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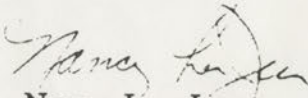
March 28, 1989

TO: House Education and Labor
Attention: Pat Morrissey

FROM: American Law Division

SUBJECT: Questions on Draft Americans with Disabilities Act Bill

The enclosed list contains questions, prepared at your request, which could be posed to the drafters of the proposed Americans with Disabilities Act (ADA). We hope this is useful to you.


Nancy Lee Jones
Legislative Attorney

QUESTIONS ON THE DRAFT AMERICANS WITH DISABILITIES BILL

1. The ADA version introduced last Congress contained several general definitions of terms such as "reasonable accommodation," and "physical and mental impairment." These are not included in the general section in the draft bill, although "reasonable accommodation" is defined for the purposes of employment. What difference did you intend by not including these terms in a general definition section?

2. The coverage of employment in the draft bill contains an exception for a "bona fide private membership club (other than a labor organization) that is exempt from taxation under section 501(c) of the Internal Revenue Code of 1986." What would be some examples of the types of organizations excluded?

3. In section 205 of the draft bill, the remedies, and procedures of sections 706 and 707 of the Civil Rights Act of 1964 and the remedies and procedures of 42 U.S.C. sec. 1981 and made available to individuals who believe that they are being discriminated against in violation of any provision of the act. What are the differences you intended by including this language rather than the language in the ADA version from last Congress? Section 305 of the draft bill provides that the remedies, procedures and rights set forth in section 505 of the Rehabilitation Act shall be similarly available. What is the relationship between sections 205 and 305 of the draft bill and what was your rationale for inclusion of both provisions?

4. Section 303 of the draft bill contains a general rule providing that it shall be considered discriminatory for the purposes of the act and section 504 to purchase certain vehicles if they are not accessible. To what extent would this language, and similar language in other sections of the bill, change the present interpretation of section 504?

5. What is the relationship in the draft bill regarding mass transportation accessibility and paratransit?

6. Title III of the draft bill covers public services while title IV covers public accommodations and services operated by private entities. What are the differences in applicable discrimination standards in these sections?

7. Section 405 of the draft bill discusses enforcement mechanisms and applies various sections of the Fair Housing Act. What is the scope of this enforcement coverage and can you include some examples of situations which might be covered by the exception contained in section 405.

8. Title V of the draft bill covers telecommunications relay services while the bill from the 100th Congress covered communication more generally. What are the precise distinctions in coverage between the draft bill and H.R. 4498? Would the general provisions relating to discrimination contained in title I of the draft bill essentially cover the more general forms of

communication discrimination that were more specifically delineated in the bill from the 100th Congress?