



NEWS

SENATOR LOWELL WEICKER, JR.
CONNECTICUT

225 RUSSELL SENATE OFFICE BUILDING • WASHINGTON, D.C. 20510
(202) 224-4041

FOR IMMEDIATE RELEASE
CONTACT: STEVE SNIDER
HANK PRICE
202-224-9092

STATEMENT OF
SENATOR LOWELL WEICKER, JR.
AMERICANS WITH DISABILITIES ACT
APRIL 28, 1988

MR. PRESIDENT, I RISE TODAY TO INTRODUCE, ALONG WITH SENATOR HARKIN AND 12 OTHER OF MY COLLEAGUES, THE AMERICANS WITH DISABILITIES ACT OF 1988. THIS HISTORIC LEGISLATION IS THE WORK OF THE NATIONAL COUNCIL ON THE HANDICAPPED, AN INDEPENDENT FEDERAL AGENCY WHOSE MEMBERS WERE APPOINTED BY THE PRESIDENT AND CONFIRMED BY THE SENATE. ITS STATUTORY MISSIONS INCLUDE A RESPONSIBILITY TO MAKE LEGISLATIVE RECOMMENDATIONS TO THE CONGRESS, AND I WANT TO COMMEND THE COUNCIL FOR ITS OUTSTANDING EFFORTS TO DEVELOP THE BILL BEFORE US TODAY.

IN ITS 1986 REPORT TOWARD INDEPENDENCE THE COUNCIL NOTED: "PEOPLE WITH DISABILITIES HAVE BEEN SAYING FOR YEARS THAT THEIR MAJOR OBSTACLES ARE NOT INHERENT IN THEIR DISABILITIES, BUT ARISE FROM BARRIERS THAT HAVE BEEN IMPOSED EXTERNALLY AND UNNECESSARILY." THE REPORT WENT ON TO RECOMMEND THAT "CONGRESS ENACT A COMPREHENSIVE LAW REQUIRING EQUAL OPPORTUNITY FOR INDIVIDUALS WITH DISABILITIES, WITH BROAD COVERAGE AND SETTING CLEAR, CONSISTENT, AND ENFORCEABLE STANDARDS PROHIBITING DISCRIMINATION ON THE BASIS OF HANDICAP."

THE LEGISLATION I AM INTRODUCING TODAY SEEKS TO DO JUST THAT. IT WILL ESTABLISH A BROAD-SCOPED PROHIBITION OF DISCRIMINATION AGAINST PEOPLE WITH DISABILITIES AND WILL DESCRIBE SPECIFIC METHODS BY WHICH SUCH DISCRIMINATION IS TO BE ELIMINATED. THE BILL HAS BEEN ENDORSED BY MORE THAN 50 NATIONAL ORGANIZATIONS REPRESENTING PEOPLE WITH A WIDE VARIETY OF DISABILITIES. IT IS ALSO SUPPORTED BY THE LEADERSHIP CONFERENCE ON CIVIL RIGHTS, AN UMBRELLA ORGANIZATION REPRESENTING 185 ORGANIZATIONS ACTIVE IN THE AREA OF CIVIL RIGHTS.

AUTHORITIES ON DISABILITY HAVE OFTEN SAID, AND I HAVE QUOTED THEM ON THIS FLOOR BEFORE, THAT THE HISTORY OF SOCIETY'S FORMAL METHODS OF DEALING WITH PEOPLE WITH DISABILITIES CAN BE SUMMED UP IN TWO WORDS: SEGREGATION AND INEQUALITY. PSYCHOLOGIST KENNETH CLARK, WHOSE TESTIMONY ABOUT THE DAMAGING EFFECTS OF SEGREGATION PROVIDED PIVOTAL EVIDENCE IN THE LANDMARK CASE OF BROWN V. BOARD OF EDUCATION, HAS STATED THAT "SEGREGATION IS THE WAY IN WHICH A SOCIETY TELLS A GROUP OF HUMAN BEINGS THAT THEY ARE INFERIOR TO OTHER GROUPS OF HUMAN BEINGS IN THE SOCIETY." AS A SOCIETY, WE HAVE TREATED PEOPLE WITH DISABILITIES AS INFERIORS AND HAVE MADE THEM UNWELCOME IN MANY ACTIVITIES AND OPPORTUNITIES GENERALLY AVAILABLE TO OTHER AMERICANS. SUCH SEGREGATION AND INEQUALITY ARE INSTILLED AND EFFECTUATED THROUGH THE UNFORTUNATE MECHANISM OF DISCRIMINATION.

IS SUCH DISCRIMINATION REALLY A SERIOUS AND WIDESPREAD PROBLEM FOR PERSONS WITH DISABILITIES? EARLIER THIS YEAR, THE NATIONAL COUNCIL ON THE HANDICAPPED COMPLIED WITH ANOTHER OF ITS STATUTORY MANDATES AND ISSUED A FOLLOW-UP REPORT TO CONGRESS AND THE PRESIDENT, TITLED ON THE THRESHOLD OF INDEPENDENCE, IN WHICH IT CALLED DISCRIMINATION "THE NUMBER ONE PROBLEM FACED BY INDIVIDUALS WITH DISABILITIES."

IN AN IN-DEPTH 1983 REPORT ON DISCRIMINATION AGAINST PEOPLE WITH DISABILITIES, ANOTHER INDEPENDENT FEDERAL AGENCY, THE U.S. COMMISSION ON CIVIL RIGHTS, CONCLUDED THAT "DESPITE SOME IMPROVEMENTS....IT PERSISTS IN SUCH CRITICAL AREAS AS EDUCATION, EMPLOYMENT, INSTITUTIONALIZATION, MEDICAL TREATMENT, INVOLUNTARY STERILIZATION, ARCHITECTURAL BARRIERS, AND TRANSPORTATION. THE COMMISSION FURTHER OBSERVED THAT "DISCRIMINATORY TREATMENT OF HANDICAPPED PERSONS CAN OCCUR IN ALMOST EVERY ASPECT OF THEIR LIVES."

IN A NATIONWIDE POLL OF AMERICANS WITH DISABILITIES CONDUCTED IN 1986 BY LOUIS HARRIS AND ASSOCIATES, RESPONDENTS IDENTIFIED A VARIETY OF TYPES OF DISCRIMINATION -- INCLUDING WORKPLACE DISCRIMINATION, DENIALS OF EDUCATIONAL OPPORTUNITIES, LACK OF ACCESS TO PUBLIC BUILDINGS AND BATHROOMS, THE ABSENCE OF ACCESSIBLE TRANSPORTATION AND OTHER FORMS OF SOCIAL OSTRACISM.

NEARLY 15 YEARS AGO, THE CONGRESS TOOK AN IMPORTANT STEP TO BEGIN TO ADDRESS DISCRIMINATION AGAINST PEOPLE WITH DISABILITIES BY ENACTING TITLE V OF THE REHABILITATION ACT OF 1973. PURSUANT TO SECTIONS 503 AND 504 OF THAT ACT, DISCRIMINATION ON THE BASIS OF HANDICAP WAS MADE UNLAWFUL FOR FEDERAL AGENCIES, RECIPIENTS OF FEDERAL FINANCIAL AID AND FEDERAL CONTRACTORS. THERE IS NO DOUBT THAT THESE STATUTES, PARTICULARLY SECTION 504, HAVE HAD A PROFOUNDLY POSITIVE EFFECT IN THE PROGRAMS AND ACTIVITIES THEY COVER. IMPORTANT REGULATIONS HAVE BEEN PROMULGATED AND NUMEROUS LAWSUITS HAVE BEEN FILED, RESULTING IN COURT DECISIONS (A FEW EVEN REACHING THE U.S. SUPREME COURT) THAT HAVE INTERPRETED AND APPLIED THE PROHIBITION OF DISCRIMINATION ON THE BASIS OF HANDICAP.

A FEW WEEKS AGO, WE PASSED THE CIVIL RIGHTS RESTORATION ACT TO MAKE SURE THAT SECTION 504, ALONG WITH CIVIL RIGHTS LAWS PROTECTING RACIAL MINORITIES, WOMEN, AND ELDERLY PEOPLE, WOULD NOT BE RESTRICTED BY THE NARROWED INTERPRETATION OF THEIR SCOPE ENGENDERED BY THE SUPREME COURT'S DECISION IN GROVE CITY COLLEGE V. BELL. THERE SHOULD BE NO DOUBT THAT PERSONS WITH DISABILITIES AND WE IN CONGRESS CONTINUE TO BELIEVE IN THE PARAMOUNT IMPORTANCE OF SECTIONS 503 AND 504, AND WILL STRENUOUSLY RESIST ANY ATTEMPTS TO UNDERCUT THEM. BUT, AT THE SAME TIME, WE MUST RECOGNIZE THAT THE EXISTING STATUTES DO NOT GO FAR ENOUGH TOWARD ESTABLISHING A BROAD LEGAL CONDEMNATION OF THE DISCRIMINATION CONFRONTING PEOPLE WITH DISABILITIES.

SOME HAVE HERALDED SECTION 504 AS "THE CIVIL RIGHTS LAW" FOR PEOPLE WITH DISABILITIES. THE FACT IS, HOWEVER, THAT SECTION 504 ADDRESSES ONLY A FEW OF THE ARENAS IN WHICH DISCRIMINATION OCCURS. SECTION 504 IS INDEED MODELED ON THE LANGUAGE OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964. BUT THAT ACT AND OTHER STATUTES PROTECTING PEOPLE FROM DISCRIMINATION ON THE BASIS OF RACE, COLOR, SEX, RELIGION OR NATIONAL ORIGIN, CONTAIN MANY, MANY OTHER PROVISIONS NOT FOUND IN STATUTES PROTECTING PEOPLE WITH DISABILITIES.

FOR EXAMPLE, THE 1964 ACT PROHIBITS DISCRIMINATION BY EMPLOYERS ENGAGED IN INTERSTATE COMMERCE, IN PLACES OF PUBLIC ACCOMMODATION, BY STATES AND POLITICAL SUBDIVISIONS OF STATES -- WHILE PEOPLE WITH DISABILITIES CURRENTLY HAVE NO SUCH PROTECTION. OTHER STATUTES, CONSTITUTIONAL PROVISIONS, REGULATORY INTERPRETATIONS, AND LONGSTANDING JUDICIAL PRECEDENTS PROHIBIT DISCRIMINATION ON GROUNDS OF RACE, COLOR, SEX, RELIGION, OR NATIONAL ORIGIN IN HOUSING, TRAVEL, AND THE COMMUNICATIONS INDUSTRY. PEOPLE WITH DISABILITIES ARE NOT SIMILARLY PROTECTED.

ON FEBRUARY 1, 1960, FOUR BLACK STUDENTS ENTERED A WOOLWORTH'S STORE IN GREENSBORO, NORTH CAROLINA, PROCEEDED TO THE LUNCH COUNTER, SEATED THEMSELVES, AND ORDERED A CUP OF COFFEE. BY THIS COURAGEOUS ACT, THESE YOUNG MEN INITIATED WHAT WOULD BECOME A SERIES OF SIT-INS AND OTHER FORMS OF CIVIL DISOBEDIENCE CHALLENGING THE RACIAL SEGREGATION OF LUNCH COUNTERS, RESTAURANTS, HOTELS, MOTELS, PARKS, AND OTHER TYPES OF PUBLIC ACCOMMODATIONS. THESE EFFORTS WOULD EVENTUALLY LEAD TO THE ENACTMENT OF TITLE II OF THE CIVIL RIGHTS ACT OF 1964, WHICH PROHIBITS DISCRIMINATION ON THE BASIS OF RACE, COLOR, RELIGION, OR NATIONAL ORIGIN IN PLACES OF PUBLIC ACCOMMODATION.

BECAUSE OF THE PROVISIONS OF TITLE II OF THE 1964 ACT, DISCRIMINATION ON THE GROUNDS OF A PERSON'S RACE, COLOR, RELIGION OR NATIONAL ORIGIN BY AN INN, HOTEL, MOTEL OR OTHER LODGING ESTABLISHMENT; BY ANY RESTAURANT, CAFETERIA, LUNCHROOM, LUNCH COUNTER, SODA FOUNTAIN OR OTHER DINING ESTABLISHMENT; BY ANY GAS STATION; OR BY ANY MOTION PICTURE HOUSE, THEATER, CONCERT HALL, SPORTS ARENA, STADIUM, OR OTHER PLACE OF EXHIBITION OR ENTERTAINMENT, IS UNLAWFUL. YET, TODAY, IT IS NOT UNLAWFUL FOR THESE SAME ESTABLISHMENTS TO EXCLUDE, MISTREAT, OR OTHERWISE DISCRIMINATE AGAINST PEOPLE BECAUSE OF THEIR DISABILITIES.

PEOPLE WITH CEREBRAL PALSY ARE TURNED AWAY FROM RESTAURANTS BECAUSE PROPRIETORS SAY THEIR APPEARANCE WILL UPSET OTHER PATRONS. PEOPLE WHO USE WHEELCHAIRS ARE BLOCKED BY CURBS, STEPS, AND NARROW DOORWAYS FROM GETTING INTO MANY ARENAS, STADIUMS, THEATERS, AND OTHER PUBLIC BUILDINGS. MANY SUCH FACILITIES HAVE DONE NO PLANNING FOR THE USE OF THEIR SERVICES BY PEOPLE WITH HEARING OR VISUAL IMPAIRMENTS.

IT HAS BEEN OVER 30 YEARS SINCE SOME ZOOS AND PARKS WERE CLOSED TO KEEP BLACKS FROM VISITING THEM DURING AT THE PEAK OF CIVIL RIGHTS DEMONSTRATIONS AND BOYCOTTS. YET IT WAS ONLY LAST MONTH THAT THE WASHINGTON POST REPORTED THE STORY OF A NEW JERSEY ZOO KEEPER WHO REFUSED TO ADMIT CHILDREN WITH DOWNS SYNDROME BECAUSE HE FEARED THEY WOULD UPSET THE CHIMPANZEES.

ANOTHER MAJOR EVENT OF THE CIVIL RIGHTS MOVEMENT IN AMERICA OCCURRED ON DECEMBER 1, 1955, WHEN ROSA PARKS REFUSED TO GET UP AND MOVE TO THE BACK OF A BUS, AND WAS PROMPTLY ARRESTED. THIS EVENT TRIGGERED BUS BOYCOTTS, DEMONSTRATIONS, AND EVENTUALLY RESULTED IN HER EXONERATION BY THE SUPREME COURT, WHICH DECLARED THE SEGREGATIONIST REQUIREMENTS UNCONSTITUTIONAL. SUBSEQUENTLY, THE HEORIC "FREEDOM RIDERS" RISKED THEIR LIVES TO ASSERT THEIR RIGHT, ESTABLISHED IN SUPREME COURT DECISIONS AND RULINGS OF THE INTERSTATE COMMERCE COMMISSION, TO BE ALLOWED TO TRAVEL FROM STATE TO STATE, FREE FROM DISCRIMINATION. TODAY, THOSE RIGHTS ARE WELL-ESTABLISHED AND GENERALLY RESPECTED. YET PEOPLE WITH DISABILITIES STILL HAVE TO CHAIN THEMSEVLES TO BUSES AND TO BLOCK THEIR MOVEMENT IN ORDER TO FOCUS THE ATTENTION OF THE TRANSIT INDUSTRY AND THE GENERAL PUBLIC ON THE FACT THAT MOST BUSES ARE INACCESSIBLE TO THEM. "WE AREN'T FORCED TO THE BACK OF THE BUS," THEY SAY, "WE CAN'T GET ON THE BUS AT ALL."

A 1982 SURVEY BY THE GENERAL ACCOUNTING OFFICE FOUND THAT ONE-THIRD OF TRANSIT SYSTEMS OFFERING BUS SERVICE DID NOT HAVE A SINGLE BUS WITH A LIFT. THE SAME STUDY INDICATED THAT NEARLY THREE-FOURTHS OF THE URBAN RAIL STATIONS SURVEYED WERE ALMOST TOTALLY INACCESSIBLE.

EMPLOYMENT DISCRIMINATION WAS A MAJOR TARGET OF THE 1964 CIVIL RIGHTS ACT. TITLE VII OF THAT LAW PROHIBITS DISCRIMINATION ON THE BASIS OF RACE, COLOR, RELIGION, SEX OR NATIONAL ORIGIN, BY EMPLOYMENT AGENCIES, LABOR ORGANIZATIONS, AND JOB TRAINING PROGRAMS, AND BY ANY EMPLOYER ENGAGED IN AN INDUSTRY AFFECTING COMMERCE WHO HAS 15 OR MORE EMPLOYEES. PEOPLE WITH DISABILITIES DO NOT HAVE ANY SIMILAR PROTECTION, EVEN THOUGH THEY ENCOUNTER JOB DISCRIMINATION ALL THE TIME. THE LOUIS HARRIS SURVEY FOUND THAT ONE-FOURTH OF PERSONS WITH DISABILITIES INTERVIEWED REPORTED THAT THEY HAD EXPERIENCED EMPLOYMENT DISCRIMINATION BECAUSE OF

THEIR DISABILITIES. NEARLY HALF OF THOSE INDIVIDUALS WHO DID NOT HAVE JOBS OR WERE EMPLOYED LESS THAN FULL TIME LISTED AS AN IMPORTANT REASON WHY THEY WERE NOT WORKING THE FACT THAT EMPLOYERS WOULD NOT RECOGNIZE THAT THEY WERE CAPABLE OF DOING A FULL-TIME JOB.

SUCH WIDESPREAD DISCRIMINATION AGAINST PERSONS WITH DISABILITIES IN THE WORKPLACE IS A MAJOR REASON FOR THE APPALLING RATE OF JOBLESSNESS AMONG THEM. ACCORDING TO THE HARRIS SURVEY, TWO-THIRDS OF ALL AMERICANS WITH DISABILITIES OF WORKING AGE DO NOT HAVE JOBS. THIS IS THE HIGHEST RATE OF JOBLESSNESS AMONG ANY SIZABLE MINORITY IN THE COUNTRY. YET, THE HARRIS POLL FOUND, MOST OF THEM WANT TO WORK.

A MAJOR TARGET OF CIVIL RIGHTS ADVOCATES IN THE FIFTIES AND SIXTIES WAS OFFICIALLY SANCTIONED DISCRIMINATION -- DISCRIMINATION ENGAGED IN OR EVEN REQUIRED BY STATE AND LOCAL GOVERNMENTS. THROUGH COURT BATTLES AND LEGISLATION, SUCH DISCRIMINATION ON THE BASIS OF RACE, COLOR, SEX, RELIGION OR NATIONAL ORIGIN HAS BEEN MADE ILLEGAL. TITLE II OF THE 1964 CIVIL RIGHTS ACT CONTAINS A SPECIFIC PROVISION THAT PROHIBITS SUCH DISCRIMINATION PURSUANT TO ANY LAW, STATUTE, REGULATION, ORDINANCE, RULE OR ORDER OF A STATE OR LOCAL GOVERNMENT. PEOPLE WITH DISABILITIES DO NOT HAVE SUCH PROTECTION, AND CAN LAWFULLY BE SUBJECTED TO DISCRIMINATION BY STATES AND THEIR POLITICAL SUBDIVISIONS.

TITLE VIII OF THE CIVIL RIGHTS ACT OF 1968 PROHIBITS DISCRIMINATION IN HOUSING ON THE BASIS OF RACE, COLOR, RELIGION, SEX AND NATIONAL ORIGIN. PEOPLE WITH DISABILITIES ARE NOT PROTECTED. AS A RESULT, THEY ARE FREQUENTLY TURNED DOWN FOR APARTMENTS OR HOUSES BECAUSE A LANDLORD OR OWNER OBJECTS TO THEIR DISABILITY. BLIND PEOPLE ARE DENIED HOUSING AND TOLD THAT THEY WOULD BE A FIRE HAZARD. MENTALLY RETARDED PEOPLE ARE REJECTED AS UNFIT TENANTS. PEOPLE WHO USE WHEELCHAIRS OFTEN FIND THAT THEY ARE UNABLE TO LOCATE ANY ACCESSIBLE HOUSING WHATSOEVER. AND DEAF PERSONS SEEKING HOUSING FIND THAT LANDLORDS AND REAL ESTATE AGENTS ARE OFTEN UNWILLING TO MAKE ANY EFFORT TO COMMUNICATE WITH THEM.

ANOTHER AREA IN WHICH PEOPLE WITH DISABILITIES HAVE LESS LEGAL PROTECTION IS THAT OF BROADCASTING AND COMMUNICATIONS. PROVISIONS OF THE COMMUNICATIONS ACT THAT SET A "PUBLIC INTEREST" STANDARD HAVE BEEN INTERPRETED TO INCLUDE A NONDISCRIMINATION REQUIREMENT. HOWEVER, IN THE 1983 CASE OF COMMUNITY TELEVISION OF SOUTHERN CALIFORNIA V. GOTTFRIED (103 S.CT. 885), THE SUPREME COURT REFUSED TO APPLY THIS NONDISCRIMINATION REQUIREMENT TO PEOPLE WITH DISABILITIES, HOLDING THAT A PUBLIC TELEVISION STATION WAS NOT REQUIRED TO PROVIDE CAPTIONED PROGRAMMING. ONCE AGAIN, THE LEGAL PROHIBITIONS OF DISCRIMINATION THAT ARE AVAILABLE TO OTHER GROUPS HAVE NOT BEEN ACCORDED THOSE WITH DISABILITIES.

THE BILL I AM INTRODUCING TODAY AIMS TO CORRECT SUCH DISCREPANCIES. THIS IS CLEARLY STATED IN THE "PURPOSE" SECTION OF THE BILL: "TO PROVIDE A PROHIBITION OF DISCRIMINATION AGAINST PERSONS WITH DISABILITIES PARALLEL IN SCOPE OF COVERAGE WITH THAT AFFORDED TO PERSONS ON THE BASIS OF RACE, SEX, NATIONAL ORIGIN, AND RELIGION." AT THE SAME TIME, THE BILL INTENDS TO MORE CLEARLY DELINEATE WHAT CONSTITUTES DISCRIMINATION ON THE BASIS OF HANDICAP -- IN THE WORDS OF THE ACT, "TO PROVIDE CLEAR, STRONG, CONSISTENT, AND ENFORCEABLE STANDARDS ADDRESSING DISCRIMINATION AGAINST PERSONS WITH DISABILITIES." FOR THIS REASON, A SUBSTANTIAL PORTION OF THE BILL IS DEVOTED TO SPELLING OUT WHAT FORMS OF DISCRIMINATION ARE PROHIBITED, AND GIVING GUIDANCE TO THOSE COVERED BY THE ACT, REGULATORY AGENCIES, AND THE COURTS AS TO HOW THE GENERAL CONCEPT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IS TO BE APPLIED.

THE BILL HAS TEN SECTIONS. THE FIRST IDENTIFIES THE SHORT TITLE OF THE PROPOSED ACT -- "THE AMERICANS WITH DISABILITIES ACT OF 1988." THE SECOND SECTION PRESENTS THE FINDINGS AND PURPOSE

OF THE BILL. THE THIRD SECTION PROVIDES DEFINITIONS OF SOME OF THE KEY TERMS THE BILL USES. MOST ARE BASED UPON THE LANGUAGE OF EXISTING DEFINITIONS IN THE REGULATIONS PROMULGATED UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973. SINCE THEY WERE FIRST PROMULGATED IN 1977, FEDERAL AGENCIES AND THE COURTS HAVE HAD CONSIDERABLE EXPERIENCE IN INTERPRETING AND APPLYING THEM. WE EXPECT THAT THE SUBSTANTIAL BODY OF LAW AND INTERPRETATION DEVELOPED UNDER SECTION 504 WILL BE APPLIED TO CLARIFY THOSE TERMS AND REQUIREMENTS THAT ARE REITERATED IN THIS BILL, EXCEPT, OF COURSE, WHERE PROVISIONS OF THIS BILL INDICATE OTHERWISE. THE DEFINITION OF "PHYSICAL OR MENTAL IMPAIRMENT" IN THIS BILL, FOR EXAMPLE, IS A VERBATIM REPETITION OF THE DEFINITION OF THE SAME PHRASE IN SECTION 504 REGULATIONS. THE DEFINITION OF THE IMPORTANT CONCEPT OF "REASONABLE ACCOMMODATION" IS BASED UPON AN ANALYSIS OF THAT CONCEPT IN ACCOMMODATING THE SPECTRUM OF INDIVIDUAL ABILITIES, A REPORT ISSUED IN 1983 BY THE U.S. COMMISSION ON CIVIL RIGHTS. THE FOCUS OF THIS DEFINITION IS UPON MAKING INDIVIDUALIZED MODIFICATIONS TO ENABLE THE PARTICIPATION OF AN INDIVIDUAL WITH A DISABILITY.

SECTION 4 OF THE BILL TELLS WHAT PERSONS AND AGENCIES ARE COVERED BY THE BILL, I.E., WHO IS PROHIBITED FROM DISCRIMINATING. PARALLELING RIGHTS GUARANTEED TO OTHERS, IT APPLIES TO EMPLOYERS, EMPLOYMENT AGENCIES, LABOR ORGANIZATIONS, AND JOB TRAINING PROGRAMS SUBJECT TO TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 AND TO HOUSING COVERED BY TITLE VIII OF THE ACT; TO PUBLIC ACCOMMODATIONS SUBJECT TO TITLE II; TO TRANSPORTATION SERVICES; TO STATES AND AGENCIES AND POLITICAL SUBDIVISIONS OF THE STATES; AND TO BROADCASTS, COMMUNICATIONS AND TELECOMMUNICATIONS SERVICES.

SECTION 4 ALSO CONTAINS PROVISIONS MAKING EXPLICIT THAT THE ACT SHALL NOT UNDERCUT THE REQUIREMENTS OF TITLE V OF THE REHABILITATION ACT (WHICH INCLUDES SECTION 504) AND REGULATIONS ISSUED THEREUNDER, NOR SHALL UNDERCUT THE REQUIREMENTS OF ANY OTHER FEDERAL LAW OR A STATE OR LOCAL LAW THAT PROVIDES GREATER PROTECTION AGAINST DISCRIMINATION.

SECTION 5 DELINEATES THE "FORMS OF DISCRIMINATION" THAT ARE MADE UNLAWFUL. PARAGRAPH 5(A)(1) INCORPORATES THOSE FORMS OF DISCRIMINATION LISTED IN EXISTING SECTION 504 REGULATIONS. CONSISTENT WITH THE SUPREME COURT'S DECISION IN ALEXANDER V. CHOATE, THESE PROVISIONS ENCOMPASS BOTH INTENTIONAL AND UNINTENTIONAL ACTS OF DISCRIMINATION. PARAGRAPHS 5(A)(2), (3), AND (4) DELINEATE CLEAR REQUIREMENTS FOR THE REMOVAL OF THREE FORMS OF DISCRIMINATION. RESPECTIVELY, THEY DEAL WITH THE REMOVAL OF ARCHITECTURAL, TRANSPORTATION, AND COMMUNICATION BARRIERS; THE RENDERING OF REASONABLE ACCOMMODATIONS TO PERMIT THE PARTICIPATION OF AN INDIVIDUAL WITH A DISABILITY; AND THE ELIMINATION OF STANDARDS AND CRITERIA THAT SCREEN OUT PEOPLE WITH DISABILITIES, UNLESS THEY ARE NECESSARY AND CAN BE SHOWN TO RELATE TO THE ABILITY TO PERFORM OR PARTICIPATE.

PART (B) OF SECTION 5 MAKES CLEAR THAT CERTAIN CONDUCT DOES NOT CONSTITUTE DISCRIMINATION ON THE BASIS OF HANDICAP. FIRST, WHETHER OR NOT A PERSON HAS A PHYSICAL OR MENTAL IMPAIRMENT, IT IS NOT DISCRIMINATION PROHIBITED BY THIS BILL TO EXCLUDE OR OTHERWISE TREAT THE PERSON DIFFERENTLY FOR REASONS WHOLLY UNRELATED TO AN IMPAIRMENT, PERCEIVED IMPAIRMENT, OR RECORD OF IMPAIRMENT. THUS, IT WOULD BE PERMISSIBLE TO REFUSE TO HIRE A PERSON WHO USES A WHEELCHAIR FROM A JOB AS A PROOFREADER BECAUSE THE PERSON HAS POOR SPELLING SKILLS. SECONDLY, IT MAY BE PERMISSIBLE TO DENY AN OPPORTUNITY OR TREAT A PERSON UNEQUALLY THROUGH THE APPLICATION OF CRITERIA OR STANDARDS THAT ARE NECESSARY AND SUBSTANTIALLY RELATED TO THE ABILITY TO PERFORM OR PARTICIPATE IN ESSENTIAL COMPONENTS OF A JOB OR ACTIVITY. FOR EXAMPLE, IT MAY BE PERFECTLY PROPER TO EXCLUDE PEOPLE WITH INSUFFICIENT VISION FROM SUCH JOBS AS BUS DRIVER OR AIR TRAFFIC CONTROLLER.

SECTION 6 OF THE BILL ADDRESSES DISCRIMINATION IN HOUSING. THIS SECTION INCORPORATES IDENTICAL PROVISIONS TO THOSE CURRENTLY

UNDER CONSIDERATION AS ADDITIONS TO THE FEDERAL FAIR HOUSING ACT. A MAJOR FOCUS OF THESE PROVISIONS IS UPON CERTAIN MODEST FEATURES OF UNIFORM ACCESSIBILITY IN FUTURE HOUSING CONSTRUCTION. AS CONGRESS CONTINUES TO CONSIDER PROPOSED AMENDMENTS TO ADD DISABILITY TO THE COVERAGE OF THAT ACT, WE HOPE TO EXAMINE ANY REFINEMENTS OF SUCH LANGUAGE FOR INCORPORATION INTO THIS BILL. IF FAIR HOUSING ACT AMENDMENTS THAT ADD DISABILITY AND ACCOMPLISH THE AIMS OF THIS SECTION ARE ENACTED, IT WOULD BE REDUNDANT AND COULD BE REMOVED.

SECTION 7 ESTABLISHES LIMITATIONS ON THE DUTIES TO REMOVE BARRIERS AND TO MAKE REASONABLE ACCOMMODATIONS. FIRST, A PARTICULAR BARRIER DOES NOT HAVE TO BE REMOVED OR A PARTICULAR ACCOMMODATION MADE IF TO DO SO WOULD EITHER FUNDAMENTALLY ALTER THE NATURE OF THE BUSINESS OR PROGRAM, OR WOULD THREATEN ITS EXISTENCE. HOWEVER, THERE WOULD STILL BE AN OBLIGATION TO MAKE OTHER ACCOMMODATIONS OR TAKE OTHER ACTIONS TO PERMIT PARTICIPATION.

THE SECOND THING THAT SECTION 7 DOES IS TO CLARIFY THAT BARRIER REMOVAL INVOLVING SUBSTANTIAL MODIFICATIONS TO EXISTING BUILDINGS AND FACILITIES DOES NOT HAVE TO BE DONE OVERNIGHT. GENERALLY, SUCH MODIFICATIONS ARE TO BE PERFORMED WITHIN A REASONABLE PERIOD OF TIME NOT TO EXCEED TWO YEARS FROM THE BILL'S EFFECTIVE DATE, BUT REGULATIONS PROMULGATED UNDER THE ACT CAN PERMIT UP TO FIVE YEARS FOR PARTICULAR TYPES OF BUILDINGS AND FACILITIES WHERE COMPLIANCE MAY TAKE MORE TIME.

SECTION 7 ALSO ADDRESSES THE REMOVAL OF BARRIERS ENTAILING SUBSTANTIAL MODIFICATIONS TO THE PLATFORMS AND STATIONS OF MASS TRANSPORTATION FACILITIES. FOR COMPLETION OF THIS TYPE OF MODIFICATION, REGULATIONS PROMULGATED UNDER THE ACT MAY ALLOW UP TO TEN YEARS.

SECTION 8 DEALS WITH THE PROMULGATION OF REGULATIONS. IN THREE AREAS -- EMPLOYMENT, TRANSPORTATION AND TELEVISION BROADCASTING -- IT PROVIDES MORE DETAIL AS TO WHAT SUCH REGULATIONS ARE TO INCLUDE. WITH REGARD TO EMPLOYMENT, IT MAKES CLEAR THAT REGULATIONS SHOULD NOT BE LIMITED TO HIRING PROCEDURES BUT SHOULD ENCOMPASS THE FULL SPECTRUM OF TERMS, CONDITIONS, AND PRIVILEGES OF EMPLOYMENT; THE EMPLOYMENT PROVISIONS ALSO REITERATE STANDARDS REGARDING PREEMPLOYMENT INQUIRIES AND MEDICAL EXAMINATIONS FOUND IN CURRENT SECTION 504 REGULATIONS.

WHERE TRANSPORTATION IS CONCERNED, REGULATIONS ARE TO INCLUDE REQUIREMENTS REGARDING THE FUTURE PURCHASE AND OTHER ACQUISITION OF ACCESSIBLE VEHICLES; WITHIN SEVEN YEARS AFTER THE EFFECTIVE DATE OF THIS ACT, AT LEAST 50 PERCENT OF THE PEAK FLEET OF VEHICLES AND ROLLING STOCK SHALL BE ACCESSIBLE. FOR TELEVISION BROADCASTING, THE REGULATIONS SHALL ESTABLISH "REQUIREMENTS FOR PROGRESSIVELY INCREASING PROPORTION OF PROGRAMS, ADVERTISEMENTS, AND ANNOUNCEMENTS THAT ARE CAPTIONED." THIS PERMITS CERTAIN FLEXIBILITY WHEREBY THE FEDERAL COMMUNICATIONS COMMISSION IN NEGOTIATION WITH THE BROADCAST INDUSTRY AND THE DISABILITY COMMUNITY CAN DETERMINE REALISTIC CRITERIA FOR CONTINUOUSLY INCREASING THE PROPORTION OF CAPTIONED TELECASTS.

SECTION 9 ESTABLISHES THE PROCEDURAL AND ENFORCEMENT MECHANISMS FOR ADDRESSING ALLEGED VIOLATIONS OF THE ACT. THE ENFORCEMENT PROCEDURES ARE SIMILAR TO THOSE AVAILABLE UNDER THE 1964 CIVIL RIGHTS ACT AND INCLUDE ADMINISTRATIVE REMEDIES, A PRIVATE RIGHT OF ACTION IN FEDERAL COURT, MONETARY DAMAGES, INJUNCTIVE RELIEF, ATTORNEYS' FEES, AND CUTOFFS OF FEDERAL FUNDS.

SECTION 10 OF THE BILL PROVIDES THAT THE ACT SHALL BECOME EFFECTIVE UPON THE DATE OF ITS ENACTMENT.

THE FOREGOING IS A BRIEF SKETCH OF THE BILL. I BELIEVE ITS PASSAGE WILL CONSTITUTE A CLEAR AND BROAD STATEMENT BY OUR SOCIETY THAT DISCRIMINATION ON THE BASIS OF HANDICAP IS JUST AS INTOLERABLE AS OTHER TYPES OF DISCRIMINATION THAT OUR CIVIL RIGHTS LAWS FORBID. THE BILL CERTAINLY CANNOT BE CONSIDERED

OVERREACHING -- FOR IT COVERS ONLY THE SAME PROGRAMS AND BUSINESSES WHICH ARE ALREADY PROHIBITED FROM OTHER TYPES OF DISCRIMINATION.

SOME MAY FEAR THAT THE BILL WILL CREATE REQUIREMENTS THAT ARE UNREALISTICALLY EXPENSIVE. THERE ARE SEVERAL ANSWERS TO QUESTIONS ABOUT COSTS. FIRST, IT MUST BE ASKED: HOW MUCH IS TOO MUCH TO PAY FOR EQUALITY? CAN WE ESTABLISH AN ACCEPTABLE PRICE TAG FOR CIVIL RIGHTS? SECOND, EXPERIENCE SUGGESTS THAT THE COSTS OF MODIFICATIONS ARE USUALLY MUCH LESS THAN MIGHT BE FEARED BY THOSE UNFAMILIAR WITH THE ISSUES. WIDER DOORWAYS AND RAMPS ARE NOT PARTICULARLY EXPENSIVE, AND EVEN MODIFICATIONS TO BATHROOMS AND LIFTS CAN BE SECURED AT RELATIVELY MODEST PRICES. AND MANY COMMUNICATION DEVICES ARE QUITE REASONABLE IN COST. A TELECOMMUNICATIONS DEVICE FOR THE DEAF (TDD), WHICH ENABLES DEAF PEOPLE TO USE THE TELEPHONE, CAN BE PURCHASED FOR ABOUT \$150.

AS WE CONSIDER COSTS, IT IS IMPORTANT TO BEAR IN MIND THAT THE FEDERAL TAX CODE PERMITS BUSINESSES TO TAKE AN ANNUAL DEDUCTION OF UP TO \$35,000 FOR EXPENDITURES ENTAILED IN REMOVING BARRIERS TO PEOPLE WITH DISABILITIES.

A HARRIS POLL OF EMPLOYERS FOUND THAT THREE OUT OF FOUR MANAGERS INTERVIEWED BELIEVED THE AVERAGE COSTS OF HIRING A PERSON WITH A DISABILITY TO BE ABOUT THE SAME AS THAT OF EMPLOYING A NONDISABLED PERSON. A 1982 STUDY BY THE DEPARTMENT OF LABOR CONCLUDED THAT ACCOMMODATING FOR DISABILITIES IS "NO BIG DEAL." THIS CONFIRMS THE EXPERIENCES OF MAJOR U.S. CORPORATIONS, SUCH AS DUPONT, WHICH REPORT THAT WORKPLACE ACCOMMODATIONS FREQUENTLY COST LITTLE OR NOTHING.

LIKEWISE, THE EXPENSE ASSOCIATED WITH ACCESSIBILITY FEATURES FOR NEW HOUSING ARE RELATIVELY SMALL. ESTIMATES ARE THAT, AT MOST, SUCH REQUIREMENTS WOULD ENTAIL 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." AND SUCH COSTS ARE EXPECTED TO DECLINE EVEN FURTHER ONCE THEY BECOME UNIFORM WITHIN THE HOUSING INDUSTRY.

THE REQUIREMENTS REGARDING ACCESSIBILITY OF NEW VEHICLES AND ROLLING STOCK OF TRANSPORTATION AGENCIES ARE NOT EXTRAVAGANT. OFTEN THE ISSUE RESOLVES ITSELF INTO A QUESTION OF PURCHASING SLIGHTLY FEWER ACCESSIBLE VEHICLES VERSUS A SLIGHTLY GREATER NUMBER OF INACCESSIBLE ONES. TAKING BUSES AS AN EXAMPLE, ALTHOUGH COSTS CAN VARY, A LIFT ON A NEW BUS CURRENTLY COSTS ABOUT 6 TO 9 PERCENT OF THE TOTAL PRICE TAG. THUS, FOR THE SAME OUTLAY, A COMPANY CAN EITHER PURCHASE TEN ACCESSIBLE BUSES OR ELEVEN BUSES WITHOUT LIFTS.

PERHAPS THE MOST DIFFICULT AND COSTLY MODIFICATIONS CONTEMPLATED ARE THOSE ASSOCIATED WITH EXISTING STATIONS AND PLATFORMS OF MASS TRANSIT SYSTEMS. BUT I WOULD REITERATE THAT THE BILL DOES ALLOW THESE CHANGES (AND CONSEQUENTLY THEIR COSTS) TO BE SPREAD OVER A PERIOD OF UP TO TEN YEARS. THE ACT DOES NOT NAIVELY DEMAND 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 ANY TRANSPORTATION OPERATOR.

IN SHORT, THE COSTS ASSOCIATED WITH THIS BILL ARE A SMALL PRICE TO PAY FOR OPENING UP OUR SOCIETY TO PERSONS WITH DISABILITIES. INDEED, THE COSTS TO THIS NATION OF DISCRIMINATION AGAINST PERSONS WITH DISABILITIES ARE STAGGERING. OVER \$60 BILLION 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 PERCENT OF WHAT WE SPEND ON DISABILITY GOES TO MAINTAINING PEOPLE IN DEPENDENT SITUATIONS. ALL TAXPAYERS ARE UNDERWRITING THE INACTIVITY AND WASTE OF RESOURCES OF PEOPLE WITH DISABILITIES WHO ARE NOT PERMITTED THE OPPORTUNITY TO BE EMPLOYED AND

SELF-SUFFICIENT. THE COSTS TO OUR SOCIETY OF DISCRIMINATION -- IN ECONOMIC AS WELL AS HUMANITARIAN TERMS -- ARE MUCH GREATER THAN THE COSTS OF ELIMINATING SUCH DISCRIMINATION.

I ALSO WANT TO CLARIFY MY UNDERSTANDING OF THE CONCEPT OF ACCESSIBILITY AS IT IS REQUIRED UNDER THIS BILL, SO THAT NO ONE EXAGGERATES OR MISINTERPRETS ITS MEANING. A BASIC PREMISE OF THE BILL IS THAT WHENEVER ANYONE CONSTRUCTS, RENOVATES, RENTS, PURCHASES, OR OTHERWISE ACQUIRES A BUILDING OR FACILITY WITHOUT PROVIDING FOR THE USE OF IT BY PERSONS WITH DISABILITIES, THEN THAT PERSON OR AGENCY IS COMMITTING AN ACT THAT DENIES EQUAL OPPORTUNITIES TO THESE INDIVIDUALS. RECOGNIZING, HOWEVER, THAT SUCH DISCRIMINATION HAS PERMEATED OUR SOCIETY THROUGHOUT ITS HISTORY, AND IS BUILT INTO MUCH OF OUR ENVIRONMENT, THIS ACT DOES NOT SEEK TO ENGENDER TOTAL ACCESSIBILITY IMMEDIATELY AND EVERYWHERE.

IT DOES PLACE SOME DEFINITE REQUIREMENTS FOR ACCESSIBILITY UPON SOME FACILITIES AND BUILDINGS SUBJECT TO THE ACT. IT ALSO ALLOWS REASONABLE PERIODS OF TIME FOR THIS ACCESSIBILITY TO BE ACHIEVED. THE FOLLOWING ARE THE REQUIREMENTS THE BILL INTENDS TO ESTABLISH:

GENERALLY. PURSUANT TO PARAGRAPH 5(A)(2), IT IS DISCRIMINATORY TO ESTABLISH OR FAIL TO REMOVE ANY ARCHITECTURAL, TRANSPORTATION, OR COMMUNICATION BARRIER THAT PREVENTS THE ACCESS OR LIMITS THE PARTICIPATION OF PERSONS WITH DISABILITIES. THIS IS NOT INTENDED TO MEAN NOR SHOULD IT BE INTERPRETED TO IMPOSE A REQUIREMENT THAT EVERY ENTRANCE OR EVERY PORTION OF A BUILDING OR FACILITY HAS TO BE MADE ACCESSIBLE. IT DOES MEAN THAT A PERSON WITH A DISABILITY HAS TO BE ABLE TO GAIN READY ACCESS TO THE BUILDING OR FACILITY, AND TO PARTICIPATE FULLY AND ON AN EQUAL BASIS IN WHATEVER SERVICES OR ACTIVITIES ARE CONDUCTED ON THE PREMISES. WITHIN EACH BUILDING OR FACILITY INCLUDED IN THE COVERAGE OF THE ACT, THE SERVICES PROVIDED OR THE PROGRAMS AVAILABLE MUST BE ACCESSIBLE AND READILY USABLE BY A PERSON WITH A DISABILITY.

THESE GENERAL ACCESSIBILITY REQUIREMENTS MAY NECESSITATE SOME MODIFICATIONS OF EXISTING STRUCTURES. THE ACT ALLOWS UP TO TWO YEARS FOR THE MAKING OF SUBSTANTIAL MODIFICATIONS TO BUILDINGS AND FACILITIES, BUT WHERE SUCH MODIFICATIONS ARE MORE DIFFICULT, REGULATIONS MAY PERMIT UP TO FIVE YEARS.

HOUSING. HERE THE MAJOR FOCUS IS UPON ACCESSIBILITY REQUIREMENTS IN FUTURE CONSTRUCTION OF MULTIFAMILY DWELLING UNITS. THEY DO NOT REQUIRE THE ADDING OF ELEVATORS TO BUILDINGS WITHOUT THEM, NOR DO THEY REQUIRE ANY RAMPING FOR ACCESS TO UPPER FLOORS WHERE NO ELEVATOR IS PRESENT. BEGINNING WITH UNITS CONSTRUCTED FOR OCCUPANCY MORE THAN 24 MONTHS AFTER THE EFFECTIVE DATE OF THE ACT, IT CALLS FOR THE ACCESSIBILITY OF PUBLIC AND COMMON USE PORTIONS OF SUCH UNITS, REQUIRES THAT ALL DOORS INTO AND WITHIN THE PREMISES SHALL BE SUFFICIENTLY WIDE TO ACCOMMODATE WHEELCHAIRS, AND SPECIFIES THAT SUCH PREMISES SHALL COMPLY WITH BASIC UNIVERSAL FEATURES OF ADAPTIVE DESIGN. THESE ARE LOW-COST FEATURES INCLUDING WIDE DOORWAYS, MODIFICATIONS OF BATHROOM LAYOUTS, REINFORCEMENT OF BATHROOM WALLS, AND PLACEMENT OF SWITCHES AND THERMOSTATS AT CONVENIENT HEIGHTS. AS NOTED ABOVE, THESE ARE MODEST REQUIREMENTS NOT VIEWED AS EXTREME BY THE HOUSING INDUSTRY.

TRANSPORTATION. SPECIAL STATUTORY REQUIREMENTS WOULD BE ESTABLISHED BY THE BILL IN REGARD TO TRANSPORTATION SERVICES. FIRST, WHERE SUBSTANTIAL MODIFICATIONS TO EXISTING PLATFORMS AND STATIONS OF MASS TRANSPORTATION SYSTEMS ARE NECESSARY, REGULATIONS PERMIT UP TO TEN YEARS FOR SUCH MODIFICATIONS TO BE COMPLETED. SECONDLY, THE REQUIREMENTS REGARDING VEHICLES AND ROLLING STOCK FOCUS UPON FUTURE PURCHASES OF ACCESSIBLE VEHICLES AND ROLLING STOCK. RETROFITTING OR MODIFICATION OF EXISTING VEHICLES AND ROLLING STOCK WOULD BE REQUIRED ONLY WHERE PURCHASES ARE INSUFFICIENT, WITHIN 7 YEARS' TIME, TO BRING THE PEAK FLEET UP TO 50 PERCENT ACCESSIBILITY.

LIMITATIONS. BARRIER REMOVAL DOES NOT HAVE TO BE ACCOMPLISHED IF TO DO SO WOULD FUNDAMENTALLY ALTER OR THREATEN THE EXISTENCE OF THE PARTICULAR BUSINESS OR PROGRAM.

MOREOVER, IT IS IMPORTANT TO RECOGNIZE THAT THE REQUIREMENTS OF THIS BILL, INCLUDING THE ACCESSIBILITY REQUIREMENTS, ONLY APPLY TO THOSE BUILDINGS AND FACILITIES ENCOMPASSED WITHIN THE COVERAGE OF THE ACT. THE SMALLEST BUSINESSES ARE NOT COVERED BY THE EMPLOYMENT PROVISIONS; ONLY EMPLOYERS WITH 15 OR MORE EMPLOYEES ARE COVERED. LIKEWISE, SINGLE FAMILY HOMES AND SMALL HOUSING UNITS SUCH AS DUPLEXES ARE NOT WITHIN THE COVERAGE OF THE HOUSING PROVISIONS. THE BROADEST CATEGORIES OF BUILDINGS AND FACILITIES SUBJECT TO ACCESSIBILITY REQUIREMENTS UNDER THE BILL ARE PUBLIC ACCOMMODATIONS AND PUBLIC BUILDINGS OF STATE AND LOCAL GOVERNMENTS. AND FOR BOTH OF THESE CATEGORIES, SIMPLE JUSTICE ARGUES STRONGLY FOR REQUIRING THE REMOVAL OF BARRIERS THAT EXCLUDE OR LIMIT THE PARTICIPATION OF PEOPLE WITH DISABILITIES.

PRESIDENT THEODORE ROOSEVELT ONCE DECLARED THAT "OUR COUNTRY CALLS NOT FOR THE LIFE OF EASE, BUT FOR THE LIFE OF STRENUOUS ENDEAVOR." HE WOULD HAVE BEEN PLEASED BY THE VISION THAT ONE DISTINGUISHED INDIVIDUAL WITH A DISABILITY, DR. HENRY VISCARDI, A FORMER MEMBER OF THE NATIONAL COUNCIL ON THE HANDICAPPED, STATED ON BEHALF OF HIS FELLOW AMERICANS WITH DISABILITIES:

I DO NOT CHOOSE TO BE A COMMON MAN. IT IS MY RIGHT TO BE UNCOMMON -- IF I CAN. I SEEK OPPORTUNITY -- NOT SECURITY. I DO NOT WISH TO BE A KEPT CITIZEN, HUMBLLED AND DULLED BY HAVING THE STATE LOOK AFTER ME. I WANT TO TAKE THE CALCULATED RISK; TO DREAM AND TO BUILD, TO FAIL AND TO SUCCEED. I REFUSE TO BARTER INCENTIVE FOR A DOLE....IT IS MY HERITAGE TO STAND ERECT, PROUD AND UNAFRAID; TO THINK AND ACT FOR MYSELF, ENJOY THE BENEFIT OF MY CREATIONS AND TO FACE THE WORLD BOLDLY AND SAY, THIS I HAVE DONE. FOR OUR DISABLED MILLIONS, FOR YOU AND ME, ALL THIS IS WHAT IT MEANS TO BE AN AMERICAN.

FOR ALL PEOPLE WITH DISABILITIES WITH SUCH SPIRIT, AND THEY ARE LEGION, A MAJOR STUMBLING BLOCK IS THE DISCRIMINATION THEY ENCOUNTER AS THEY PURSUE THE CHALLENGES OF LIFE. IT IS HIGH TIME THAT WE AS A SOCIETY FORMALLY AND FORCEFULLY PROHIBIT THE DISCRIMINATION THAT IS THE GREATEST HANDICAP TO AMERICANS WITH DISABILITIES.

ONCE AGAIN, I WANT TO COMMEND THE NATIONAL COUNCIL ON THE HANDICAPPED FOR ITS FINE WORK IN DEVELOPING THIS LEGISLATION. AS WITH ANY MAJOR CIVIL RIGHTS LEGISLATION, IT WILL MOST CERTAINLY BE THE SUBJECT OF EXTENSIVE EXAMINATION AND POSSIBLE MODIFICATIONS. I LOOK FORWARD TO WORKING WITH MY COLLEAGUES, THE COUNCIL, AND THE 37 MILLION AMERICANS WITH DISABILITIES AS WE MOVE DOWN THIS DIFFICULT ROAD TOGETHER.

I ASK UNANIMOUS CONSENT THAT THE BILL BE PRINTED IN ITS ENTIRETY IN THE RECORD AT THIS POINT.