



**National Council on the Handicapped**

800 Independence Avenue, S.W.  
Suite 814  
Washington, DC 20591

202-453-3846  
202-267-3232 TDD

**An Independent  
Federal Agency**

QUESTIONS AND ANSWERS

REGARDING

THE AMERICANS WITH DISABILITIES ACT OF 1988

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## INTRODUCTION OF THE BILL

Q: When was the Americans with Disabilities Act introduced?

A: Identical bills to create "The Americans with Disabilities Act of 1988" were introduced in the United States Senate on April 28, 1988, and in the House of Representatives on April 29, 1988.

Q: What are the bill numbers and to what committees were the bills assigned?

A: The Senate bill, S. 2345, was introduced by Senator Lowell Weicker, on behalf of himself, Senator Tom Harkin (Chairman of the Subcommittee on the Handicapped) and 12 of their Senate colleagues. The bill was referred to the Senate Committee on Labor and Human Resources.

The House bill, H.R. 4498, was introduced by Representative Tony Coelho, on behalf of himself, Representative Silvio Conte, Representative Major Owens (Chairman of the Subcommittee on Select Education), Representative James Jeffords, and 30 other House colleagues. The bill was referred jointly to the House Committees on Education and Labor; the Judiciary; Energy and Commerce; and Public Works and Transportation.

## IDEA FOR THE BILL

Q: Where did the idea for the equal opportunity bill originate?

A: The Council recognized the need for a comprehensive civil

rights law for Americans with disabilities in Toward Independence. The Council has heard countless testimonies from people with disabilities concerning the discrimination which they face on a day to day basis. Moreover, parents of disabled children and youth have often been overwhelmed by the barriers which their children face in their attempts to achieve equality. This proposed legislation attempts to redress the inherent inequalities which exist in our society for Americans with disabilities.

#### COUNCIL'S STATUTORY AUTHORITY

Q: Is proposing such a bill within the Council's statutory mandate?

A: In the 1986 Amendments to the Rehabilitation Act, Congress added to the duties of the Council, " (8) provide to the Congress on a continuing basis advice, recommendations, legislative proposals and any additional information which the Councilor the Congress deems appropriate." Congress also directed the Council to assess to what extent Federal programs (a) provided incentives or disincentives to the establishment of community-based services for individuals with disabilities; (b) promoted the full integration of such individuals in the community, schools and the workplace; and, (c) contributed to the independence and dignity of such individuals. After lengthy study of these issues, the Council concluded that the best means of achieving the goals implicit in those mandates is the

enactment of a strong, unequivocal law banning discrimination against people with disabilities.

#### NEED FOR THE BILL

Q: Why is this bill necessary?

A: Although there are a number of statutes, rules and regulations that prohibit discrimination on the basis of handicap or against people with disabilities, too many gaps in coverage and inconsistencies exist, and too few situations and people are covered. Basic societal guarantees that include the pursuit of employment and educational opportunities, the enjoyment of public facilities, transportation and accommodations are still denied too many of our citizens because nondiscrimination on the basis of handicap has not been a clear, national policy.

#### SECTION 504

Q: Doesn't the Rehabilitation Act of 1973 provide sufficient coverage?

A: Section 504 of the Rehabilitation Act, as amended, is a landmark piece of legislation that has provided, and will continue to provide, opportunities for many people with disabilities. Section 504 does not, however, prohibit discrimination by private employers, in housing, public

accommodations and interstate transportation or by state and local governments. This bill will accomplish these goals.

Q: How does this bill differ from Section 504?

A: This bill uses the term "on the basis of handicap," paralleling language in other civil rights statutes and making proof of class membership less critical. It also defines discrimination, specifically proscribing, for example, the failure to make reasonable accommodations, and the use of discriminatory qualifications standards. The primary difference, however, is that this bill has much more comprehensive coverage, encompassing many types of programs and activities not subject to Section 504.

Q: will this Act repeal Section 504?

A: No. "The Americans with Disabilities Act" specifically provides that it will not affect or change Section 504. It also leaves intact all Section 504 regulations that have been issued.

#### CIVIL RIGHTS RESTORATION ACT

Q: How does this bill relate to the Civil Rights Restoration Act?

A: The Civil Rights Restoration Act, enacted in March, 1988, over President Reagan's veto, clarifies the prohibition of discrimination in any program or activity of an entity receiving Federal funds by defining "program or activity" to mean all of

the operations of any such entity. The Restoration Act affects the Rehabilitation Act of 1973, the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the Age Discrimination Act of 1975. In a 1984 decision, Grove City College v. Bell, the United States Supreme Court had interpreted the phrase "program or activity" narrowly to refer only to the specific activity or portion of an institution receiving the Federal funds and not the entire organization or institution. Under the Court's ruling, a college could, for example, discriminate in a program not receiving any Federal money and would not risk losing any Federal money that it received for other programs. The Restoration Act restored the broad scope of coverage and interpretation of the statutes affected by the Court's decision. The Council testified in support of the broadened interpretation established in the Restoration Act. The Americans with Disabilities Act does not affect the prohibition of discrimination on the basis of handicap in programs or activities that receive Federal financial assistance, but prohibits such discrimination in many other types of services, programs, activities, benefits, jobs or other opportunities that are not currently covered by Section 504.

#### COMPARABILITY TO CIVIL RIGHTS LAWS

Q: What value is there in having parallel coverage with other civil rights laws?

A: The basic rights underlying this Act are the same as those underlying other civil rights statutes. They include the rights

to be free from discrimination in employment, housing, travel, public accommodations and activities of state and local governments. The legal standards to be applied to discrimination on the basis of handicap, however, must differ from those addressing other types of discrimination.

#### UNINTENTIONAL DISCRIMINATION

Q: Why does the bill prohibit unintentional discrimination?

A: So many of the things that exclude people with disabilities from participation in society are the result of unconscious acts. Each flight of stairs constructed is surely not a deliberate attempt to exclude people with mobility impairments but, in fact, it does. Unfortunately, these barriers have as deleterious an effect on people with handicaps as ruling certain jobs off-limits to people with hearing or visual impairments. Such unintentional discrimination limits the lives of Americans with disabilities and ultimately requires them to live as second class citizens.

#### ORGANIZATIONS SUPPORTING THE BILL

Q: Are other organizations supporting the bill?

A: At the time of its introduction, the bill had been endorsed by more than 50 national organizations representing people with various disabilities, and had received the support of the Leadership Conference on Civil Rights, an umbrella organization



representing 185 organizations active in the area of civil rights.

#### POTENTIAL OPPOSITION

Q: Are there any organizations that are likely to oppose the bill?

A: Yes. A number of organizations opposed the enactment of the Civil Rights Restoration Act -- the most recently enacted piece of Federal legislation strengthening the rights of people with disabilities. The list entered into the Congressional Record included the following:

Ad Hoc Committee in Defense of Life  
American Association of Christian Schools  
American Conservative Union  
American Pharmaceutical Association  
Apostolic Coalition  
Assemblies of God  
Association of Christian Schools International  
Association of Pro-America  
Bott Broadcasting Company  
Catholic League for Religious and Civil Rights  
Christian Action Council  
Citizens for America  
Citizens for Educational Freedom  
Citizens for Reagan  
Coalition for America  
College Republicans  
Committee to Protect the Family  
Concerned Women for America  
Conservative Alliance  
Conservative Caucus  
Contact America  
Coral Ridge Ministries  
Council for National Policy  
Eagle Forum  
Family Research Council  
Focus on the Family  
Free Congress  
Heritage Foundation  
Intercessors for America  
International Christian Media

Lutheran Church -- Missouri Synod  
Moral Majority  
National American Wholesale Grocers Association  
National Apartment Association  
National Association of Evangelicals  
National Association of Homebuilders  
National Association of Manufacturers  
National Black Coalition for Traditional Values  
National Center for Public Policy Research  
National Family Institute  
National Grocers Association  
National Religious Broadcasters  
Public Advocate  
Rutherford Institute  
Save Our Schools  
United Families  
United Pentecostal Church  
U.S. Business and Industrial Council  
U.S. Chamber of Commerce

(Congressional Record, March 22, 1988, p. S 2758)

Some of the organizations listed above may oppose the ADA.

Q: Are all of the preceding organizations likely opponents of the bill?

A: Not at all. The reasons for groups opposing the Restoration Act were many and varied. Some of the opposition had nothing whatever to do with the disability implications of the bill, but rested on other grounds, such as concerns about abortion or impact on religious freedom. Many such organizations will hopefully become supporters of the ADA, particularly if they receive appropriate information about the need and rationale for the bill.

As one example, the National Association of Home Builders opposed the Restoration Act. But after lengthy negotiations with disability organizations and congressional staff in regard to the Fair Housing Act Amendments bill, NAHB has endorsed the

accessibility requirements in that bill. Since the housing provisions of the ADA are based upon the provisions in the Fair Housing bill, NAHB is very unlikely to oppose the ADA.

Some opposition may arise from managerial and planning professionals who have not yet been exposed to the value of eliminating unnecessary barriers which daily confront 36 million Americans with disabilities. Other potential opponents may be concerned about the costs of implementing the bill. Some of their fears may be alleviated when they learn that this bill creates no new programs or agencies and that the conversion of tax-users into taxpayers strengthens the economy of the country.

#### COSTS

Q: What are some of the most common modifications and what will they cost?

A: The costs of modifications to permit the participation of individuals with disabilities are usually much less than might be expected. Widening doorways and installing ramps are not particularly expensive, and even modifications to bathrooms and lifts where necessary can be secured at relatively modest prices. Many devices for assuring effective communication with individuals with disabilities can be obtained at very reasonable prices. For example, a telecommunications device for the deaf (TDD), a ready-to-use device which enables one to have telephone communications with deaf people, can be purchased for about \$150.

Q: Are there any financial incentives involved?

A: The Tax Code permits an annual deduction of up to \$35,000 for costs incurred in removing barriers to people with disabilities.

Q: In some cases, though, won't the Bill require massive alterations?

A: The duties to remove architectural, transportation, and communication barriers, and to make individualized reasonable accommodations are explicitly limited to those that would not threaten the existence or fundamentally alter the nature of a business or activity. A business or agency is excused from performing such barrier removal or accommodation as would threaten its fiscal viability. So at the very least, nobody will have to go out of business because of this Act.

Q: Do you have any indication from those in private industry as to their experience with the costs involved in employing people with disabilities?

A: Surveys of employers with disabled employees have shown that costs associated with the employment of a person with a disability are usually quite small. The Harris poll of employers found that 75 percent of managers reported that the average cost of hiring a person with a disability is about the same as the cost of employing a nondisabled person. Du Pont, a major U.S. corporation with an excellent record of hiring disabled employees, reports that workplace accommodations frequently cost little or nothing.

Q: Won't the cost of providing accessible housing be prohibitive?

A: The expenses associated with the accessibility features for new housing construction required under this bill are relatively small. Estimates are that, at most, such requirements would entail well less than one percent of construction costs. Officers of the National Association of Home Builders have declared that they can build in such features at "very little cost." Such costs are expected to decline even further once they become uniform within the housing industry.

Q: Isn't the modification of transportation systems very costly?

A: The requirements regarding accessibility of new vehicles and rolling stock of transportation agencies are not extravagant. Accessibility features represent but a small percentage of the costs of purchasing new vehicles. The issue often is a question of purchasing slightly fewer accessible vehicles or a slightly greater number of inaccessible ones. Taking buses as an example, although costs can vary somewhat, a lift on a new bus currently costs about 6 to 9 percent of the total cost of the bus. Thus, for the same price, a company can either purchase approximately ten new accessible buses or eleven buses without lifts.

Q: What about the costs involved in modifying existing stations?

A: Perhaps the most difficult and costly modifications contemplated by the bill are those associated with existing stations and platforms of mass transit systems. There is no doubt that making such changes to permit access by people with disabilities will entail substantial expenses in some locales. But the bill allows the changes (and consequently their costs) to be spread over a period of up to ten years. The Act does not require full access immediately, but gives transit systems the opportunity to plan for and spread out the refurbishment and capital expenditures necessary to achieve accessibility. And again, the limitations section of the bill prevents the requirement of modifications on a timetable that would threaten the existence of a transportation operator.

Q: What benefit is derived from eliminating discrimination against persons with disabilities?

A: The costs associated with the requirements of this bill are not dramatic; the costs associated with discrimination against persons with disabilities are staggering. Over 60 billion dollars of our annual Federal budget are spent on disability-related programs. Disability is second only to defense as the largest category of Federal budget expenditures. And 95% of the money that this country spends on disability is spent for maintaining people in dependent situations. A Department of Transportation study indicated that providing

accessible transportation alone would result in SSI benefit savings of \$276 million a year due to increased employment.

Q: Won't the costs of providing accommodations such as readers, equipment, modifications in work hours, and making workplaces accessible outweigh any benefits derived from employment of people with disabilities?

A: No. According to a recent Lou Harris poll conducted in conjunction with the Council and the President's Committee on Employment of the Handicapped, eight out of ten managers say that the costs of employing both disabled and nondisabled people are about the same. Another study showed that most accommodations (81%) cost less than \$500 and that half cost nothing. Furthermore, various studies have shown, and the Council has concluded, that increased earnings by people with disabilities and additional tax revenues are certainly more cost-effective than maintaining people in a dependent situation.

#### COST TO FEDERAL GOVERNMENT

Q: What will this bill cost the Federal Government to implement?

A: Very little, actually. This bill creates no new programs or agencies. Those agencies that currently have the responsibility for enforcing nondiscrimination provisions of other statutes will, as they do with those, promulgate regulations under and enforce the provisions of this Act.

#### NUMBER OF PEOPLE COVERED

Q: Approximately how many people will be affected by this Act?

A: In Toward Independence, the Council reviewed existing data and concluded that the most reliable estimates are that approximately 36 million Americans have one or more physical or mental disabilities. That number is expected to increase as the population as a whole grows older. This is the figure cited in the "Findings" section of this Act.

#### DISABILITY AND POVERTY

Q: Is there a correlation between disability and poverty?

A: Absolutely. According to the Harris poll, half of all the disabled people surveyed had incomes of \$15,000 or less compared to a quarter of the nondisabled population.

#### TYPES OF DISABILITIES COVERED

Q: What types of disabilities are covered under the bill?

A: The definition of "physical or mental impairment" contained in the bill is identical to the definition in Section 504 regulations. That definition lists certain diseases or conditions that are covered under 504 and will be under this bill as well. The definition is intended to be very broad.



## AIDS

Q: Will people who have AIDS be covered by this Act?

A: Yes. AIDS is not explicitly mentioned in the bill. Persons are protected under this bill if they are subjected to discrimination because of a physical or mental impairment, perceived impairment, or record of impairment. In defining these terms, the bill relies upon definitions currently in effect in regulations issued under Section 504 of the Rehabilitation Act. The definition of "physical or mental impairment" under the Rehabilitation Act does not delineate AIDS specifically, but recent interpretations and court decisions have concluded that, in particular circumstances, AIDS, AIDS Related Complex, and seropositivity may constitute an impairment.

In adopting the Section 504 definition of physical or mental impairment, the Council appropriated terminology with an established history of judicial and administrative interpretation. The expectation that the prior interpretation of this definition would guide its interpretation under the ADA was expressly stated by Senator Weicker and other sponsors of the bill during their introductory remarks. One aspect of that interpretation is the inclusion of people infected by the AIDS virus. At the time of the introduction of the bill, the Council, the Congressional sponsors of the bill, and the endorsing disability organizations were all aware of the

judicial interpretation of the Section 504 definition to include persons infected with the AIDS virus.

Q: Does coverage of people infected by the AIDS virus mean that such individuals can never be excluded under any circumstances?

A: No. The inclusion of someone as having a condition that meets the definition of a physical or mental impairment is not the end of the inquiry under the ADA. Even though a person qualifies as having a physical or mental impairment, that individual may still be excluded or otherwise treated unequally in certain circumstances. An individual with a physical or mental impairment may be excluded or disadvantaged for some other reason having no connection to the existence of the impairment. And perhaps more significantly, a person may be treated unequally because of a physical or mental impairment if this is pursuant to the legitimate application of qualifications standards, selection criteria, performance standards, or eligibility criteria, as for example a vision criterion for a job as bus driver. Such standards that disadvantage people with particular disabilities must be both necessary and substantially related to the ability to perform or participate in the essential components of the particular job or activity in question.

Therefore, under the ADA, inquiries regarding unequal treatment of persons with disabilities can be viewed as entailing two different levels. First, is the individual being treated unequally because of a physical or mental impairment,

perceived impairment, or record of impairment? This determination is based upon the definition of physical or mental impairment drawn from the Section 504 regulations and upon the facts of the case. Second, is the unequal treatment permitted under the Act? This will depend upon whether there are legitimate standards or criteria justifying the unequal treatment, whether such standards are necessary and can be shown to be sufficiently connected to essential components of the job or activity, and whether such criteria or standards have been properly applied to the particular individual with a disability.

Q: How would these principles be applied to a person with HIV infection?

A: If an employer or service provider could show, in particular circumstances, that a person with a certain disability such as AIDS poses a substantial risk to the health or safety of co-workers or other participants, it would be permissible to establish qualifications standards or selection criteria that screen out such individuals. The employer or service provider would, however, have to have adequate evidence to establish that such standards or criteria were necessary and that they were substantially related to the essential components of the job or activity. The employer or service provider would also have to demonstrate that the particular individual in question failed to meet the standards or criteria, e.g., that the individual really did endanger the health or safety of others. Mere irrational prejudice or unfounded fears could not justify such an exclusion or unequal treatment.

Q: Is there a need for nondiscrimination protection for people infected by the AIDS virus?

A: In the early years of our nation's experience with AIDS, initiatives to prohibit discrimination against HIV-infected persons were controversial. Some individuals misunderstood the impact of nondiscrimination laws and mistakenly thought that such laws might force the inclusion of people with AIDS into dangerous situations or into positions where they could not competently perform necessary duties. Such misunderstandings of the law, coupled with ignorance and misguided fears about the AIDS virus and its transmission, led some to vociferously oppose nondiscrimination protection for those infected by the AIDS virus. Recently, with more information and education (including the nationwide mailing to all households of the AIDS information packet and the issuance of the report of the Presidential commission on the Human Immunodeficiency Virus Epidemic), a consensus seems to be emerging in favor of antidiscrimination measures to protect HIV-infected people. Proponents of such nondiscrimination protection include the U.S. Surgeon General, C. Everett Koop; the Presidential Commission on the Human Immunodeficiency Virus Epidemic; the Secretary of Health and Human Services; the American Medical Association; the Public Health Service; the Centers for Disease Control; the National Institutes of Health; and Vice President George Bush.

Q: What did the report of the President's AIDS Commission say about discrimination against people with AIDS-virus infection?

A: The Presidential commission concluded that

antidiscrimination measures were necessary not only as a matter of justice or equity, but also for pragmatic reasons; without such protection, the Nation's efforts to control the AIDS epidemic could not succeed. The Commission stated:

Throughout our investigation of the spread of HIV in the United States, the Commission has been confronted with the problem of discrimination against individuals with HIV seropositivity and all stages of HIV infection, including AIDS. At virtually every Commission hearing, witnesses have attested to discrimination's occurrence and its serious repercussions for both the individual who experiences it and for this nation's efforts to control the epidemic. Many witnesses have indicated that addressing discrimination is the first critical step in the nation's response to the epidemic.

HIV-related discrimination is impairing this nation's ability to limit the spread of the epidemic. Crucial to this effort are epidemiological studies to track the epidemic as well as the education, testing, and counseling of those who have been exposed to the virus. Public health officials will not be able to gain the confidence and cooperation of infected individuals or those at high risk for infection if such individuals fear that they will be unable to retain their jobs and their housing, and that they will be unable to obtain the medical and support services they need because of discrimination based on a positive HIV antibody test.

As long as discrimination occurs, and no strong national policy with rapid, and effective remedies against discrimination is established, individuals who are infected with the HIV will be reluctant to come forward for testing, counseling, and care.

Subsequent to the issuance of the Commission's report, Vice President George Bush was one of many public officials who endorsed the Commission's call for antidiscrimination protection for people with HIV infection.

Q: What were the Commission's formal recommendations regarding nondiscrimination legislation?

A: The Commission's formal recommendations called for:

Comprehensive federal anti-discrimination legislation which prohibits discrimination against persons with disabilities

in the public and private sectors, including employment, housing, public accommodations, and participation in government programs, should be enacted. All persons with symptomatic or asymptomatic HIV infection should be clearly included as persons with disabilities who are covered by the anti-discrimination protections of this legislation.

Q: Did the Commission's report discuss the ADA specifically?

A: The Commission expressly endorsed the Americans with Disabilities Act as proposed by the Council; the report declared:

The National Council on the Handicapped, an independent federal agency comprised of 15 members appointed by the President to make recommendations on public policy issues affecting people with disabilities, included a proposal for a comprehensive federal law of this kind in their January 1988 report to the President. Their proposal, the Americans with Disabilities Act of 1988, was recently introduced in the United States Congress. The Commission believes that this type of comprehensive, disability anti-discrimination legislation should serve as a model for federal legislation in this area.

Q: Are there any guidelines regarding discrimination against people with HIV-infection in the Federal workforce?

A: Yes, nondiscrimination measures have already been developed in regard to the Federal workplace. In 1986, a Task Force of the General Accounting Office, appointed by the Comptroller General, proposed employment policies to assure that HIV-infected employees be treated "fairly and humanely." Following up on that proposal, in March of 1988, the Office of Personnel Management (OPM) issued comprehensive guidelines which outline employment policies for federal workers who are HIV-infected. The OPM guidelines include statements that

"HIV-infected employees should be allowed to continue working as long as they are able to maintain acceptable performance and do not pose a safety or health threat to themselves or others in the workplace," and that "agencies are encouraged to consider accommodation of employees' AIDS-related conditions in the same manner as they would other medical conditions which warrant such consideration." Further, the guidelines declare, "there is no medical basis for employees refusing to work with such fellow employees or agency clients who are HIV-infected."

#### SMALL BUSINESSES

Q: How will the bill affect small business owners?

A: Small business owners will not be adversely affected by the bill. The bill specifies that any modification or barrier removal that would fundamentally alter the essential nature or threaten the existence of a business would not be required. In addition, the bill provides two to five years, depending on circumstances, for businesses to make substantial modifications to existing buildings. Moreover, an increased volume of sales as a result of accessibility for disabled Americans could be expected. For businesses opening up in new locations, accessibility features included in the original construction program would constitute only one-tenth of 1 percent of the total construction cost. In some states, local codes and ordinances already require these accommodations. It is anticipated that when small business owners realize how useful

such barrier elimination can be, they will be in support of the bill because of its applicability as a sound and valuable business practice.

#### EMPLOYMENT

Q: Will this bill require affirmative action programs for people with disabilities?

A: This bill, noting both past and present discrimination, includes among its findings that discrimination against people with disabilities persists in employment and that they are, as a group, severely disadvantaged vocationally and economically. Based on those findings, the bill requires employers having 15 or more employees to engage in outreach and recruitment efforts.

Q: Are we talking about quotas?

A: No. The extent of discrimination on the basis of handicap cannot be measured as simply or precisely as in the case with race or sex, for example, and would render strict numerical analysis unusable. While underrepresentation of blacks or women in a workforce could certainly be considered an indicia of discriminatory practices at some point in the process, similar underrepresentation of people with specific impairments would not on its face indicate the presence or absence of unlawful discrimination. Qualifications criteria that are reasonably necessary and related to the ability to participate in the essential components of a job may lawfully exclude people with certain disabilities from certain jobs. Each situation must be



examined carefully. A criterion that applicants possess a high level of visual acuity may lawfully exclude those with visual impairments; the same criterion may not be used to exclude everyone with a physical or mental impairment. Identifying underrepresentation in this area will require further study and analysis in order to determine whether it is the result of legitimate, job-related criteria; refusal to make reasonable accommodations; or barriers that make participation difficult or impossible.

Q: Won't employers have to lower their standards?

A: Absolutely not. At most, employers will have to reexamine their criteria for recruitment, hiring and promotion to ensure that essential components of each job are clearly defined and that the qualifications to perform each component are reasonable and related to the job. If recent history is indicative, what they will end up with is a streamlined, more efficient program and a larger, more diverse pool from which to draw, both boons to good management.

Q: Aren't the costs associated with employing disabled people very high?

A: Harris found that the overwhelming majority of managers in private industry polled reported that the cost of employing a disabled employee is about the same as the cost of employing a nondisabled employee.

Q: What types of accommodations are most often required?

A: By far, the most common accommodation is the removal of architectural barriers. In addition, half of the companies polled by the Harris researchers reported purchasing special equipment and half also adjusted work hours or restructured jobs.

#### HOUSING

Q: What types of modifications are required under this Act in regard to housing?

A: This Act focuses on making future housing accessible, rather than focusing on retrofitting existing housing. It requires that public and common use portions of certain multifamily dwellings be accessible and usable; that doors be wide enough for people in wheelchairs to use; and, that all premises within covered dwellings have basic universal features of adaptive design.

Q: Aren't the costs of providing accessible housing prohibitive?

A: No. In fact, the General Accounting Office concluded in a report to Congress that "the additional cost for accessibility features included in the original construction program may only be one-tenth of 1 percent of total construction cost."

## FAIR HOUSING AMENDMENTS

Q: What are the differences between the section of this Act that addresses discrimination in housing and the amendments to the Fair Housing Act pending before Congress?

A: There are no differences between this section 6 of this Act and the Senate Judiciary Committee's version of the Fair Housing Amendments. The section was included in this Act to provide consistency in this vital area and, as the Act does throughout, to explain with specificity what constitutes discrimination. As changes are negotiated in the language of the Fair Housing Act Amendments bill as it applies to accessibility in new housing construction, such modified language will be presumably be incorporated into section 6 of the ADA.

Q: What happens to section 6 if the Fair Housing Act Amendments bill is enacted?

A: If the Fair Housing Act Amendments become law with the new housing construction accessibility provisions intact, then the requirements of section 6 of the ADA would become redundant, and would presumably be deleted from the Act.

## PUBLIC ACCOMMODATIONS

Q: Do people with disabilities have problems with public accommodations such as restaurants?

A: Many people with disabilities do not have access to, for example, restaurants, places of entertainment, or cultural activities of their choice. In addition to obvious problems with steps and inaccessible restrooms, some of these places may segregate people with disabilities or refuse admittance to a guide or service dog. This bill prohibits such discrimination in public accommodations.

Q: What are "places of public accommodation?"

A: Pursuant to existing civil rights laws, "public accommodations" include inns, hotels, motels, or other lodging establishments; restaurants, cafeterias, lunchrooms, lunch counters, soda fountains, or other dining establishments; gas stations; and motion picture houses, theaters, concert halls, sports arenas, stadiums, or other places of exhibition or entertainment. Under the ADA, all of these will be prohibited from discriminating against people with disabilities.

#### COMMUNICATION BARRIERS

Q: What does the bill say about communication barriers affecting people with hearing impairments, visual impairments, and other impairments that can impede the ability to communicate?

A: The bill requires the taking of appropriate steps to remove communication barriers, through providing or modifying

appropriate devices, services, systems, or information media. It provides examples of methods which can be used to enhance communication, including TDDs, captioning, interpreters and readers, amplifiers on telephone handsets, brailled or taped information, and others.

#### CAPTIONING OF TELEVISION PROGRAMS

Q: What requirements does the bill establish in regard to the captioning of television programs?

A: The bill gives the Federal communications commission the responsibility to issue regulations under the Act in regard to broadcasters and others in the communications industry.

Regarding the issue of captioning, the bill provides that the F.C.C. regulations shall include requirements for "progressively increasing the proportion" of captioned programs. This approach was adopted rather than having the bill try to set a specific percentage or number of hours per week of captioned programming.

#### AIR TRAVEL

Q: Is anyone claiming that people with disabilities are being denied access to air travel?

A: The effect of barriers throughout transportation systems often precludes someone with a disability from using them at all. People with disabilities are also often provided disparate or unequal treatment that either demeans or segregates to such

an extent that someone unable to take full advantage of an opportunity may forgo it completely. To take air travel as an example, people with disabilities who attempt to fly are often not even permitted to choose their own seats; usually have their wheelchairs taken from them and replaced with tottering, unsafe devices; may have to be carried to and from the boarding area to the plane; and, often cannot use the restrooms, which may preclude flying altogether. This bill will prohibit discrimination by any company engaged in interstate transportation.

#### MASS TRANSPORTATION

Q: Aren't the costs of making urban transportation systems accessible prohibitive?

A: The costs vary widely according to the scope of the service provided, the number of people who use it and the maintenance required. There are, however, enough localities with successful, accessible public transit systems in place that an assessment of their collective and individual successes certainly suggests that cost-effective alternatives are viable and available. Furthermore, limiting the ability of people with disabilities to travel in and around urban areas negatively affects employment and educational opportunities. The Department of Transportation has estimated that approximately \$800 million in net benefits to society would result from eliminating transportation barriers.

Q: Have any local governments succeeded in providing effective accessible transportation?

A: Many have. In Toward Independence, the Council cited Seattle, Washington; Champaign-Urbana, Illinois; Dayton, Ohio; significant and, Pennsylvania; and Palm Beach, Florida as examples of localities that have made significant and successful efforts to provide accessible transportation. To focus on one widely-discussed accomplishment, the city of Seattle, Washington, created a cost-effective transit system responsive to a wide range of identified needs. After modifying many of its bus zones, Seattle Metro began equipping many of its buses with lifts. The system is now 53 percent accessible and averages 242 one-way lift trips per day. The Metro system also operates subsidized taxi and van programs.

Q: Are cost figures available for the initial outlay and maintenance of Seattle's system?

A: Seattle Metro estimates its start-up costs at \$171,000. Maintenance of lift-equipped buses is \$355 per bus per year; operating costs per lift trip in 1984 was \$3.46. Metro's average subsidy in its taxi program was \$2.89 per trip in 1982. The van program, operating primarily in suburban and rural areas, averaged \$4.15 per trip during the same time period.