent with current regulations, commonly used and interpreted.
- Section 3 (5) Expands and clarifies the definition of "reasonable accommodation."
- Section 4 (a) (1) References Title VII directly and tracks its language.
- Section 4 (a) (2) Directs the bill to sales or rentals of housing, rather than housing providers.
- Section 4 (a) (4) Targets the service, not the provider.
- Section 4 (a) Deletes the coverage of insurance.
- Section 4 (a) (5) Shifts focus to the actions and practices of local governments rather than on the agencies themselves.
- Section 5 (a) (1) (A) Replaces general terminology by specific descriptions of what constitutes discrimination.
- Section 5 (a) (1) (B) Mandates equal opportunity, not equal results
- Section 5 (a) (1) (C) Allows people with disabilities the opportunity to participate in programs serving nondisabled people even though separate programs for disabled people exist.
- Section 5 (a) (1) (D) Covers indirect or unintentional acts that may have the effect of discriminating.
- Section 5 (a) (2) Adds the phrase "on the basis of handicap".
- Section 5 (a) (3) Adds perceived impairment and record of impairment.

Section 5 (a) (5) Prohibits discrimination against people who have friends or family with disabilities.

Section 5 (b) (2) Adds duty to try a reasonable accommodation before the legitimate application of exclusionary standards or criteria can be considered nondiscriminatory.

Section 6 Adds entire new section on housing based on the Senate Judiciary Committee's version of the Fair Housing Amendments.

Section 7 (a) (1) Substitutes "accommodation" for the term "modification."

Section 7 (a) (2) Applies other requirements of the Act even if barrier removal is not required.

Section 7 (c) (1) Reduces time period for modifications from 15 years to 10 years.

Section 7 (c) (2) Applies other requirements of Act even if barrier removal is not required.

Section 8 (b) (1) Deletes all references to insurance.

Section 8 (b) (2) Adds a coordination function for the Attorney General.

Section 8 (c) (2) Clarifies outreach and recruiting duties.

Section 8 (c) (3) Adds a section on preemployment inquiries, physicals and confidentiality drawn directly from Section 504 regulations.

Section 8 (e) (3) Adds specific standards for vehicles and rolling stock.

Section 9 (a) (1) Clarifies who may file a complaint.

Section 9 (b) (1) Clarifies who may file an action.

Section 9 (b) (2) Makes exhaustion of remedies requirements parallel to those in other civil rights laws.

Section 9 (c) Makes clear that court proceedings are "de novo" not just reviews of administrative proceedings.

Section 9 (g) Adds section to clarify that burden of proof is on the agency or service provider, not the person with a disability.

**CHANGES TO WHICH THE COUNCIL DID NOT AGREE**

- Section 4 Omission of the Federal government, recipients of Federal financial assistance and Federal contractors from coverage by the Act.
- Section 4 (b) Inclusion of a provision construing the effect of the Act on Section 504 and its regulations.
- Section 5 (b) (3) Adds provision to make clear that special programs for people with particular disabilities are permitted.
- Section 8 Omission of regulatory requirements for Federal contractors and recipients of Federal financial assistance.
- Section 8 Omission of provisions leaving section 504 regulations in effect until superseded and guaranteeing that new regulations will not provide less protection.