

SUMMARY OF PROPOSED BILL:  
THE AMERICANS WITH DISABILITIES ACT OF 1987

This bill implements a principal recommendation of the National Council on the Handicapped in its report Toward Independence that called for enactment of a comprehensive law prohibiting discrimination against people with disabilities. The essence of the proposed Act is a prohibition of discrimination on the basis of handicap that is broad in scope and specific in defining the types of discrimination prohibited. It will guarantee the right to be free from discrimination in such areas as employment, housing, public accommodations, travel, and activities of State and local governments.

Currently, Sections 501 through 504 of the Rehabilitation Act of 1973, as amended, prohibit discrimination on the basis of handicap by agencies of the Federal Government, by Federal contractors, and by Federal grantees. The Americans with Disabilities Act will create a new, free-standing prohibition of discrimination on the basis of handicap that will apply to important areas of discrimination not addressed by the Rehabilitation Act. It will cover employers who engage in interstate commerce and have 15 or more employees, housing providers covered by Federal fair housing laws, public accommodations, interstate transportation companies, and State and local governments.

The bill specifically delineates the various forms of discrimination that are prohibited, including such actions as intentional or unintentional exclusion; segregation; unequal, inferior, or less effective services, benefits, or activities; architectural, transportation and communication barriers; failing to make reasonable accommodations; and discriminatory qualifications and eligibility standards. It also 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 substantially related to the ability to perform or participate in the essential components of the job or activity in question.

Under the bill, the Architectural and Transportation Barriers Compliance Board will issue minimum guidelines for accessibility. Regulations in the relevant areas will be issued by the appropriate agencies, including: the U.S. Equal Employment Opportunity Commission (employment), the Secretary of Housing and Urban Development (housing), the Secretary of Transportation, (transportation), the Secretary of Commerce (public accommodations), and the Attorney General (State and local governments and coordination of the regulations to be issued by the other agencies). Existing provisions of sections 501 through 504 of the Rehabilitation Act of 1973 and their implementing regulations shall not be affected by this Act and shall continue to remain in effect.

Enforcement procedures available for acts of discrimination in violation of this Act include administrative remedies, a private right of action in Federal court, monetary damages, injunctive relief, attorney's fees, and cutoffs of Federal funds.