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Folder Title:
National Disability Policy Review: Work Group Materials: Guiding Principles

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S	97	3	1	2

List -
we have to sign-off on these in
the next day or so

DATE: Mon Mar 27 12:35:42 1995

FAX TO: Diana Fortuna

FROM: Bob Williams, ADD FAX:202-401-9507 PH:202-690-6590

SUBJECT: PRINCIPLES REWRITE

FAXED FROM THE US NETWORK!

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----- MESSAGE -----

HERE IS A REVISED VERSION OF THE PRINCIPLES BASED ON SOME
EXCELLENT SUGGESTIONS OF THEA. WHAT DO OTHERS THINK? THANK YOU.

As President Clinton has stated, "Having a disability does not
diminish one's right to participate in all aspects of mainstream
society." In the United States, it is estimated that:

One in five Americans (43 million) experiences a disability;

One in ten Americans (25 million) is temporarily disabled at any
one time;

Nearly one in three Americans over age 65 (11.2 Million) has a
disability; and,

African Americans, Hispanic Americans, Native Americans and low
income Americans are more likely to have a disability.

Everyday in our country persons with disabilities are exceeding
the expectations which our society has set for them. In doing
so, individuals with disabilities are redefining what it means to
be a fully participating member of the American community.

Indeed. Americans with disabilities and their families often are

in the vanguard of those calling for a New Covenant with their government. They no longer want to be taken care of by anyone, least of all government. Instead, they expect government at every level to work alongside ~~of~~ them to strengthen policies and programs which increase their personal and economic independence while removing barriers which continue to infringe upon their rights and abilities to lead responsible, productive lives.

Accordingly, ^{and OMB} President Clinton[✓] has directed the Domestic Policy Council to "craft policies of inclusion, independence and empowerment that will inspire positive changes in this country and in nations around the world". The purpose of this comprehensive Policy Review, therefore, is to carry out the President's charge by:

- o Analyzing how Federal policies and programs currently affect Americans with disabilities and their families; and,

- o Recommending ways to craft a more coherent set of policies which will result in the greater inclusion, independence and empowerment of all people with disabilities in our nation.

The principles that guide this analysis and inform its recommendations must be rooted in the same ideals that underpin the rights and responsibilities of all Americans. We, therefore, believe it is in the National interest that federal policies, programs, benefits and activities affecting individuals with disabilities be designed and implemented to:

- o End discrimination against Americans with disabilities of all ages, genders, ethnic backgrounds and income levels in employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, access to public services and other areas through the full enforcement of all civil rights laws and the Constitution.

- o Assure that all public policy, programs ^{and?} and activities foster greater equal opportunity, independence, ^{and?} the full participation and economic self-sufficiency of every member of the public, including persons with disabilities.

- o Take effective steps to remedy the links and inequities based upon disability, minority status, and poverty in our country.] new

- o Create universal access to (the National Information Infrastructure and other) vital emerging technologies.] new

- o Affirm and support the efforts of families with children with disabilities to raise their sons and daughters at home and to include them in every facet of family and community life.

- o Maximize the ability and opportunity of all individuals, regardless of the level of their disability or age, to live in the community as full, participating members of their families.

- o Assure that assistance or services provided to people with disabilities ~~are~~ carried out in a manner consistent with their strengths, resources, priorities, concerns, and abilities.

- o Afford States and local governments flexibility in delivering community services, provided that people with disabilities and their families have a lead role in designing, overseeing and evaluating those services which affects them most.

- o Stimulate public-private partnerships which demonstrate and

disseminate new ideas, knowledge and practices that promote the inclusion of all people with disabilities in their homes, in public schools, in the workplace and in all aspects of community life.

o Make it pay for such individuals to work by creating incentives rather than disincentives to work and to pursue careers.

Our Nation's greatness rests with its people's potential to make the most of their lives and thereby shape the future of the rest of the country. Americans with disabilities represent an enormous reservoir of such potential. To tap this potential and power, we must heed the President's urgent call to action:

"We must not rest until America has a national disability policy based on three simple creeds: inclusion, not exclusion; independence, not dependence; and empowerment, not paternalism." Bill Clinton, 1992

March 9, 1995

Elizabeth,

In talking with members of the disabled community, one issue was raised that I do not believe is in the current draft guiding principles.

The issue concerns the use of technology. It has been suggested to me that we include a statement to the effect that future technology should consider "universal" designs that would allow greater, consistent access to the disabled.

I do not know how this concept would work in the marketplace, but I believe it is worth serious consideration.

Thanks.



690 6904

Kate W.

FAX COVER PAGE

Date: Mon Feb 27 22:27:22 GMT 1995

Destination Fax: +1 202 456 7028

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Subject: MEADE INPUT WHITEHOUSE POLICY PAPER

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TO: Bob Williams, re Internet & fax; Diana Fortuna, Nat Disability Policy Review; Under Secretary Jim Lyons, Re USDA file. Please find enclosed my rough draft edits as discussed at the last National Disability Policy Review meeting. I've simply enclosed my edits in the draft document distributed, in context. I've started my edits with a *. Also I've attached several background papers you are welcome to extract from as well. (I have many more we've compiled and written over the past five years, let me know if you need them!) I would like again to offer my personal thanks to the opportunity to participate in this effort. I was very pleased with the interaction at the 2/22 meeting.

Joe meade Document Attached

Content-Type: text
 Content-Length: 00000032931

"ACCESS" AMERICA'S GREAT OUTDOORS

SPEED MEMO

FROM: Joe Meade
 TO: Diana Fortuna; Bob Williams

SUBJECT: Input, Re Guiding Principles

Diana and Bob,
 Please excuse my informal method of input/responce -- i hope this is of value. I do not have an electronic copy of the Guiding Principles, as yet, so i had my staff key this handout in to the computer so I could offer you some thoughts and ideas.
 I will insert my ideas in the text of this handout proceeded with a "*". ALSO attached to the back of the document is some text I have written, which may have some value to consider.
 If timing is such, and this input is to late, that is ok as well. Please feel welcome to use any of this input in any way you see it might serve value as part of our teams effort.

Joe meade, USDA Forest Service
 Recreation, Heritage, and Wilderness Developed Sites & Accesibility

NDPRT
 2/22/95

Guiding Principles Discussion

The comments and suggestions below were generated by representatives of the disability advocacy community in response to the draft of the Guiding Principles (1/8/95). The responses outlined represent a synthesis of input from approximately 30 individuals participating in two meetings held within the past week. Our goal today is to review and discuss this input. It is our expectation that this afternoon's discussion will result in consensus of the full Policy Review Team leading to a final document.

I. PRINCIPLES: Consensus on the following:

1. A context is needed, which may be set out in a preamble. This should succinctly describe the following"

the history and evolving nature of the disability movement; identify the numbers of individuals with disabilities and the % of America's families this represents; that disability is a part of life and that at some point or another most families are likely to utilize the protections and services specific to individuals with disabilities as well as the unpredictable nature of the onset of disability; the need

to reevaluate policy to measure its alignment with best thinking- does this policy encourage independence, inclusion, and empowerment?

[This may be accomplished by pulling from the original draft document]

*Meade insert 1:

(this is something I wrote in the past, and you can feel welcome to extract any lines from it, if it seems to address this point. Might considering editing to add other primary legislation, such as Section 504 as between ADA & 504 the basic laws would be addressed. JLM)

The Americans with Disabilities Act (ADA) was signed on July 26, 1990. This marked the end of a long struggle as well as a new beginning a beginning for Americans with disabilities to enjoy basic human rights with dignity and a beginning for all Americans to take responsibility.

Passage of the ADA signified the world's first comprehensive declaration of equality for people with disabilities and made this country an international leader on this basic human rights issue. The world is now watching to see how we use this act, and how we will remove the physical and social barriers that exist throughout our society. Our success or failure in keeping the promise of the ADA will affect the lives of the more than half billion individuals with disabilities throughout the world.

The ADA does more than make the American dream of equality a reality for Americans with disabilities; it offers fresh testimony to our nation's greatness. It demonstrates how we can advance the cause of civil rights.

The country has made tremendous advances since the ADA was passed, and changes have been introduced that will transform people's lives. Federal departments and agencies have been charged with taking a leadership role in implementing the various directives of the ADA relating to employment, transportation, communications, and public accommodations.

* insert 2: Pop Stats

The following stats address several of the consumer interests -- ties to the broad number of americans who indirectly benefit from good universally accessible facilities, programs, and services.

Who Benefits:

one in five Americans (43 million) experiences a disability
one in ten Americans (25 million) is temporarily disabled at any one time

nearly one in three Americans over age 65 (11.2 million) has a disability

These numbers multiply. If one family member cannot participate, most likely the average family of four will be affected--access just makes good business sense.

2. Document must lead off with a strong explicit statement on the necessity and appropriateness of the federal government's role.

There will need to be some discussion regarding the concept of the shared responsibility of the local and state governments to enforce and develop appropriate disability policy.

Bullet #6: Great concern over possible misinterpretation of this concept. There is not necessarily a link between local flexibility and consumer-driven service design and delivery. Self empowerment might be viewed as inconsistent with federal role and that is not the intent here. How to encourage consumer driven services as a quid pro quo. We must make clear that there is a role for states.

* I feel states have a very strong role -- along with "self empowerment". Much of the quality services currently get completed through states & local communities -- i feel this fits well with the "NEW COVENANT" -- PERHAPS our role is to insure the proper consumer engagement/involvement is occurring at that local service delivery level. (I formerly served as a State Commissioner over seeing the Oregon State Blind Commission -- a consumer advocacy position -- made all the difference is insuring contemporary and quality programs. This is the key in the Fed Role. The Fed should convene & facilitate such consumer driven services where Fed funds are block granted.

3. Need a clear statement on adults living in the community. The right to live in the community and to access an array of services that will facilitate this.

Suggested: Individuals with disabilities have the right to
 1) live in communities
 2) have their legal and civil rights protected
 3) exercise choice

4. Q: Listing laws and services?

Bullet #1: Remove naming specific laws- it is seen as too limiting.

Bullet #2: Add examples to needed services and supports such as: housing, transportation, health care personal assistant services.

5. Need to infuse policy for persons with disabilities as a forethought rather than an afterthought. Policy must be inclusive by design...every policy should be looked at in regard to the implications it has for persons with disabilities

* I can not agree with the above item enough -- this is where the rubber meets the road -- and it is Disability lifestyle beyond disability services -- as

Society & government see the market place benefits to addressing programs & services as a Universal Access issue -- then everyone benefits. Overall costs can go down as we shift from a focus on special programs to full inclusion/integration. MORE, as a person with a disability, the vast majority of services and programs I consume are NOT DISABILITY RELATED -- yet my participation very much relates to their use of simple easy universal access considerations -- KEY issue to begin to shape & change opportunity for Folks With Disabilities

The above remarks fit item 8 as well:

(bullet #8 reworked will address this). Or is a new bullet needed which states "all generic programs must take issues concerning persons with disabilities and their families into consideration so that two systems are not perpetuated.

II. ISSUES: The following are some concerns that were identified. There may or may not have been consensus in these areas.

- Focus and tone is based on a need based, care taking model
- Addresses public sector only - What about role of private sector
- Haven't addressed the benefits to the community
- Frame in economic context eg. "we can ill afford to promote dependence..."

* the items above seem of great value in guiding principles -- I would support the thought the statements suggest above...I'll need to see the revised GPS

III. WORD CHANGES non-substantive (done deal). Opening paragraph: 4th line: add recreation to economic, social etc.

* Of course I strongly encourage adding Recreation -- that is in-part my job! HOWEVER -- with no doubt -- for individuals With Disabilities to participate in the **"AMERICAN DREAM" and to pursue "Life, Liberty and Justice For all" The second paycheck that millions of americans enjoy -- our countrys recreation areas and the ideal of recreation certinly must be a part of our "bill Of Rights"!

Add the word gender to line 6.

- 1st bullet: substitute the work fair with full
- 2nd bullet: delete the word and, insert the word by
- 8th bullet: delete the word eligible and move this up closer to the top
- 5th bullet: delete "65 and over" and add across the life span

* Please find enclosed some additional background information you can feel welcome to extract from. ALSO, in the letter below you will find my Internet address so we can discuss & work in cyberspace -- which is a large benefit to me, and a large benefit to the DISABILITY COMMUNITY. HUMMMMM I wonder if the Vice President knows that aspect of the high-value of his aims with Internet!

THANKS MUCH FOR YOUR WILLINGNESS TO SEEK MY INPUT. I am very pleased to participate.

joe meade

United States
Department of
Agriculture

Forest
Service

Washington
Office

14th & Independence SW
P.O. Box 96090
Washington, DC 20090-6090

Reply To: 2300

Date:

Ms. Lisa Fairhall
New Executive Office Building
725 17th Street, N.W., Room 8236
Washington, D.C. 20503

Dear Ms. Fairhall:

I recently was requested by U.S. Department of Agriculture's Under Secretary of Natural Resources & The Environment, Jim Lyons, to serve on his behalf on the National Disability Policy Review Team. I very much look forward to this unique opportunity, and hope that both my background as a consumer of accessible services and as a senior level GS Government employee will contribute to your effort.

I have been championing program and service accessibility opportunities with the USDA Forest Service over the past 18 years, serving in a national leadership role for the past 4 years. The agency is globally the single largest provider of outdoor recreation, ranging from campgrounds, trails, fishing, scenic viewing, to activities and services provided through Recreation Service Partnerships such as snow skiing and outfitter and guides. Please find enclosed a briefing on this program and a biographical sketch for your background. I look forward to participating in this review.

I understand that the USDA Assistant Secretary for Administration, Wardell Townsend, has made a request of the Department's Office of Civil Rights Enforcement to prepare a report addressing your requests outlined in your memo to the National Disability Policy Review Team, dated January 18, 1995.

Over the past 2 years, I have served by Secretary appointment, on the USDA Secretary's Senior Executive Advisory Committee on Disability Issues. In addition to the quality programs the USDA Forest Service has put into action, I am also aware of other Departmental programs. Due to the recent appointment, time does not permit me to personally see to the formulation of the Departmental response to your request. So I have enclosed some background materials on those programs and services at USDA which I feel are of high merit.

I hope this is useful, and again I look forward to serving my Acting Secretary in carrying out this assignment.

Ms. Lisa Fairhall

2

I can be reached at 202-205-1129, fax: 202-205-1145; and on the internet at
FSWA/S=J.Meade/OU=W01C@MHS.ATTMAIL.COM

Sincerely,

JOE MEADE
USDA Forest Service, Developed Sites and
Accessibility Program Leader

Enclosures

BIOGRAPHICAL BACKGROUND

Joe Meade

National Recreation Developed Sites and Accessibility Program Leader

Recreation, Heritage, and Wilderness Resources

In 1994, Joe Meade was selected as the USDA Forest Service's National Program Leader for Recreation Developed Sites, located in Washington, D.C. In addition, he continues to provide program leadership for Universal Designs for Accessibility, a program he reported to the Washington Office in 1991 to establish. In 1993, Joe was appointed by the Agency's Chief to serve on the Agency's highest level management team, Chief and Staff. He now serves on the USDA Secretary's Advisory Committee on Disability issues. Prior to joining the Recreation Staff in the Washington Office, he was the Public Affairs Officer and Forest Management team member on the Ochoco National Forest, Pacific Northwest Region. He began his career with the Forest Service in 1977 on the Deschutes National Forest, working in Interpretive Services, employed at a Forest Service visitor's center. Later, branching into Public Affairs, he served as an Assistant PAO and Forest Public Affairs Officer.

He is qualified as an Incident (fire) Information Officer, serving on a National Fire Team for 5 years and has been involved in a number of campaign assignments. He was appointed by the Governor of Oregon as chair of the State's Blind Commission, overseeing vocation rehabilitation and as representative on the State's Independent Living Council.

In 1994, Joe received the USDA Secretary's Honor Award for his efforts in establishing a highly successful Accessibility program. In 1986, Joe received the Presidential Award as the USDA's National Disabled Employee of the Year. He received a similar award from the State of Oregon in 1978.

Joe has two children: daughter Kami and son Jory. Prior to moving to Washington, D.C., they lived on a farm in Oregon and enjoyed horseback riding, camping, and snow skiing.

Most recently Joe has actively been working with the Architectural and Transportation Barriers Compliance Board and the National Ski Area Association collaboratively pioneering new Program and Service Delivery guidelines and construction guidelines, integrating accessibility into outdoor recreation developed sites, recreation trails, ski areas, facility developments, and in addressing the Americans With Disabilities Act requirements into associated Agency policies.

USDA FOREST SERVICE - ACCOMPLISHMENTS FY 1994

The mission of the Forest Service is captured in the phrase, "Caring for the Land and Serving the People." As set forth in law, the mission is to achieve quality land management under the sustainable multiple-use management concept to meet the diverse needs of people. The Forest service advocates a conservation ethic in promoting the health, productivity, diversity and beauty of the forests and associated lands while listening to people and responding to their diverse needs, one of which is access to the outdoors.

In response to the Forest Service's commitment to providing access to the outdoor environment the position of National Accessibility Program Leader was created. Joe Meade filled this position in 1990. Since that time the program has grown to include accessibility coordinators in all 9 regions, accessibility champions, and accessibility coordinators on most of the agency's forests. The philosophy behind the accessibility program is that of customer choice. This affords the customer dignity, independence and social integration.

Most outdoor recreationists have the freedom to choose the type of recreation activity they want, the setting they want it in, and the personal level of challenge they desire for a quality recreation experience. People are drawn to the national forests for different reasons. Some seek the solitude of the primitive backcountry; others seek, a rustic campsite nestled in the woods; still others seek, a social setting with convenient facilities. It is simply a matter of choice!

Yet, for millions of Americans, choices for a desired recreation experience are limited. Historically, recreation facilities and programs were created by traditional design for the "average" person, which usually excluded people with disabilities. Thus, many people have become conditioned to viewing the great outdoors as inaccessible.

Recreation uses and customer expectations have changed. Recreationists, land managers, and designers are recognizing that all people should have the opportunity to participate in outdoor recreation. In response to this, the USDA Forest Service established a public private partnership with Play and Learning in Adaptable Environments, Inc. PLAE is a multi-disciplinary, non-profit organization. Together the Forest Service and PLAE collaborated on and developed the award winning book, Universal Access to Outdoor Recreation: A Design Guide. This state-of-the-art design guide is breaking new ground in the area of accessibility by focusing on integrating universal design into all outdoor recreation environments.

The philosophy and guidelines presented in Universal Access to Outdoor Recreation relate customers' expectations and choices with accessibility. Just as people seek different recreation opportunities and experiences in the national forests, so do their expectations of accessibility vary. To ensure that a diversity of recreation settings and customer expectations are considered, the Forest Service and other natural resource management agencies use the Recreation Opportunity Spectrum (ROS), an innovative recreation management and planning tool that divides outdoor recreation settings and levels of accessibility into four broad categories: urban/rural (easier), roaded natural (moderate), semi-primitive (difficult), and primitive (most difficult).

The development of the design guide has provided critical information on design guidelines to Forest Service Landscape Architects, Engineers, and Recreation Managers to name a few. In addition to the provision of design standards it captures the philosophy of the accessibility initiative providing direction and further supporting the agency's commitment to access for all ages ability and cultures.

The need for programmatic access underscores the importance of ensuring that service providers are sensitive to the needs of persons with disabilities and understand the vital importance of providing this access. Training and exposure to the issues and concerns of universal access is critical. Universal design improves the program and service for everyone.

The following lists projects the Forest Service has been actively involved in over the past year:

- * Final development and production of the book, Universal Access to Outdoor Recreation: A Design Guide, in partnership with MIG Communications.

- * Training:

This year the Forest Service in conjunction with the University of Minnesota and Wilderness Inquiry will offer for the third year a comprehensive universal design shortcourse entitled Universal Design and the Outdoor Recreation Environment. The course is divided into seven curriculum modules designed to lead participants systematically through the concepts and skills needed to understand and utilize universal design principles.

Part I focuses on an introduction to major themes and concepts of universal design.

Part II focuses on removing attitudinal barriers with the objective being to develop a common understanding to the needs and interests of persons with disabilities.

Part III focuses on universal programs and services. This is designed to help the student understand the legal rationale for Universal Design, the conceptual framework for insuring equal program participation, and the applications of Universal Design for interpretive services.

Part IV presents a comprehensive over view of the Design Guide for Universal Access to Outdoor Recreation, and its relation to the Recreation Opportunity Spectrum, benefits-based management and customer expectations.

Part V provides participants with an opportunity to experience field applications of Universal Design in programs and activities.

Part VI emphasizes the specific application of the concepts and skills learned in the first half of the course.

Part VII concludes with a presentation of ideas and materials participants can use to take the principles of universal design back to their home regions or agencies.

*** Outfitters and Guides:**

The Forest Service has established a partnership with Wilderness Inquiry Inc., and America Outdoors, an association of trade outfitters. Through this challenge cost share agreement, the outfitter industry and the Federal public land management agencies are developing a handbook to assist outfitters and guides in providing universal access to their programs and services.

*** Access Guidelines for the Ski Industry:**

Currently the American Ski federation (AFS), and the National Ski Area Association (NSAA), have joined forces with the USDA Forest Service to collaboratively develop access guidelines for the ski industry. This effort reflects not only a legal response to requirements of the ADA, but also the industry's view that providing accessible facilities makes good business sense. Developing guidelines together will create workable solutions which focus on quality customer service.

*** Accessing the Wilderness:**

A partnership involving the National Council on Disability and Wilderness Inquiry Inc. produced a Congressionally mandated report on Wilderness Accessibility for People with Disabilities. This study, presented to the President and Congress, focused on lands managed under the National Wilderness Preservation System (NWPS). The report concluded that people with disabilities were as concerned with protecting the integrity of the wilderness as non-disabled individuals; accessibility should be a secondary consideration to the preservation and protection of the environment in the NWPS.

*** Access Board:**

For the past year Joe Meade has served as a member of the Recreation Access Advisory Committee. During that time period the Forest Service was actively involved on the Developed Outdoor Recreation Subcommittee in developing recommendations and guidelines. The ATBCB has published notice of the availability of the recreation guidelines in the Federal Register.

*** Sheldon Coleman Awards Banquet:**

The Forest Service created and provided a comprehensive display on access to the outdoors for the awards banquet. This display reached approximately 300 of the chief CEO's of major recreation providers such as, Disney, Fleetwood, and Coleman.

*** National Press Conference:**

On June 15, 1994 a National Press Conference on Access to America's Great outdoors was sponsored by Assistant Secretary Jim Lyons, and the White House. This press conference introduced the book, "Universal Access to Outdoor Recreation: A Design Guide" to the public. The press conference went on to highlight the Forest Service's philosophy and commitment to universal design for accessibility in outdoor environments. An outgrowth of the conference has been a multitude of calls and letters, including the Washington Post and the Congress Universal Access Caucus, requesting additional information.

* Western Governor's Conference - June 1994:

During an event sponsored by the American Recreation Coalition the Forest Service had the opportunity to brief a group of western governors on universal design and the outdoor environment. Once again this served as an outlet to highlight and encourage a philosophy of access to the out of doors.

* Surveys and Transition Planning:

Over the past three years the Forest Service has been surveying it's near 15,000 developed sites for accessibility. This has included picnic areas, campgrounds, fishing facilities, equestrian facilities, visitor information facilities and many more. This information is being compiled and transition plans are being completed for each of the National Forest.

* Directory of Accessible Sites:

An outgrowth of the surveys and transition planning is that of a directory of accessible outdoor recreation sites. The directory is currently in the planning phase and will be available in FY 95.

* Catalogue of Universally Designed Products:

Plans are underway to develop a comprehensive catalogue of universally designed products for use in outdoor recreation and facility construction. Such a book is currently not available and is in high demand to meet the new design ethic.

Project Play and Learning in Adaptable Environments, Inc. (PLAE), a nonprofit, multi-disciplinary organization, is pleased to present Universal Access to Outdoor Recreation: A Design Guide. This book, developed through a public/private partnership between PLAE and the USDA Forest Service, presents a unique approach for incorporating universal designs into the outdoor recreation environment based on customer expectations and related levels of accessibility.

In the mid-1980s, as a result of a Presidential Panel on Outdoor Recreation, the Forest Service challenged its Federal partners in public land stewardship, its customers, and corporate America to embark on a National Recreation Strategy, a strategy to meet the overwhelming demand for recreation and leisure activities across our country. Three guiding principles were developed to help focus the effort__ Create Customer Satisfaction; Forge Partnerships; and Pursue Excellence. PLAE's development of this design guide is a direct outgrowth of the National Recreation Strategy.

People are drawn to outdoor recreation for different reasons. Some seek the solitude of the primitive backcountry, others a rustic campsite nestled in the woods, while others look for a social setting with convenient facilities. No matter the reason or the setting, they all seek to enjoy an outdoor experience.

Yet, for a large and growing segment of our country's population, the vast majority of public land recreation sites are not accessible. Historically, recreation facilities and programs were designed for the "average" person, which generally excluded people with disabilities. When you consider their family and friends, choices for a desirable recreation experience are limited for far more than 100 million people, nearly half of the U.S. population.

In response, the USDA Forest Service has been instrumental in developing design guidelines which integrate the principles of universal design across a spectrum of recreation settings designs which are responsive to a diversity of ages, abilities, and cultures. These principles bring together customer choices in a variety of landscapes, from urban, highly developed areas to wild, primitive settings, fostering a sense of dignity, independence, and social integration. When we design and build campgrounds, restrooms, trails,

and other visitor facilities and programs to accommodate the needs of all individuals, we improve the experience and comfort for everyone. Universal design just makes good business sense!

With majestic mountains, deep rugged canyons, high pristine lakes, wild rivers, immense forests, and open meadows, America's public lands offer countless adventures for outdoor recreation. This partnership embraces the comprehensive knowledge and

experience of the USDA Forest Service and other leaders in the field. I urge you to join the efforts of the many public and private partners involved in the development of this design guide. Through universal design, integration, and a positive attitude, we can ensure that everyone has access to America's Great Outdoors.

The Americans with Disabilities Act (ADA) was signed on July 26, 1990. This marked the end of a long struggle as well as a new beginning a beginning for Americans with disabilities to enjoy basic human rights with dignity and a beginning for all Americans to take responsibility.

Passage of the ADA signified the world's first comprehensive declaration of equality for people with disabilities and made this country an international leader on this basic human rights issue. The world is now watching to see how we use this act, and how we will remove the physical and social barriers that exist throughout our society. Our success or failure in keeping the promise of the ADA will affect the lives of the more than half billion individuals with disabilities throughout the world.

The ADA does more than make the American dream of equality a reality for Americans with disabilities; it offers fresh testimony to our nation's greatness. It demonstrates how we can advance the cause of civil rights.

The country has made tremendous advances since the ADA was passed, and changes have been introduced that will transform people's lives. Federal departments and agencies have been charged with taking a leadership role in implementing the various directives of the ADA relating to employment, transportation, communications, and public accommodations. This design guide is a response to that charge.

INFORMATIONAL BRIEFING

USDA, FOREST SERVICE
RECREATION MANAGEMENT STAFF, WASHINGTON OFFICE

Date: February 18, 1993

Subject: Access America's Great Outdoors

ISSUE: To ensure everyone has the opportunity to enjoy recreation in national forests, the Chief of the Forest Service has established an agency goal of "becoming the leading provider of accessible outdoor recreation opportunities in America." For millions of Americans, choices for a desired recreation experience are limited, as the majority of existing facilities were developed through "traditional" design which has generally excluded people with disabilities.

KEY POINTS:

Universal Design: Universal design is a relatively new approach that considers the needs of all users--children, older people, as well as people with sensory, cognitive and mobility disabilities. The goal of universal design is to design facilities, programs, and services that provide all visitors with a sense of dignity, independence, and social integration. It links customer expectations with accessibility across diverse recreation settings ranging from urban to primitive areas.

Who Benefits:

one in five Americans (43 million) experiences a disability
one in ten Americans (25 million) is temporarily disabled at any one time
nearly one in three Americans over age 65 (11.2 million) has a disability
These numbers multiply. If one family member cannot participate, most likely the average family of four will be affected--access just makes good business sense.

Action Items:

- * Establish universal design guidelines for outdoor environments.
- * Conduct a survey on the estimated 6,000 Forest Service recreation sites; identify barriers; establish a process for retrofitting.
- * Develop catalogue of accessible products for outdoor recreation.
- * Revise agency policy and directives to incorporate universal design standards.
- * Develop national training shortcourse on universal design.
- * Estimated cost for reconstruction to provide access to even a portion of each facility is as high as \$50,000 per facility. Estimated costs for a minimum level of accessibility will exceed \$300 million.
- * Access America's Great Outdoors has invested \$10 million in FY 92 and again in FY 93 towards this facility rehabilitation effort.

Contact: Joe L. Meade (202) 205-1129
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National Disability Policy Review
Guiding Principles
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Anniversary of the Americans with Disabilities Act, 1994

By the President of the United States of America

A Proclamation

The Americans with Disabilities Act is a national monument to freedom. Contained within its broad pillars of independence, inclusion, and empowerment is the core ideal of equality that has defined this country since its beginnings. For when America's founders set down the guiding words of freedom, first among them, proudly were, "We the People." Our young Nation would be governed not by kings or tyrants—America would be led by farmers and doctors, artists and merchants, teachers and parents, each possessing widely different knowledge and skills. Some would be active participants in community life. Others would embrace the quiet joys of home. But all of the people would make an essential contribution to the character and quality of America.

On this, the fourth anniversary of the Americans with Disabilities Act (ADA), we mark the full extension of the ADA's employment provisions to our Nation's small businesses. In 1990, members of both political parties resolved to make laws of inclusion, and today, telephone relay systems connect deaf and hard-of-hearing individuals to Americans everywhere. Four years ago, we pledged to build bridges to independence, and today, architectural barriers are coming down in office buildings and movie theaters across the country, making room for new passageways to participation. We moved to craft policies of empowerment, and today, leaders in public and private sectors alike are recognizing the vast potential of every citizen and the breathtaking determination of each to create and to achieve. With this Act, we began a new era for 49 million of our fellow citizens. And today, celebrating the rights of people with disabilities, we declare in no uncertain terms that "We the People" means all of us, with our myriad differences and doubts, with our infinite talents and aspirations.

This day—a wonderful, vigorous celebration of the progress and possibilities for equal opportunity—must also include an equally vigorous commitment to continue the fight. Now is the time to act on our understanding that having a physical or mental disability is a part of the human experience. We must work to fully implement the provisions of the ADA and to see that these and related laws are aggressively enforced in our schools and workplaces, in our national government and local councils. Most important, we must finally overcome the remaining handicaps of prejudice and stereotype. Discrimination, ignorance, intolerance—these barriers are a far greater tragedy than any common limitation of the human mind or body. And it is only in overcoming these that America will truly be worthy of its people.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim July 26, 1994, as the Anniversary of the Americans with Disabilities Act. I call upon the people of the United States to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of July, in the year of our Lord nineteen hundred and ninety-four, and of the Independence of the United States of America the two hundred and nineteenth.

William J. Clinton



National Disability Employment Awareness Month, 1994

By the President of the United States of America

A Proclamation

Like every civil rights law in our Nation's history, the Americans with Disabilities Act of 1990 (ADA) is about potential. We see that potential reflected every day in the faces of America—from the AmeriCorps volunteers of Gallaudet University to the athletes taking part in this year's trials for the Special Olympics World Games. In myriad ways, our citizens continually prove the proposition on which our Nation was founded: that empowered by the freedom to dream, to work, and to succeed, every one of us can accomplish great things.

As we commemorate National Disability Employment Awareness Month, 1994, employers across the country are recognizing that in the hiring of people with disabilities, basic fairness and economic good sense are one and the same. Prohibiting discrimination in employment, public accommodation, government services, transportation, and communications, the ADA holds up a model and an important challenge to businesses at home and around the world. In this country, the 49 million Americans with disabilities represent one of our largest untapped resources—a resource upon which we must rely if we are to succeed in an increasingly competitive international marketplace. Their knowledge and skill, their energy and creativity are essential in building a work force that will carry our economy into the next century.

This year, we celebrate as the ADA provisions for fair employment practices go into effect for small businesses throughout the land. These provisions are designed to open a vast new world of opportunity to American workers and employers, and our Nation stands committed to fully implement and to aggressively enforce the ADA in our schools and workplaces, in government and in public facilities. With this measure, our citizens will enjoy more avenues to freedom than ever. Indeed, it is past time to free all of our people to dream, to work, to succeed, and finally to fulfill the vast potential that is America.

The Congress, by joint resolution approved August 11, 1945, as amended (36 U.S.C. 155), has called for the designation of October of each year as "National Disability Employment Awareness Month." This month is a time for all Americans to recognize the tremendous potential of citizens with disabilities and to renew our commitment to full inclusion and equal opportunity for all.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim October 1994 as National Disability Employment Awareness Month. I call upon all Americans to observe this month with appropriate programs and activities that affirm our determination to fulfill both the letter and the spirit of the Americans with Disabilities Act and related laws.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord nineteen hundred and ninety-four, and of the Independence of the United States of America the two hundred and nineteenth.

William J. Clinton

NDPRT
2/22/95

Guiding Principles Discussion

The comments and suggestions below were generated by representatives of the disability advocacy community in response to the draft of the Guiding Principles (1/8/95). The responses outlined represent a synthesis of input from approximately 30 individuals participating in two meetings held within the past week. Our goal today is to review and discuss this input. It is our expectation that this afternoon's discussion will result in consensus of the full Policy Review Team leading to a final document.

I. PRINCIPLES: Consensus on the following:

1. A context is needed, which may be set out in a preamble. This should succinctly describe the following:

the history and evolving nature of the disability movement; identify the numbers of individuals with disabilities and the % of America's families this represents; that disability is a part of life and that at some point or another most families are likely to utilize the protections and services specific to individuals with disabilities as well as the unpredictable nature of the onset of disability; the need to reevaluate policy to measure its alignment with best thinking- does this policy encourage independence, inclusion and empowerment?

[This may be accomplished by pulling from the original draft document]

2. Document must lead off with a strong explicit statement on the necessity and appropriateness of the federal government's role.

There will need to be some discussion regarding the concept of the shared responsibility of the local and state governments to enforce and develop appropriate disability policy.

Bullet #6: Great concern over possible misinterpretation of this concept. There is not necessarily a link between local flexibility and consumer-driven service design and delivery. Self empowerment might be viewed as inconsistent with federal role and that is not the intent here. How to encourage consumer driven services as a quid pro quo. We must make clear that there is a role for states.

3. Need a clear statement on adults living in the community.
the Right to live in the community and to access an array of

services that will facilitate this.

suggested: Individuals with disabilities have the right to

- 1) live in communities
- 2) have their legal and civil rights protected
- 3) exercise choice

4. Q: Listing laws & services?

Bullet #1 Remove naming specific laws- it is seen as too limiting

Bullet # 2 Add examples to needed services and supports such as: housing, transportation, health care personal assistant services

5. Need to infuse policy for persons with disabilities as a forethought rather than an afterthought. Policy must be inclusive by design...every policy should be looked at in regard to the implications it has for persons with disabilities (bullet #8 reworked will address this.) Or is a new bullet needed which states "all generic programs must take issues concerning persons with disabilities and thier families into consideraation so that 2 systems are not perpetuated

II. ISSUES: The following are some concerns that were identified. There may or may not have been consensus in these areas.

- Focus and tone is based on a need based, care taking model
- Addresses public sector only - What about role of private sector
- Haven't addressed the benefits to the community
- Frame in economic context eg."we can ill afford to promote dependence..."

III. WORD CHANGES non-substantive changes (done deal)

Opening paragraph: 4th line: add recreation to economic, social etc. Add the word gender to line 6.

1st bullet: substitute the work fair with full

2nd bullet: delete the word and, insert the word by

8th bullet: delete the word eligible and move this up to closer to the top

5th bullet : delete "65 and over" and add across the life span.

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- o Improve access to the assistance, technology, and supports that enable these individuals to have greater control over their lives and contribute more fully to their home, family, school, work, and community life.
- o Assure that all current and future programs and activities are designed and implemented to meet the needs of those eligible members of the public who have disabilities.
- o Make it pay for such citizens to work by creating incentives rather than disincentives to work and to pursue careers.

National Disability Policy Review
Guiding Principles
D R A F T

DRAFT

The fundamental role of governments in respect to individuals with disabilities should be to assure the right of such persons to enjoy full inclusion and integration in the educational, economic, political, social, and cultural mainstream of American society. In practical terms, therefore, governments must assure that people with disabilities of all ages, ethnic backgrounds, and income levels have the equal opportunity to exercise their full rights and responsibilities to live as independently as possible; enjoy self-determination; make choices; and, to be productive throughout their lives. It is, therefore, in the Nation's interest that public policies, programs, benefits, and activities affecting such individuals be designed and implemented to:

- o End discrimination against Americans with disabilities and strengthen our nation's communities and economy by providing strong, effective, and fair enforcement of the Americans with Disabilities Act, Title V of the Rehabilitation Act, the Fair Housing Act Amendments, and the Individuals with Disabilities Education Act.
- o Strengthen the capacities of such persons and assure that needed services and supports are provided in a coordinated fashion which maximizes their control over their own lives and futures in the mainstream of American life.
- o Assure that any assistance provided to such a person is carried out in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, choices, abilities, and capabilities of that individual.
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internet[howard_moses@ed.gov]
fax[Liz Savage, 9-514-0293]
fax[Paul Miller-EEOC, 9-663-7101]
fax[Susan Daniels, 9-1-410-965-6503]
fax[Speed Davis-Nat.Coun.Disab., 9-272-2022]
Kate Warren@ADD.ODDP@ACF.WDC
Judith Feder@ASPE.ENS@OS.DC

Cc:

Bcc:

From: Bob Williams@ADD.OO@ACF.WDC

Subject: DPC Disability Policy Principles

Date: Tuesday, February 7, 1995 16:59:29 EST

Attach:

Certify: N

Forwarded by:

Note: Changes and additions made below are based on a conversation with Dianna Fortuna and other DPC staff and are in bold.

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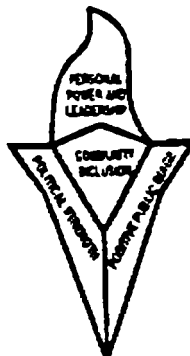
of the

Administration on Developmental Disabilities

Hubert H. Humphrey Bldg - Rm 329D
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Washington D.C. 20201

Tel: (202) 690-6590 Fax: (202) 690-6904

ADDRESSEE: (Name, Organization, City, State & Phone Number) Lynn Margheria Dianna Fortuna Elizabeth Cohen	FROM: (Name & Phone #) Bob Williams/ Kate Warren 690-6120
ADDRESSEE FAX NO: 202 456-7028	
TOTAL PAGES: Cover sheet and <u>2</u> page(s)	DATE:
REMARKS:	



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January 24, 1995

MEMORANDUM TO: Members of the National Disability Policy Review Team, Guiding Principles Workgroup

FROM: Bob Williams, Commissioner
Administration on Developmental Disabilities
Convener, Guiding Principles Workgroup

SUBJECT: Process and timeline for review of Guiding Principles

I am writing to update you on the status of a discussion draft of the Guiding Principles.

A subcommittee of the full workgroup has continued to work on refining the document per input from the December meeting. This draft will be shared with the conveners of each workgroup in a meeting scheduled for the first week in February.

Following the conveners' review, a draft will be faxed to each of you and shared with the advocacy community for additional discussion and comment. The guiding principles workgroup may be convened prior to the full NDPRT meeting February 22 should comments received require further discussion.

Members of the full policy review team will discuss and adopt a final version of the Guiding Principles document at the meeting scheduled for February 22nd.

Should you have any questions, please contact Kate Warren at (202)690-6120.

*Also, please check this
as to process & timeline before it goes out
Thank,
Kate*

"We must not rest until America has a national disability policy based on three simple creeds: inclusion, not exclusion; independence, not dependence; and empowerment, not paternalism." Bill Clinton, 1992

Today, more than at any other time in our Nation's history, increasing numbers of Americans with disabilities are realizing their birthright: Leading lives that are central to the vibrancy of their families, communities and country. Families, young people, and adults with disabilities have consistently rejected society's low estimation of their worth -- a far greater barrier than any common limitation of body or mind. Along with Congress, the White House, State Houses, and the judiciary, they have worked to achieve the same rights and equal opportunities available to all Americans. These individuals, their families, and allies from across our political spectrum have redefined both what it means to have a disability in America and be a full, first class United States citizen as well.

To reflect the rich heterogeneity and diversity of the 49 million Americans with disabilities, the guiding principles in designing our public policy affecting Americans with disabilities must necessarily be broad and universal. Such principles can both refine our ideals and test future specific policy proposals against those ideals and the real-world constraints we face. This draft is intended to begin a national conversation to achieve consensus on how oft-stated goals of inclusion, empowerment, and independence will be realized.

Americans with disabilities and their families are focusing on the same crucial life goals which have become synonymous with the responsibilities and the very meaning of good citizenship:

- o Getting a good education;
- o Gaining a decent job for a decent living and pursuing a career;
- o Finding ways to contribute to our family, community and nation: and,
- o Raising our children to the best of abilities and drawing upon the needed support of our family, friends and community to do so.

Individuals with disabilities and their families are thus shaping a better life and future both for themselves and for our country as a whole. Theirs is an American success story in progress. It is one which all Americans can identify with, aspire to and work together to help realize more fully.

Due in large part to their efforts, passage of key legislation, beginning at the State level in the early 1970's, and later at

the federal level, in the areas of educational access, barrier free design and employment opportunities, opened doors which had been slammed shut for decades:

- o In 1975, an estimated two million children with disabilities received a totally inadequate education or were barred from attending the public schools, altogether. Today, 5 million students with disabilities receive a free and appropriate education, many alongside their nondisabled classmates.
- o In 1967, around 200,000 Americans with developmental disabilities lived in large state institutions under some of the most degrading and deplorable conditions ever known in our nation. Today, over 375,000 of these individuals and others like them are supported in family or community settings. Approximately 75,000 residents, however, still live in State institutions.
- o Throughout the 60's, 70's and even the 80's, it was common for people with disabilities to be routinely denied access to their community's schools, swimming pools, banks restaurants and even to the voting booth. Today, these acts are now not only illegal but unconscionable in the hearts and minds of Americans of every race, region and political persuasion.

Laws such as the Americans with Disabilities Act, the Individuals with Disabilities Education Act, the Rehabilitation Act Amendments of 1992 and the Technology-Related Assistance Act have challenged age-old myths and stereotypes, creating hope and opportunity in the everyday lives of Americans with disabilities and many others throughout our country.

A strong legislative foundation exists to strengthen the abilities of people with disabilities to exercise their rights and responsibilities as citizens to:

- o live as independently as possible;
- o enjoy self-determination;
- o make choices;
- o pursue meaningful careers; and,
- o participate fully in the economic, political, social, cultural and educational mainstream of society.

Building upon this foundation will not be easy, however. Despite progress in assuring equal opportunities and promoting independence for Americans with disabilities, significant gaps and contradictions exist in a wide array of federal policies and programs that affect the daily lives of these citizens.

In its historic report, **Towards Independence**, the National Council on Disability underscored a disturbing truth:

With surprising consistency, the branches of American Government, disabled individuals and their families ... have

agreed that the overall goal of the nation in regard to persons with disabilities is to insure the rights of such individuals to equality of opportunity and to independence.

Confusion and inconsistency have resulted, not from lack of consensus about the goal, but from the historical and continuing failure to structure and administer some Federal laws and programs in such a way as to reflect and further the national goal.... Federal programs and laws that should serve as paths toward this goal have often deviated or even retreated from it.

One of the most critical challenges we face, therefore, as a Nation and a people is to steer a clearer, steadier course towards independence and inclusion. This means that the Executive and the Congress must work together with the States, people with disabilities, their families and allies, and the American public as well to:

- o strengthen and learn from public policies and programs which provide people with disabilities and their families access to supports and reasonable accommodations which increase their capabilities to live lives of their own choosing and direction; and,
- o redirect laws and programs which infringe upon the rights and abilities of such citizens to lead full and productive lives.

Americans with disabilities and their families are no longer looking to their Federal, State or local government to simply take care of them as government has tried to do and fallen far short of doing in the past. Instead, these citizens expect something far more profound of government at all levels: They expect their government to care deeply about their individual hopes and aspirations; their fears and worst nightmares; and, to support their efforts to be independent to the greatest extent possible.

This approach will require a fundamental break with many paternalistic and destructive policies, programs and practices of the past and present. The Executive and Congress should work hand in hand with Americans with disabilities and their families to review and overhaul Federal laws and programs that affect their lives. This effort should be guided by the following fundamental principles and truths, regarding the needs, rights and abilities of Americans with disabilities:

- o Historically, people with disabilities have been subjected to pernicious and pervasive discrimination and prejudice in every aspect of their lives.
- o Continuing unfair and unnecessary discrimination and prejudice denies people with disabilities the opportunity to compete on an equal basis and costs the United States

billions of dollars in unnecessary expenses resulting in dependance and nonproductivity.

- o The Nation's proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for such individuals.
- o Strong, effective and fair enforcement of the Americans with Disabilities Act, Title V of the Rehabilitation Act, the Fair Housing Act Amendments, and the Individuals with Disabilities Education Act can help to eradicate discrimination against Americans with disabilities and strengthen our Nation's communities and economy.
- o For some individuals with disabilities, lifelong access to needed supports, like personal assistance and assistive technology, is critical. In fact, for millions of Americans with disabilities, it is the only thing that can begin to tear down the walls of myths, prejudices and stereotypes, which would otherwise inhibit or prevent them from leading full and productive lives.
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- o The role of public education is the same for students with and without disabilities alike: to challenge them to do their best, to develop to their fullest potential, and to assume their rightful roles and responsibilities as productive and contributing members of their families, communities and Nation.
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positive work history, increased self-confidence and success.

- o Welfare Reform, the School-to-Work initiative and AmeriCorp National Service efforts create crucial opportunities to assist young Americans, with and without disabilities, to gain first-time job, internship and volunteer community service experiences, together.
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This approach will require a fundamental break with many paternalistic and destructive policies, programs and practices of the past and present. The Executive and Congress should work hand in hand with Americans with disabilities and their families to review and overhaul Federal laws and programs that impact their lives. This effort should be guided by the following fundamental principles and truths, regarding the needs, rights and abilities of Americans with disabilities:

- o Historically, people with disabilities have been subjected to pernicious and pervasive discrimination and prejudice in every aspect of their lives.
- o Continuing unfair and unnecessary discrimination and prejudice denies people with disabilities the opportunity to compete on an equal basis and costs the U.S. billions of dollars in unnecessary expenses resulting in dependance and nonproductivity.
- o The Nation's proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for such individuals.
- o Strong, effective and fair enforcement of the Americans with Disabilities Act, Title V of the Rehabilitation Act, the Fair Housing Act Amendments, and the Individuals with Disabilities Education Act can help to eradicate discrimination against Americans with disabilities and strengthen our Nation's communities and economy.
- o For some individuals with disabilities, lifelong access to needed supports, like personal assistance and assistive technology, is critical. In fact, for millions of Americans with disabilities, it is the only thing, that can begin to tear down, the walls of myths, prejudices and stereotypes, which would otherwise inhibit or prevent them from leading full and productive lives.
- o All children, regardless of the level of their disabilities, belong with and do best with families. There is a clear national interest in supporting the efforts of families with children with disabilities to raise their sons and daughters at home and to include them in every facet of family and community life.
- o Young infants and toddlers with disabilities have a right to receive early intervention and childhood development services along with their nondisabled playmates.
- o All children with disabilities have the right to receive and benefit from a free and appropriate public education in an integrated, well supported classroom suited to their needs.
- o Inclusive education works best for children with and without disabilities when all students and their teachers receive the support they need to learn from each other and excel both at school and in life.
- o The role of public education is the same for students with and without disabilities alike: to challenge them to do

their best, to develop to their fullest potential and to assume their rightful roles and responsibilities as productive and contributing members of their families, communities and Nation.

- o Given the unnecessarily high rates of unemployment and under-employment of working age Americans with disabilities, effective school to work strategies must be developed to offer young people with disabilities the opportunities, skills and support they need to gain work experience, a positive work history, increased self confidence and success.
- o Welfare Reform, the School-to-Work initiative and AmeriCorp National Service efforts create crucial opportunities to assist young Americans, with and without disabilities, to gain first-time job, internship and volunteer community service experiences, together.
- o It should pay for Americans with disabilities to seek out and gain meaningful employment in our economy. Accordingly, Social Security and Federal tax policies should create real incentives rather than disincentives for working-age individuals with disabilities to work and to pursue careers.
- o The fear of losing Federal health benefits, and access to such vital supports as personal assistance, is often cited by disabled Americans as a major reason why they either have never worked or do not want to "risk" returning to work. It is imperative that such massive disincentives to employment be eliminated from every vestige of Federal law, policies and programs.
- o If given the chance and the needed support, many more working-age Americans with disabilities can make work pay off in their lives. However, substantial numbers of these individuals will require on going income support as well as access to community-based supports, personal assistance and assistive technology services.
- o Welfare Reform presents critical opportunities for the Federal government and the States to develop effective strategies for addressing the links between race, minority status, disability and pervasive poverty in our country.
- o States are developing community services that are cost effective and responsive to the needs of people with disabilities and families. Often, however, these States must seek waivers from current Federal Medicaid rules to do what is right. Such underlying policies and practices should be examined and remedied.

(continued)

- o States need flexibility to work with people with disabilities and their families to fashion responsive solutions to the challenges we face as a Nation.

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DRAFT ONLY -- NOT FOR DISTRIBUTION

"We must not rest until America has a national disability policy based on three simple creeds: inclusion, not exclusion; independence, not dependence; and empowerment, not paternalism." Bill Clinton, 1992

Today, more than at any other time in our Nation's history, increasing numbers of Americans with disabilities are realizing their birthright: Leading lives that are central to the vibrancy of their families, communities and country. Adults with disabilities have consistently rejected society's low estimation of their worth -- a far greater barrier than any common limitation of body or mind. Along with Congress, the White House, State Houses, and the judiciary, they have worked to achieve the same rights and equal opportunities available to all Americans. These individuals, their families, and allies from across our political spectrum have redefined both what it means to have a disability in America and a full, first class United States citizen as well.

To reflect the rich heterogeneity and diversity of the 49 million Americans with disabilities, the guiding principles in designing our public policy affecting Americans with disabilities must necessarily be broad and universal. Such principles can both refine our ideals and test future specific policy proposals against those ideals and the real-world constraints we face. This draft is intended to begin a national conversation to achieve consensus on how oft-stated goals of inclusion, empowerment, and independence will be realized.

Americans with disabilities and their families are focusing on the same crucial life goals which have become synonymous with the responsibilities and the very meaning of good citizenship:

- o Getting a good education;
- o Gaining a decent job for a decent living and pursuing a career;
- o Finding ways to contribute to our family, community and nation: and,
- o Raising our children to the best of abilities and drawing upon the needed support of our family, friends and community to do so.

Individuals with disabilities and their families are thus shaping a better life and future both for themselves and for our country as a whole. There is an American success story in progress. It is one which all Americans can identify with, aspire to and work together to help realize more fully.

Due in large part to their efforts, passage of key legislation, beginning at the State level in the early 1970's, and later at the federal level, in the areas of educational access, barrier free design and employment opportunities opened doors which had been slammed shut for decades:

- o In 1975, an estimated two million children with disabilities received a totally inadequate education or were barred from attending the public schools, altogether. Today, 5 million students with disabilities receive a free and appropriate education, many alongside their nondisabled classmates.
- o In 1967, around 200,000 Americans with developmental disabilities lived in large state institutions under some of the most degrading and deplorable conditions ever known in our nation. Today, over 375,000 of these individuals and others like them are supported in family or community settings. Approximately 75,000 residents, however, still live in State institutions.
- o Throughout the 60's, 70's and even the 80's, it was common for people with disabilities to be routinely denied access to their community's schools, swimming pools, banks, restaurants and even to the voting booth. Today, these acts are now not only illegal but unconscionable in the hearts and minds of Americans of every race, region and political persuasion.

Laws such as the Americans with Disabilities Act, the Individuals with Disabilities Education Act, the Rehabilitation Act Amendments of 1992 and the Technology-Related Assistance Act have challenged age old myths and stereotypes, creating hope and opportunity in the everyday lives of Americans with disabilities and many others through out our country.

A strong legislative foundation exists to strengthen the abilities of people with disabilities to exercise their rights and responsibilities as citizens to:

- o live as independently as possible;
- o enjoy self-determination;
- o make choices;
- o pursue meaningful careers; and,
- o participate fully in the economic, political, social, cultural and educational mainstream of society.

Building upon this foundation will not be easy, however. For, despite progress in assuring equal opportunities and promoting independence for Americans with disabilities, significant gaps and contradictions exist in a wide array of federal policies and programs that affect the daily lives of these citizens.

In its historic report, Towards Independence, the National Council on Disability underscored a disturbing truth:

With surprising consistency, the branches of American Government, disabled individuals and their families,... have agreed that the overall goal of the nation in regard to persons with disabilities is to insure the rights of such individuals to equality of opportunity and to independence.

Confusion and inconsistency have resulted, not from lack of consensus about the goal, but from the historical and continuing failure to structure and administer some Federal laws and programs in such a way as to reflect and further the national goal... Federal programs and laws that should serve as paths toward this goal have often deviated or even retreated from it.

One of the most critical challenges we face, therefore, as a Nation and a people is to steer a clearer, steadier course towards independence and inclusion. This means that the Executive and the Congress must work together with the States, people with disabilities, their families and allies, and the American public as well to:

- o strengthen and learn from public policies and programs which provide people with disabilities and their families access to supports and reasonable accommodations which increase their capabilities to live lives of their own choosing and direction; and,
- o redirect laws and programs which infringe upon the rights and abilities of such citizens to lead full and productive lives.

Americans with disabilities and their families are no longer looking to their Federal, State or local government to simply take care of them as government has tried to do and fallen far short of doing in the past. Instead, these citizens expect something far more profound of government at all levels: They expect their government to care deeply about their individual hopes and aspirations; their fears and worst nightmares; and, to support their efforts to be independent to the greatest extent possible.

This approach will require a fundamental break with many paternalistic and destructive policies, programs and practices of the past and present. The Executive and Congress should work hand in hand with Americans with disabilities and their families to review and overhaul Federal laws and programs that impact their lives. This effort should be guided by the following fundamental principles and truths, regarding the needs, rights and abilities of Americans with disabilities:

- o Historically, people with disabilities have been subjected to pernicious and pervasive discrimination and prejudice in every aspect of their lives.
- o Continuing unfair and unnecessary discrimination and prejudice denies people with disabilities the opportunity to compete on an equal basis and costs the U.S. billions of dollars in unnecessary expenses resulting in dependance and nonproductivity.
- o The Nation's proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for such individuals.
- o Strong, effective and fair enforcement of the Americans with Disabilities Act, Title V of the Rehabilitation Act, the Fair Housing Act Amendments, and the Individuals with Disabilities Education Act can help to eradicate discrimination against Americans with disabilities and strengthen our Nation's communities and economy.
- o For some individuals with disabilities, lifelong access to needed supports, like personal assistance and assistive technology, is critical. In fact, for millions of Americans with disabilities, it is the only thing, that can begin to tear down, the walls of myths, prejudices and stereotypes, which would otherwise inhibit or prevent them from leading full and productive lives.
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- o Inclusive education works best for children with and without disabilities when all students and their teachers receive the support they need to learn from each other and excel both at school and in life.
- o The role of public education is the same for students with and without disabilities alike: to challenge them to do

their best, to develop to their fullest potential and to assume their rightful roles and responsibilities as productive and contributing members of their families, communities and Nation.

- o Given the unnecessarily high rates of unemployment and under-employment of working age Americans with disabilities, effective school to work strategies must be developed to offer young people with disabilities the opportunities, skills and support they need to gain work experience, a positive work history, increased self confidence and success.
- o Welfare Reform, the School-to-Work initiative and AmeriCorp National Service efforts create crucial opportunities to assist young Americans, with and without disabilities, to gain first-time job, internship and volunteer community service experiences, together.
- o It should pay for Americans with disabilities to seek out and gain meaningful employment in our economy. Accordingly, Social Security and Federal tax policies should create real incentives rather than disincentives for working-age individuals with disabilities to work and to pursue careers.
- o The fear of losing Federal health benefits, and access to such vital supports as personal assistance, is often cited by disabled Americans as a major reason why they either have never worked or do not want to "risk" returning to work. It is imperative that such massive disincentives to employment be eliminated from every vestige of Federal law, policies and programs.
- o If given the chance and the needed support, many more working-age Americans with disabilities can make work pay off in their lives. However, substantial numbers of these individuals will require on going income support as well as access to community-based supports, personal assistance and assistive technology services.
- o Welfare Reform presents critical opportunities for the Federal government and the States to develop effective strategies for addressing the links between race, minority status, disability and pervasive poverty in our country.
- o States are developing community services that are cost effective and responsive to the needs of people with disabilities and families. Often, however, these States must seek waivers from current Federal Medicaid rules to do what is right. Such underlying policies and practices should be examined and remedied.

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- o States need flexibility to work with people with disabilities and their families to fashion responsive solutions to the challenges we face as a Nation.

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TEXT IDEAS FROM STAN HERR RE GUIDING PRINCIPLES

This Nation was founded on Jeffersonian principles that all persons are created, and endowed with certain rights in the pursuit of life, liberty and happiness. Our Declaration of Independence and Constitution do not except persons with disabilities from those principles of inalienable human rights and equality under and before the law. But our practices have often been at odds with our principles. And for long generations our public policies affecting persons with disabilities and their families have been based on inconsistent premises and impulses.

Today 49 million Americans have one or more impairments or differences in their physical, mental, or sensory functioning. This population of persons with disabilities is heterogenous and diverse in its needs and talents. To reflect that rich heterogeneity and diversity, the guiding principles in designing our national disability policy -- indeed our public policy in general -- must necessarily be broad and universal. Such principles can be used to both refine our ideals and test future

specific policy proposals against those ideals. But such principles will also be tested against the real-world constraints of budgets, conflicting principles, and competing demands for time and political attention. We submit this first draft of guiding principles to begin a conversation within and outside the Administration to refine our National goals and to achieve consensus on how oft-stated aims for inclusion, empowerment and independence can be given more concrete expression.

[Bob and Kate:

This opening may be a bit broad, but it has the merit of bipartisan appeal and unassailable pedigree. After this preamble, perhaps you can introduce a limited number of guiding principles rooted in the Presidential statements, Congressional findings, past "vision" documents. under each principle, a very concise rationale, definition, and maybe an example or two would give flesh to more abstractly expressed principles to those that now appear above in the outline at I A-C; II A-C; IV A, C.

Because of the hour, I'm sending this on now without further

editing. GOOD LUCK AND JOYFUL WRITING!]

stan 12-16 3:35 456-5570 ph 456-7028 fax

Draft materials toward a working set of "Guiding Principles" for the National Disability Policy Review

I. PRESIDENTIAL STATEMENTS

A. "three simple creeds: inclusion, not exclusion;

B. independence, not dependence;

C. empowerment, not paternalism" ¹

D. On increasing productivity and the important role of the public and private sectors in bringing people with disabilities into the work force and tapping their "knowledge and skills, their energy and creativity" as part of a workforce that faces an increasingly competitive international marketplace, see proclamation of September 30, 1994.²

E. On celebrating "our myriad differences" and acting on our "understanding that having a physical or mental disability is a part of the human experience" (i.e., destigmatizing disability status and reality), see proclamation on July 26, 1994.³

F. On the "Nation's commitment to remove any physical or attitudinal barriers that Americans with disabilities may still face," see proclamation 6612 of October 15, 1993.⁴

G. On increasing "the Nation's understanding and acceptance of people with mental illness," recognizing their need for a "broad array of treatment services," removing "the stigma of mental illness," and educating the public about "the availability and effectiveness of mental health treatment."⁵

H. On the capacity of 'millions of americans with disabilities 'to achieve independence and lead active, productive lives with the assistance of rehabilitation therapy, see proclamation 6596 of September 22, 1993.⁶

II. CONGRESSIONAL FINDINGS

A. Purpose of the ADA: "a clear and comprehensive national mandate for the elimination of discrimination against individuals

¹ Gov. Clinton & Sen. Gore, Putting People First: how We Can All Change America 81-82 (1992).

² Presidential Proclamation on National Disability Employment Awareness Month, 1994 (Sept. 30, 1994).

³ Presidential Proclamation on Anniversary of the Americans with Disabilities Act, 1994.

⁴ Presidential Proclamation 6612, White Cane Safety Day, 1993, Oct. 15, 1993.

⁵ Presidential Proclamation 6603 of October 5, 1993, Mental Illness Awareness Week, 1993.

⁶ Presidential Proclamation 6596 of September 22, 1993.

with disabilities"

1. with "clear, strong, consistent, enforceable standards addressing [such] discrimination..."

2. with "the Federal Government play[ing] a central role in enforcing the standards established in this Act on behalf of persons with disabilities"⁷

B. Key Findings enumerated in the ADA

1. "the Nation's proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for such individuals"⁸

2. the "continuing existence of unfair and unnecessary discrimination and prejudice denies people with disabilities the opportunity to compete on an equal basis and to pursue those opportunities for which our free society is justifiably famous and costs the US billions of dollars in unnecessary expenses resulting in dependency and nonproductivity."⁹

C. Basic Findings in Recent Congressional Reauthorizations: "Disability is a natural part of the human experience and in no way diminishes the right of individuals --

1. live independently;
2. "(B) enjoy self-determination;
3. "(C) make choices;
4. "(D) pursue meaningful careers; and
5. "(E) enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of American society."¹⁰

III. OTHER STATEMENTS BY ADMINISTRATION LEADERS

A. Vice-President Gore's ADA speech

B. Carol H. Rasco's article, "Empowering People with Disabilities and their Families"¹¹

IV. REPORTS OF FEDERAL AGENCIES AND ADVISORY COMMISSIONS

A. universality of equal opportunity: "policies that guarantee equal opportunity for all individuals with

⁷ The Americans with Disabilities Act, 42 USC sec. 12101 (b)(1)-(3). (July 26, 1990).

⁸ Id. 42 USC sec. 12101 (a)(8).

⁹ Id. sec. 12101(a)(9).

¹⁰ E.g., Technology-Related Assistance for Individuals with Disabilities Amendments of 1994, 29 U.S.C. sec. 2201(a). (copy of Congressional findings attached).

¹¹ Exceptional Parent 47-49 (June 1994).

disabilities, regardless of the nature and severity of the disability" &

B. the theme of empowerment: "to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society."¹²

C. Query: how do we translate such broad principles into defined policy-oriented guiding principles?

V. Miscellaneous

A. Individualization of treatment/response

B. Reduction of redundant eligibility determinations

C. The principle of the least restrictive alternative

D. See Principles Guiding the Drafting Process [of Model State Legislation]¹³

Prepared by Stan Herr

December 12, 1994 revised 12-14-94

¹² Mission of the National Council on Disability, reprinted in NCD, Making Health Care Reform Work for Americans with Disabilities 45 (July 26, 1994).

¹³ Bruce Sales, A. Matthew Powell, Richard Van Duizend et al, Disabled Persons and the Law: State Legislative Issues xiv-xvi (1982). This book was published by the now-named ABA Commission on Mental and Physical Disability Law based on federally financed research. Although the "maximize potential" standard is quite expansive, the other principles find considerable support in federal legislation, policy, and judicial opinion.

General Pulaski Memorial Day, 1993

By the President of the United States of America

A Proclamation

Each October 11, on the anniversary of his death in battle, America honors General Casimir Pulaski, a hero of two nations.

A patriot to the core, Pulaski loved his native Poland dearly. In unequal battle against far stronger enemies, he fought for his country's freedom.

But Pulaski's love of liberty transcended national boundaries, and when the American War of Independence began, he took the colonists' struggle as his own. He came to the United States, put his battlefield experience at the service of the Continental Army, and commanded a cavalry unit. On this day in 1779, during the siege of Savannah, General Pulaski gave his life for the cause of American freedom.

Pulaski's spirit and example have inspired Americans for more than two centuries. Across this country, you will find counties, towns, schools, parks and highways named after that patriot; in my own home state of Arkansas Pulaski County is the seat of the capital, Little Rock.

But eager as we are to claim General Pulaski as our own, we are also proud to share him with Poland. What Pulaski fought for in the latter part of the 18th century, his compatriots have achieved at the end of the 20th: a free Poland, welcome and respected in the community of independent nations. And the courage General Pulaski displayed in battle is matched by that of his present-day countrymen, who have carried out Poland's history-making revolution without bloodshed.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim Monday, October 11, 1993, as General Pulaski Memorial Day, and I encourage the people of the United States to commemorate this occasion appropriately throughout the land.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of October, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6611 of October 14, 1993

National Down Syndrome Awareness Month, 1993

By the President of the United States of America

A Proclamation

Down syndrome, the most common genetic birth defect associated with mental retardation, affects 4,000 babies a year from all ethnic and societal backgrounds. As little as twenty years ago, people with Down syndrome were stigmatized or, all too frequently, institutionalized. Now, happily,

health care.

Over the past two decades, scientists have applied the technology of molecular genetics and other sciences to the study of Down syndrome. Researchers are looking for the genes, or combination of genes, on chromosome 21 that have a relationship to the development of intelligence and the physical disorders associated with Down syndrome. They are also looking for a possible relationship between Down syndrome and Alzheimer's disease.

There is a wide variation in mental abilities, behavior, and physical development in individuals with Down syndrome. However, individuals with Down syndrome benefit from loving homes, early intervention, special education, mainstreaming, appropriate medical care, and positive public attitudes—all made possible through the efforts of researchers, service providers, physicians, teachers, and parent support groups. In addition, such government agencies as the National Institute of Child Health and Human Development and the National Institute on Aging, components of the National Institutes of Health; the Maternal and Child Health Bureau; and the President's Committee on Mental Retardation have worked in concert with private organizations like the National Down Syndrome Congress and the National Down Syndrome Society to help those affected by this congenital disorder.

To help promote greater understanding of Down syndrome, the Congress, by Senate Joint Resolution 92, has designated the month of October 1993 as "National Down Syndrome Awareness Month" and has authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the month of October 1993 as National Down Syndrome Awareness Month. I invite all Americans to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of October, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6612 of October 15, 1993

White Cane Safety Day, 1993

By the President of the United States of America

A Proclamation

To thousands of visually impaired Americans the white cane means freedom—freedom to move safely and independently through their daily lives, participating fully in the activities of their homes, places of employment, and communities. White Cane Safety Day not only celebrates the accomplishments of the visually impaired, but also recognizes our Nation's com-

commitment to remove any physical or attitudinal barriers that Americans with disabilities may still face.

This commitment underscores our continuing efforts to implement fully the provisions of the Americans with Disabilities Act of 1990, which prohibits discrimination against persons with disabilities in such areas as employment, public accommodations, telecommunications, and transportation.

In tribute to the white cane and all that it symbolizes for our society, the Congress, by Joint Resolution approved in 1964, has designated October 15 of each year as "White Cane Safety Day."

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim October 15, 1993, as White Cane Safety Day. I call upon all Americans to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of October, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6613 of October 16, 1993

World Food Day, 1993 and 1994

By the President of the United States of America
A Proclamation

Arising from poverty, homelessness, civil strife or famine, hunger burdens the lives of nearly 800 million people throughout the world. Women and children suffer the most. Studies suggest that in developing countries, some 36 percent of children under 6 years of age are moderately or severely undernourished.

On this World Food Day, let us commit ourselves to bringing change to the lives of those who suffer from hunger and to preserving the resources we will need in the years ahead.

Failure to protect our environment now and in the future will clearly affect the ability of countries to produce food and fiber for growing populations. The United Nations has indicated that the world may not be able to feed itself by sometime early in the next century if we continue to abuse productive soil. If world food production is to be maintained and enhanced, we must learn to safeguard the biological diversity that underpins our agricultural system. Today, the biological foundation is imperiled. Traditional crop varieties and animal breeds are becoming endangered. Many are already extinct. When we lose a traditional wheat or rice variety, we lose its unique characteristics and its potential pest and disease resistance, drought tolerance, or nutritional benefits. Nature's diversity is a precious inheritance. We cannot live on this earth without it. Through sound agricultural practices and intelligent shepherding of our natural resources, we can nourish and protect our land, forests, rivers, and streams.

The almost constant threat of famine in Africa and the continuing food problems in Asia should remind us all of our global vulnerability, especially as the population continues to grow. Raising the global community's awareness of the hunger that afflicts the young, the infirm, the poor, and the elderly—and considering the needs of others each day—can bring change and help ensure our food supply for the future.

The Congress, by House Joint Resolution 218, has designated October 16, 1993, and October 16, 1994, as "World Food Day" and has authorized and requested the President to issue a proclamation in observance of these days.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim October 16, 1993, and October 16, 1994, as World Food Day. I call on all Americans to observe these days with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of October, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6614 of October 16, 1993

National Forest Products Week, 1993

By the President of the United States of America
A Proclamation

Our National Forests are a priceless heritage, a gift that we hold in trust for future generations. As stewards of this inheritance, we have the obligation of preserving the capacity of these lands to sustain, not only themselves, but also the species that depend on them. Even as we strive to fulfill this obligation, the American people are asking fundamental questions about how our National Forests are managed and about how best to ensure a healthy and productive land.

Much has already been done to protect our forests. Of the 191 million acres of National Forest, 34 million have been set aside as part of the wilderness preservation system, a system that safeguards wilderness for future use and enjoyment. National Forests include more than 4,300 miles of designated segments of the National Wild and Scenic Rivers Systems. These rivers are maintained in a free-flowing condition for the enjoyment of this and future generations.

Much more remains to be done, and we are only beginning to fathom, however incompletely, the complexities of the ecosystems of which our National Forests are composed. We know that over 250 threatened and endangered species of fish, animals, and plants inhabit National Forests and are dependent on them for survival. We also know that the key to protecting these and other species is to maintain healthy ecosystems through effective management of National Forests. In addition, we now understand that our forests are only one part of a global mosaic of forest ecosystems and that

cant engineering advances have provided guards, shields, and protective equipment, which reduce the hazards and risks associated with agriculture. Educators and concerned organizations have increased knowledge and changed attitudes and behaviors relating to safe work practices in the agricultural sector. However, there is still much to be accomplished.

The arena of agricultural worker health presents many challenges. Long hours, the pressures associated with growing crops and raising livestock, and the vagaries of weather contribute to the creation of stressful situations to both body and mind. For example, agricultural workers have been shown to be particularly susceptible to skin problems, most notably skin cancer, due to exposure to the sun. Prolonged periods of loud noise are contributing to higher than normal levels of permanent hearing loss among farmers and ranchers. Constant exposure to hazardous chemicals may also predispose workers to health problems. While farming and ranching offer their practitioners many great returns, it should be recognized that agricultural professions are among the most dangerous.

The next generation of farmers and ranchers is at special risk. Children are routinely exposed to powerful, complex farm equipment. Some chemicals and some work hazards such as dusts and flowing grain may detrimentally affect the health and safety of children. Their maturity and development must always be considered with regard to agricultural work. During National Farm Safety and Health Week, all of our Nation's citizens should resolve to make health and safety initiatives an integral part of America's great farming traditions.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week of September 19–25, 1993, as "National Farm Safety and Health Week." I urge all citizens of our great Nation to make the enhancement of farmer, rancher and farm worker health of utmost priority. I call upon the agencies, organizations and businesses which serve production agriculture to strengthen their commitment to agricultural safety and health programs.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of September, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6596 of September 22, 1993

National Rehabilitation Week, 1993 and 1994

By the President of the United States of America
A Proclamation

Millions of Americans with disabilities are able to achieve independence and lead active, productive lives with the assistance of rehabilitation therapy. Estimates indicate that half of the Nation's population will at some point in their lives need assistance in overcoming some form of physical,

mental, emotional, or social disability. "National Rehabilitation Week" seeks to recognize not only the individuals who have learned to cope with their disabilities but also the dedicated health care professionals who have provided assistance through research, education, and therapy.

In tribute to these individuals and their many contributions to our society, the Congress, by Senate Joint Resolution 50, has designated the periods beginning September 19 and ending September 25, 1993, and beginning September 18 and ending September 24, 1994, as National Rehabilitation Week, and has authorized and requested the President to issue a proclamation in observance of these weeks.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the periods beginning September 19, 1993, and ending September 25, 1993, and beginning September 18, 1994, and ending September 24, 1994, as National Rehabilitation Week. I call upon all Americans to observe these weeks with appropriate programs, ceremonies, and activities as an expression of their support.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of September, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6597 of September 22, 1993

Energy Awareness Month, 1993

By the President of the United States of America
A Proclamation

Politically, economically, and environmentally, our world is changing, and so are our energy choices. Our Nation has been blessed with a wide variety of energy resources. America's diverse climate, geography, and natural resources give us a flexibility unmatched in the world. It is our duty to use our energy resources wisely by increasing energy efficiency, commercializing renewable resources, and developing innovative, clean technologies.

The energy choices we make affect every aspect of our lives. The theme of Energy Awareness Month, 1993, New Energy Choices for a Changing World, highlights the importance of these decisions. In our homes, energy efficient appliances and "green" computers, such as those that qualify under the Environmental Protection Agency (EPA) Energy Star Program, save us money and help to preserve the environment. On our Nation's highways, powering our vehicles with alternative fuels will help us conserve energy, develop new resources, and reduce our dependence on foreign oil. In our industries, advanced lighting, such as the systems promoted by the EPA Green Lights Program, makes our businesses more efficient, more environmentally sound, and more competitive in world markets. In the coming century, the challenge will be very great to protect our precious environment and produce sustainable economic growth. Our Nation's energy use is a critical and significant part of this challenge. We must work

as "Child Health Day" and has requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim Monday, October 4, 1993, as Child Health Day. On that day and every day throughout the year, I urge all Americans to renew their commitment to protecting and developing our most valuable asset—our children.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of October, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6603 of October 5, 1993

Mental Illness Awareness Week, 1993

By the President of the United States of America
A Proclamation

Almost 50 million Americans have serious emotional disorders or illnesses. The economic and human costs of these disorders are staggering. Treatment expenses and lost productivity cost the United States over one hundred billion dollars a year. The pain and suffering caused by mental illness are immeasurable for the individuals afflicted and their families.

The consequences of untreated mental illnesses and emotional disturbances are clear. Suicide is 30 times more common among people who are clinically depressed than among the general population. Persons with mental illness often live in poverty and are at risk for homelessness and disease. The mentally ill may find themselves in jail or prison, not for any criminal act, but rather because no other facilities are available to respond to psychiatric emergencies.

Research has led to major advances, not only in the development of treatments for mental illnesses, but also in the understanding of the needs of the individuals who live with mental illnesses. With appropriate care and support, many people who have these disorders can live productive and fulfilling lives. Unfortunately, less than one-third of all individuals in need of mental health services actually receive appropriate care. Children, probably the most vulnerable among the mentally ill population, are the least likely to receive care, with less than one-fifth of those in need of services receiving them. The barriers to effective treatment are numerous. Individuals may be unaware that treatment can help them or may be hesitant to seek help for fear of discrimination or ridicule. In many instances, individuals actually lack access to appropriate services. We must work to remove the stigma of mental illness and to educate the public about the availability and effectiveness of mental health treatment.

The Center for Mental Health Services (CMHS), a component of the Substance Abuse and Mental Health Services Administration in the Department of Health and Human Services, was created in 1992 to provide vigor-

ous Federal leadership in the development and delivery of mental health services. CMHS plays a unique role in working with other Federal agencies and departments whose programs and policies affect the lives of the mentally ill, their families, and their communities. CMHS also works closely with State and local governments and the private sector to guarantee continuity, integration of services, and access to comprehensive systems of care. CMHS supports policy studies, evaluations, and assessments on service delivery issues that are critical for Federal, State, and local policymakers as they organize and finance systems of care.

In recognition of the importance of improving the delivery of mental health services and of educating the American public about the needs of individuals with mental illness, the Congress, by Senate Joint Resolution 61, has designated the week of October 3 through October 9, 1993, as Mental Illness Awareness Week.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the week beginning October 3, 1993, as Mental Illness Awareness Week. I call upon all citizens of the United States to observe this week with ceremonies and activities to increase the Nation's understanding and acceptance of people with mental illness and to encourage recognition of their need for a broad array of treatment services.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of October, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

WILLIAM J. CLINTON

Proclamation 6604 of October 5, 1993

German-American Day, 1993

By the President of the United States of America
A Proclamation

The makeup of the United States of America is a diverse one, a rich tapestry of different cultures and ethnic origins, stronger and more vibrant because of its variety. The German culture contributes a substantial piece to the American mosaic, and German-Americans have given much to our Nation in the arts, the sciences, the business world, academia, and government. It is fitting that we celebrate these innumerable contributions to our great Nation by marking October 6 as "German-American Day."

The first German settlers arrived in America 310 years ago—harbingers of the more than seven million to follow. German immigrants have thrived in America, finding our Nation's political and economic culture fertile ground for securing the inalienable rights of life, liberty, and the pursuit of happiness for themselves and for their children. Today, citizens of German ancestry comprise the largest ethnic group in the United States.

German-Americans today look with pride to a free and unified Germany as the living symbol of the best in their heritage. Americans look with satis-

reach out to women in need through crisis pregnancy centers, residential facilities, mentoring programs, and a host of other support services. We also recognize the many social services professionals, attorneys, and counselors who assist in promoting the adoption option, and we salute each of the courageous women who make this unselfish choice for their children. Such works of generosity and compassion are saving lives and, yes, slowly but surely turning hearts—one woman, one couple, one community at a time.

The struggle to overcome abortion in the United States—to educate individuals about life in the womb, to restore reverence for the miracle of creation, and to expand alternatives for women in need—is far from ended. While the struggle may be a long and difficult one, many Americans know that it is a cause from which we cannot retreat. And because it is a cause that appeals directly to the conscience of the Nation—a Nation that has, time and again, demonstrated its capacity to rediscover its highest ideals, ideals rooted in our belief in the God-given rights and dignity of every human being—it is a cause that cannot fail.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim Sunday, January 17, 1993, as National Sanctity of Human Life Day. I call on all Americans to reflect on the sanctity of human life in all its stages and to gather in homes and places of worship to give thanks for the gift of life and to reaffirm our commitment to respect the life and dignity of every human being.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of January, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6522 of January 5, 1993

Braille Literacy Week, 1993

By the President of the United States of America
A Proclamation

Standardized for use in the United States in 1932, braille is the primary tactile system for reading and writing used by blind individuals today. The braille system uses raised dots to represent the letters of the alphabet, symbols of punctuation, mathematic and scientific characters, music and computer notation, and foreign language signs.

Through braille, a person who is visually impaired is given the key to unlock the power of the written word. Braille enables blind individuals to achieve the many rewards of literacy, including educational advancement, personal independence, and economic opportunity and security. Braille also enables its users to enjoy the full form, structure, and beauty of printed poetry and prose.

Over the past 60 years, the braille system has continued to open doors of learning and opportunity for blind Americans. This week we acknowledge the importance of braille and recognize the many dedicated individuals who teach and promote this system as a tool of achievement.

The Congress, by House Joint Resolution 353, has designated the week of January 3 through January 9, 1993, as "Braille Literacy Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of January 3 through January 9, 1993, as Braille Literacy Week and invite all Americans to observe this week with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of January, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

GEORGE BUSH

Proclamation 6523 of January 5, 1993

National Law Enforcement Training Week, 1993

By the President of the United States of America
A Proclamation

The effectiveness of any Federal, State, or local law enforcement agency depends on knowledgeable, well-trained, and highly qualified personnel. Building such a force requires rigorous education and training, not only before an officer earns the badge, but also throughout his or her career.

Whether intervening in a violent domestic dispute, apprehending a suspected drug dealer, or assisting at the site of a traffic accident, law enforcement officers are often required to make split-second decisions that could mean the difference between life and death. Therefore, in addition to knowledge of criminal statutes and fundamental rules of procedure, law enforcement training encompasses basic skills on which an officer's survival and other human lives depend. From physical conditioning and self-defense techniques to the safe use of firearms, such training ensures that an officer is prepared to maintain law and order while, at the same time, protecting the rights and safety of individual citizens.

As law enforcement agencies employ increasingly sophisticated technology and techniques in the fight against crime, the need for highly specialized education and training continues to increase as well. Today an officer's training in traditional investigative methods may also include more advanced studies in ballistics, toxicology, computer science, psychology, and other complex fields. For the veteran as well as the rookie, for the administrator behind the desk as well as the officer on the beat—continuing education and training are essential to meeting new challenges in police work.

All Americans benefit from programs that contribute to the knowledge, professionalism, and skill of our Nation's law enforcement officers, and this

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WH

PUTTING PEOPLE FIRST



Governor
Bill Clinton

HOW
WE CAN
ALL
CHANGE
AMERICA



Senator
Al Gore

employment opportunities to the community that would not otherwise exist should the sale not go through. Purchasers buying land through this program who do not carry through with their intended plan will face financial penalties.

Finance Conversion

Every dollar we save by downsizing our armed forces and defense industries will be reinvested during our transition to a post-Cold War economy. Under our national economic strategy, we will pay for these and other investments and reduce the national deficit by cutting spending, closing corporate tax loopholes, and requiring the very wealthy to pay their fair share of taxes.

Americans with Disabilities

WE HAVE LONG recognized that people with disabilities are some of our nation's greatest untapped resources. We believe that all persons with disabilities must be fully integrated into mainstream American society, so they can live fulfilling and rewarding lives. During our years in public office, we have compiled strong records of supporting public and private initiatives to enhance the independence and productivity of persons with disabilities.

As President and Vice President, we will continue our efforts. We will actively involve people with disabilities in developing a national policy that promotes equality, opportunity, and community for all Americans.

A Clinton-Gore Administration will ensure that children with disabilities receive a first-rate education that suits their needs. People with disabilities will be able to live in their own homes, in their own communities. Adults with disabilities will work alongside their peers without disabilities. And people with disabilities will have access to comprehensive health-care and consumer-driven personal assistance services.

We must not rest until America has a national disability policy based on three simple creeds: inclusion, not

exclusion; independence, not dependence; and empowerment, not paternalism.

Here's what we will do:

Americans with Disabilities Act

- Work to ensure that the *Americans with Disabilities Act* (ADA) is fully implemented and aggressively enforced—to empower people with disabilities to make their own choices and to create a framework for independence and self-determination. The ADA is not about handouts and it is not a giveaway—it guarantees the civil rights of American citizens with disabilities.

Health Care for All Americans

- Provide all Americans with affordable, quality health coverage, either through their workplaces or through a government program; prohibit insurance companies from denying coverage based on pre-existing conditions; and contain costs by taking on the insurance industry and the drug industries.
- Expand long-term care choices for Americans with disabilities.

Improve Educational Opportunities for Children with Disabilities

- Work to ensure children with disabilities a first-rate education, tailored to their unique needs but provided alongside their classmates without disabilities.
- Support increased funding for special education ser-

vices and work to improve the enforcement of laws which guarantee children with disabilities the right to a high-quality public education.

- Support increased efforts to integrate children with disabilities into their schools' regular activities, instead of sectioning them off in special programs where they cannot interact with other students.
- Expand early intervention programs in health care and education—such as Head Start—to ensure that children with disabilities live full and productive lives.

Expand Employment Opportunities for Americans with Disabilities

- Increase the amount of special education, professional training, and job training to reduce the extraordinarily high unemployment rate among Americans with disabilities as part of national adult education, job training, and apprenticeship programs.
- Sign into law the *Family and Medical Leave Act*, which George Bush vetoed in 1990, so that no worker is forced to choose between keeping his or her job and caring for a newborn child or sick family member.

[COMMITTEE PRINT]

LEGISLATIVE HISTORY
OF
Public Law 101-336
THE AMERICANS WITH DISABILITIES ACT

VOLUME 1 OF 3

PREPARED FOR THE
COMMITTEE ON EDUCATION AND LABOR
U.S. HOUSE OF REPRESENTATIVES
ONE HUNDRED FIRST CONGRESS
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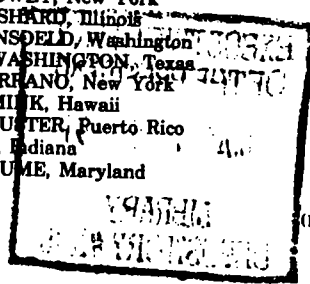
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AUGUSTUS F. HAWKINS, Chairman

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EXPLANATORY STATEMENT

This Committee Print is a compilation of the documents pertaining to the legislative history of Public Law 101-336 the Americans With Disabilities Act. This major piece of civil rights legislation, passed overwhelmingly by the Congress, is designed finally to extend full rights to a significant segment of our population who have been denied equal access for too long. It is good for persons with disabilities and good for America.

In order to facilitate implementation of the Act, and an understanding of its many provisions and their interaction, the Committee on Education and Labor has compiled these documents. It is our hope that by distributing the reports and legislative history which accompanied this landmark legislation, we will be providing a service to all Americans.

Sincerely,

AUGUSTUS F. HAWKINS

- Sec. 244. Regulations.
- Sec. 245. Interim accessibility requirements.
- Sec. 246. Effective date.

TITLE III—PUBLIC ACCOMMODATIONS AND SERVICES OPERATED BY PRIVATE ENTITIES

- Sec. 301. Definitions.
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- Sec. 514. Severability.

42 USC 12101.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

- (1) some 43,000,000 Americans have one or more physical or mental disabilities, and this number is increasing as the population as a whole is growing older;
- (2) historically, society has tended to isolate and segregate individuals with disabilities, and, despite some improvements, such forms of discrimination against individuals with disabilities continue to be a serious and pervasive social problem;
- (3) discrimination against individuals with disabilities persists in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and access to public services;
- (4) unlike individuals who have experienced discrimination on the basis of race, color, sex, national origin, religion, or age, individuals who have experienced discrimination on the basis of disability have often had no legal recourse to redress such discrimination;
- (5) individuals with disabilities continually encounter various forms of discrimination, including outright intentional exclusion, the discriminatory effects of architectural, transportation, and communication barriers, overprotective rules and policies,

failure to make modifications to existing facilities and practices, exclusionary qualification standards and criteria, segregation, and relegation to lesser services, programs, activities, benefits, jobs, or other opportunities;

(6) census data, national polls, and other studies have documented that people with disabilities, as a group, occupy an inferior status in our society, and are severely disadvantaged socially, vocationally, economically, and educationally;

(7) individuals with disabilities are a discrete and insular minority who have been faced with restrictions and limitations, subjected to a history of purposeful unequal treatment, and relegated to a position of political powerlessness in our society, based on characteristics that are beyond the control of such individuals and resulting from stereotypic assumptions not truly indicative of the individual ability of such individuals to participate in, and contribute to, society;

(8) the Nation's proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for such individuals; and

(9) the continuing existence of unfair and unnecessary discrimination and prejudice denies people with disabilities the opportunity to compete on an equal basis and to pursue those opportunities for which our free society is justifiably famous, and costs the United States billions of dollars in unnecessary expenses resulting from dependency and nonproductivity.

(b) PURPOSE.—It is the purpose of this Act—

(1) to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities;

(2) to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities;

(3) to ensure that the Federal Government plays a central role in enforcing the standards established in this Act on behalf of individuals with disabilities; and

(4) to invoke the sweep of congressional authority, including the power to enforce the fourteenth amendment and to regulate commerce, in order to address the major areas of discrimination faced day-to-day by people with disabilities.

SEC. 3. DEFINITIONS.

42 USC 12102.

As used in this Act:

(1) **AUXILIARY AIDS AND SERVICES.**—The term "auxiliary aids and services" includes—

(A) qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

(B) qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;

(C) acquisition or modification of equipment or devices; and

(D) other similar services and actions.

(2) **DISABILITY.**—The term "disability" means, with respect to an individual—

(A) a physical or mental impairment that substantially limits one or more of the major life activities of such individual;

(B) a record of such an impairment; or

(C) being regarded as having such an impairment.

(3) **STATE.**—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

TITLE I—EMPLOYMENT

42 USC 12111.

SEC. 101. DEFINITIONS.

As used in this title:

(1) **COMMISSION.**—The term "Commission" means the Equal Employment Opportunity Commission established by section 705 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4).

(2) **COVERED ENTITY.**—The term "covered entity" means an employer, employment agency, labor organization, or joint labor-management committee.

(3) **DIRECT THREAT.**—The term "direct threat" means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

(4) **EMPLOYEE.**—The term "employee" means an individual employed by an employer.

(5) **EMPLOYER.**—

(A) **IN GENERAL.**—The term "employer" means a person engaged in an industry affecting commerce who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such person, except that, for two years following the effective date of this title, an employer means a person engaged in an industry affecting commerce who has 25 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding year, and any agent of such person.

(B) **EXCEPTIONS.**—The term "employer" does not include—

(i) the United States, a corporation wholly owned by the government of the United States, or an Indian tribe; or

(ii) 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.

(6) **ILLEGAL USE OF DRUGS.**—

(A) **IN GENERAL.**—The term "illegal use of drugs" means the use of drugs, the possession or distribution of which is unlawful under the Controlled Substances Act (21 U.S.C. 812). Such term does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of Federal law.

(B) **DRUGS.**—The term "drug" means a controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act.

(7) **PERSON, ETC.**—The terms "person", "labor organization", "employment agency", "commerce", and "industry affecting commerce", shall have the same meaning given such terms in section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e).

(8) **QUALIFIED INDIVIDUAL WITH A DISABILITY.**—The term "qualified individual with a disability" means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires. For the purposes of this title, consideration shall be given to the employer's judgment as to what functions of a job are essential, and if an employer has prepared a written description before advertising or interviewing applicants for the job, this description shall be considered evidence of the essential functions of the job.

(9) **REASONABLE ACCOMMODATION.**—The term "reasonable accommodation" may include—

(A) making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and

(B) job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

(10) **UNDUE HARDSHIP.**—

(A) **IN GENERAL.**—The term "undue hardship" means an action requiring significant difficulty or expense, when considered in light of the factors set forth in subparagraph (B).

(B) **FACTORS TO BE CONSIDERED.**—In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include—

(i) the nature and cost of the accommodation needed under this Act;

(ii) the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;

(iii) the overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees; the number, type, and location of its facilities; and

(iv) the type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce of such entity; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the covered entity.

SEC. 102. DISCRIMINATION.

(a) **GENERAL RULE.**—No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compen-

42 USC 12112.

Americans with Disabilities Act of 1989 (the ADA), with an amendment in the nature of a substitute.

The bill is sponsored by Senator Tom Harkin, chairman of the Subcommittee on the Handicapped, and cosponsored by Senators Kennedy, Durenberger, Simon, Jeffords, Cranston, McCain, Mitchell, Chafee, Leahy, Stevens, Inouye, Cohen, Gore, Packwood, Riegle, Boschwitz, Graham, Pell, Dodd, Adams, Mikulski, Metzenbaum, Matsunaga, Wirth, Bingaman, Conrad, Burdick, Levin, Lieberman, Moynihan, Kerry, Sarbanes, Heinz, Glenn, Shelby, Pressler, Hollings, Sanford, Wilson, Sasser, Dixon, Kerrey, Robb, Fowler, Rockefeller, Biden, Bentsen, Specter, DeConcini, Kohl, Lautenberg, D'Amato, Dole, Hatch, Warner, Pryor, and Bradley.

II. SUMMARY OF THE LEGISLATION

The purpose of the ADA is to provide a clear and comprehensive national mandate to end discrimination against individuals with disabilities and to bring persons with disabilities into the economic and social mainstream of American life; to provide enforceable standards addressing discrimination against individuals with disabilities, and to ensure that the Federal government plays a central role in enforcing these standards on behalf of individuals with disabilities.

The ADA defines "disability" to mean, with respect to an individual: a physical or mental impairment that substantially limits one or more of the major life activities of such individual, a record of such an impairment, or being regarded as having such an impairment.

Title I of the ADA specifies that an employer, employment agency, labor organization, or joint labor-management committee may not discriminate against any qualified individual with a disability in regard to any term, condition or privilege of employment. The ADA incorporates many of the standards of discrimination set out in regulations implementing section 504 of the Rehabilitation Act of 1973, including the obligation to provide reasonable accommodations unless it would result in an undue hardship on the operation of the business.

The ADA incorporates by reference the enforcement provisions under title VII of the Civil Rights Act of 1964 (including injunctive relief and back pay). Title I goes into effect two years after the date of enactment. For the first two years after the effective date, employers with 25 or more employees are covered. Thereafter, employers with 15 or more employees are covered.

Title II of the ADA specifies that no qualified individual with a disability may be discriminated against by a department, agency, special purpose district, or other instrumentality of a State or a local government. In addition to a general prohibition against discrimination, title II includes specific requirements applicable to public transportation provided by public transit authorities. Finally, title II incorporates by reference the enforcement provisions in section 505 of the Rehabilitation Act of 1973.

With respect to public transportation, all new fixed route buses must be made accessible unless a transit authority can demonstrate that no lifts are available from qualified manufacturers. A

public transit authority must also provide paratransit for those individuals who cannot use mainline accessible transportation up to the point where the provision of such supplementary services would pose an undue financial burden on a transit authority.

Title II takes effect 18 months after the date of enactment, with the exception of the obligation to ensure that new public buses are accessible, which takes effect for solicitations made 30 days after the date of enactment.

Title III of the ADA specifies that no individual shall be discriminated against in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation operated by a private entity on the basis of a disability. Public accommodations include: restaurants, hotels, doctor's offices, pharmacies, grocery stores, shopping centers, and other similar establishments.

Existing facilities must be made accessible if the changes are "readily achievable" i.e., easily accomplishable without much difficulty or expense. Auxiliary aids and services must be provided unless such provision would fundamentally alter the nature of the program or cause an undue burden. New construction and major renovations must be designed and constructed to be readily accessible to and usable by people with disabilities. Elevators need not be installed if the building has less than three stories or has less than 3,000 square feet per floor except if the building is a shopping center, shopping mall, or offices for health care providers or if the Attorney General decides that other categories of buildings require the installation of elevators.

Title III also includes specific prohibitions on discrimination in public transportation services provided by private entities, including the failure to make new over-the-road buses accessible five years from the date of enactment for large providers and six years for small providers.

The provisions of title III becomes effective 18 months after the date of enactment. Title III incorporates enforcement provisions in private actions comparable to the applicable enforcement provisions in title II of the Civil Rights Act of 1964 (injunctive relief) and provides for pattern and practice cases by the Attorney General, including authority to seek monetary damages and civil penalties.

Title IV of the ADA specifies that telephone services offered to the general public must include interstate and intrastate telecommunication relay services so that such services provide individuals who use nonvoice terminal devices because of disabilities (such as deaf persons) with opportunities for communications that are equivalent to those provided to individuals able to use voice telephone services.

Title V of the ADA includes miscellaneous provisions, including a construction clause explaining the relationship between the provisions in the ADA and the provisions in other Federal and State laws; a construction clause explaining that the ADA does not disrupt the current nature of insurance underwriting; a prohibition against retaliation; a clear statement that States are not immune from actions in Federal court for a violation of the ADA; a direc-

tive to the Architectural and Transportation Barriers Compliance Board to issue guidelines; and authority to award attorney's fees.

III. HEARINGS

Hearings were held before the Labor and Human Resources Committee and the Labor and Human Resources' Subcommittee on the Handicapped on legislation to establish a clear and comprehensive prohibition of discrimination on the basis of disability on September 27, 1988, May 9, May 10, May 16 and June 22, 1989.

On September 27, 1988, a joint hearing was held before the Subcommittee on the Handicapped and the House of Representatives' Subcommittee on Select Education on S. 2345, the Americans with Disabilities Act of 1988. Among the witnesses testifying were: Sandra Parrino, Chairperson, National Council on the Handicapped; Admiral James Watkins, Chairperson, President's Commission on the Human Immunodeficiency Virus Epidemic; Mary Linden of Morton Grove, Illinois who lived in an institution; Dan Piper, an 18-year old with Down Syndrome and Sylvia Piper of Ankeny, Iowa; Jade Category, a 12-year old movie actor with Spina Bifida from Corona Del Mar, California; and Lakisha Griffin from Talladega, Alabama, who attends the Alabama School for the Blind.

Also testifying were: Judith Heumann, World Institute on Disability, Berkeley, California; Gregory Hlibok, student-body president of Gallaudet University, Washington, DC; Belinda Mason from Tobinsport, Indiana who has AIDS; and W. Mitchell from Denver, Colorado, who uses a wheelchair and who was severely burned.

David Saks, on behalf of the Organization for Use of the Telephone, Baltimore, Maryland, also provided testimony.

On May 9, 1989, the Committee on Labor and Human Resources held a hearing on S. 933, the Americans with Disabilities Act of 1989. Among the witnesses were: Tony Coelho, the Majority Whip of the House of Representatives; I. King Jordan, President of Gallaudet University, Washington, DC; Justin Dart, chairperson, the Task Force on the Rights and Empowerment of Americans with Disabilities, Washington, DC.

Also testifying were: Ms. Mary DeSapio, a cancer survivor; Joseph Danowsky, an attorney who is blind; Amy Dimsdale, a college graduate who is quadriplegic and who after 5 years of looking for work remains unemployed; Harold Russell, chairman, President's Committee on Employment of People with Disabilities, Washington, DC; Zachery Fasman, U.S. Chamber of Commerce, Washington, DC; Lawrence Lorber, American Society of Personnel Administrators, Washington, DC; and Arlene Mayerson, Disability Rights Education and Defense Fund, Berkeley, California.

Others providing testimony were: Barbara Hoffman, Vice President of the National Coalition for Cancer Survivorship; Robert McGlotten, Director, Department of Legislation, AFL-CIO; the Associated General Contractors of America; and the National Organizations Responding to AIDS.

On May 10, the Subcommittee on the Handicapped heard testimony from Senator Bob Dole, Senator from Kansas and Senate Mi-

nority Leader; Perry Tillman, Paralyzed Veterans of America, New Orleans, Louisiana; Ken Tice, Advocating Change Together, Minneapolis, Minnesota; Lisa Carl who has cerebral palsy and her mother, Vickie Franke, Tacoma, Washington.

Also testifying were: the Honorable Neil Hartigan, Attorney General of the State of Illinois; Ron Mace, Barrier Free Environments, Raleigh, North Carolina; William Ball, Association of Christian Schools International, Harrisburg, Pennsylvania; Sally Douglas, National Federation of Independent Business, Washington, D.C.; Malcolm Green, National Association of Theater Owners, Boston Massachusetts; and Robert Burgdorf Jr., National Easter Seal Society, Washington, D.C.; Betty and Emory Corey, Baltimore, Maryland; and Ilene Foster, Baltimore, Maryland.

In addition, the Subcommittee heard testimony from Paul Taylor, National Technical Institute for the Deaf, Rochester, New York; Robert Yaeger, Minnesota Relay Service, Minneapolis, Minnesota; and Gerald Hines, AT&T, Basking Ridge, New Jersey.

Others providing testimony included: Chai Feldblum, Tony Califa, Nan Hunter, and Morton Halperin of the American Civil Liberties Union; Peter Bradford, chairman of the State of New York Public Service Commission; and Paul Rodgers and Caroline Chambers on behalf of the National Association of Regulatory Utility Commissioners.

On May 16, the Subcommittee on the Handicapped heard testimony from: Michael McIntyre, Queens Independent Living Center, Jamaica, New York; Mark Johnson, ADAPT, Alpharetta, Georgia; Laura Oftedahl, Columbia Lighthouse for the Blind, Washington, D.C.; and Dr. Mary Lynn Fletcher, Director, Disability Services, Loudon County, Tennessee.

Also testifying were: J. Roderick Burfield, Virginia Association of Public Transit Officials; Harold Jenkins, Cambria County Transit Authority, Johnstown, Pennsylvania; Dennis Louwerse, American Public Transit Association, Reading, Pennsylvania; Charles Webb, American Bus Association, Washington, D.C.; James Weisman, Eastern Paralyzed Veterans of America, New York, New York, and Tim Cook, National Disability Action Center, Washington, D.C.

Others providing testimony were: the Virginia Council for Independent Living; Wayne Smith, Executive Director of the United Bus Owners of America; and Theodore Knappen, Senior Vice President of Greyhound Lines, Inc.

On June 22, the Labor and Human Resources Committee heard testimony from Richard L. Thornburgh, Attorney General of the United States, and Senator Lowell P. Weicker, Jr., chief sponsor of the Americans with Disabilities Act of 1988.

IV. NEED FOR THE LEGISLATION

The Committee, after extensive review and analysis over a number of Congresses, concludes that there exists a compelling need to establish a clear and comprehensive Federal prohibition of discrimination on the basis of disability in the areas of employment in the private sector, public accommodations, public services, transportation, and telecommunications.

NATURE AND EXTENT OF DISCRIMINATION ON THE BASIS OF DISABILITY

In general

Testimony presented to the Committee and the Subcommittee, two recent reports by the National Council on Disability ("Toward Independence" (1986) and "On the Threshold of Independence" (1988)), a report by the Civil Rights Commission ("Accommodating the Spectrum of Individual Abilities" (1983)), polls taken by Louis Harris and Associates ("The ICD Survey of Disabled Americans: Bringing Disabled Americans into the Mainstream" (March, 1986)) and "The ICD Survey II: Employing Disabled Americans" (1987)), a report of the Presidential Commission on the Human Immunodeficiency Virus Epidemic (1988)), and the report by the Task Force on the Rights and Empowerment of Americans with Disabilities all reach the same fundamental conclusions:

- (1) Historically, individuals with disabilities have been isolated and subjected to discrimination and such isolation and discrimination is still pervasive in our society;
- (2) Discrimination still persists in such critical areas as employment in the private sector, public accommodations, public services, transportation, and telecommunications;
- (3) Current Federal and State laws are inadequate to address the discrimination faced by people with disabilities in these critical areas;
- (4) People with disabilities as a group occupy an inferior status socially, economically, vocationally, and educationally; and
- (5) Discrimination denies people with disabilities the opportunity to compete on an equal basis and costs the United States, State and local governments, and the private sector billions of dollars in unnecessary expenses resulting from dependency and nonproductivity.

One of the most debilitating forms of discrimination is segregation imposed by others. Timothy Cook of the National Disability Action Center testified:

As Rosa Parks taught us, and as the Supreme Court ruled thirty-five years ago in *Brown v. Board of Education*, segregation "affects one's heart and mind in ways that may never be undone. Separate but equal is inherently unequal."

Discrimination also includes exclusion, or denial of benefits, services, or other opportunities that are as effective and meaningful as those provided to others.

Discrimination results from actions or inactions that discriminate by effect as well as by intent or design. Discrimination also includes harms resulting from the construction of transportation, architectural, and communication barriers and the adoption or application of standards and criteria and practices and procedures based on thoughtlessness or indifference—of benign neglect.

The testimony presented by Judith Heumann, World Institute on Disability, illustrates several of these forms of discrimination:

When I was 5 my mother proudly pushed my wheelchair to our local public school, where I was promptly refused admission because the principal ruled that I was a fire hazard. I was forced to go into home instruction, receiving one hour of education three a week for 3½ years. My entrance into mainstream society was blocked by discrimination and segregation. Segregation was not only on an institutional level but also acted as an obstruction to social integration. As a teenager, I could not travel with my friends on the bus because it was not accessible. At my graduation from high school, the principal attempted to prevent me from accepting an award in a ceremony on stage simply because I was in a wheelchair.

When I was 19, the house mother of my college dormitory refused me admission into the form because I was in a wheelchair and needed assistance. When I was 21 years old, I was denied an elementary school teaching credential because of "paralysis of both lower extremities sequelae of poliomyelitis." At the time, I did not know what sequelae meant. I went to the dictionary and looked it up and found out that it was "because of." So it was obviously because of my disability that I was discriminated against.

At the age of 25, I was told to leave a plane on my return trip to my job here in the U.S. Senate because I was flying without an attendant. In 1981, an attempt was made to forcibly remove me and another disabled friend from an auction house because we were "disgusting to look at." In 1983, a manager at a movie theater attempted to keep my disabled friend and myself out of his theater because we could not transfer out of our wheelchairs.

Discrimination also includes harms affecting individuals with a history of disability, and those regarded by others as having a disability as well as persons associated with such individuals that are based on false presumptions, generalizations, misperceptions, patronizing attitudes, ignorance, irrational fears, and pernicious mythologies.

Discrimination also includes the effects a person's disability may have on others. For example, in March, 1988 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. The Supreme Court in *Alexander v. Choate*, 469 U.S. 287 (1985) cited as an example of improper discrimination on the basis of handicap a case in which "a court ruled that a cerebral palsied child, who was not a physical threat and was academically competitive, should be excluded from public school, because his teacher claimed his physical appearance 'produced a nauseating effect' on his classmates." 117 Cong Rec. 45974 (1971).

The Supreme Court in *School Board of Nassau County v. Arline*, 107 S. Ct. 1123 (1987) cited remarks of Senator Mondale describing a case in which a woman "crippled by arthritis" was denied a job not because she could not do the work but because "college trustees [thought] 'normal students shouldn't see her.'" 118 Cong Rec. 36761 (1972).

The Committee heard testimony about a woman from Kentucky who was fired from the job she had held for a number of years because the employer found out that her son, who had become ill with AIDS, had moved into her house so she could care for him. The Committee also heard testimony about former cancer victims, persons with epilepsy, a person with cerebral palsy, and others who had been subjected to similar types of discrimination.

With respect to the pervasiveness of discrimination in our Nation, the National Council explained:

A major obstacle to achieving the societal goals of equal opportunity and full participation of individuals with disabilities is the problem of discrimination . . . The severity and pervasiveness of discrimination against people with disabilities is well documented.

The U.S. Commission on Civil Rights recently concluded that:

Despite some improvements . . . [discrimination] 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."

The Lou Harris polls found that:

By almost any definition, Americans with disabilities are uniquely underprivileged and disadvantaged. They are much poorer, much less well educated and have much less social life, have fewer amenities and have a lower level of self-satisfaction than other Americans.

Admiral James Watkins, former chairperson of the President's Commission on the Human Immunodeficiency Virus Epidemic, testified that after 45 days of public hearings and site visits, the Commission concluded that discrimination against individuals with HIV infection is widespread and has serious repercussions for both the individual who experiences it and for this Nation's efforts to control the epidemic. The Report concludes:

as long as discrimination occurs, and no strong national policy with rapid and effective remedies against discrimination is established, individuals who are infected with HIV will be reluctant to come forward for testing, counseling, and care. This fear of potential discrimination . . . will undermine our efforts to contain the HIV epidemic and will leave HIV-infected individuals isolated and alone.

Justin Dart, the chairperson of the Task Force on the Rights and Empowerment of Americans with Disabilities, testified that after 63 public forums held in every state, there is overwhelming evidence that:

Although America has recorded great progress in the area of disability during the past few decades, our society is still infected by the ancient, now almost subconscious assumption that people with disabilities are less than fully

human and therefore are not fully eligible for the opportunities, services, and support systems which are available to other people as a matter of right. The result is massive, society-wide discrimination.

The U.S. Attorney General, Dick Thornburgh, on behalf of President Bush, testified that:

Despite the best efforts of all levels of government and the private sector and the tireless efforts of concerned citizens and advocates everywhere, many persons with disabilities in this Nation still lead their lives in an intolerable state of isolation and dependence.

Employment

Individuals with disabilities experience staggering levels of unemployment and poverty. According to a recent Lou Harris poll not working is perhaps the truest definition of what it means to be disabled in America. Two-thirds of all disabled Americans between the age of 16 and 64 are not working at all; yet, a large majority of those not working say that they want to work. Sixty-six percent of working-age disabled persons, who are not working, say that they would like to have a job. Translated into absolute terms, this means that about 8.2 million people with disabilities want to work but cannot find a job.

Forty percent of all adults with disabilities did not finish high school—three times more than non-disabled individuals. In 1984, fifty percent of all adults with disabilities had household incomes of \$15,000 or less. Among non-disabled persons, only twenty-five percent had household incomes in this wage bracket.

President Bush has stated: "The statistics consistently demonstrate that disabled people are the poorest, least educated and largest minority in America."

According to the Lou Harris poll, the majority of those individuals with disabilities not working and out of the labor force, must depend on insurance payments or government benefits for support. Eighty-two percent of people with disabilities said they would give up their government benefits in favor of a full-time job.

Lou Harris' poll also found that large majorities of top managers (72 percent), equal opportunity officers (76 percent), and department heads/line managers (80 percent) believe that individuals with disabilities often encounter job discrimination from employers and that discrimination by employers remains an inexcusable barrier to increased employment of disabled people.

According to testimony presented to the Committee by Arlene Mayerson of the Disabilities Rights Education and Defense Fund, the major categories of job discrimination faced by people with disabilities include: use of standards and criteria that have the effect of denying opportunities; failure to provide or make available reasonable accommodations; refusal to hire based on presumptions, stereotypes and myths about job performance, safety, insurance costs, absenteeism, and acceptance by co-workers; placement into dead-end jobs; under-employment and lack of promotion opportunities; and use of application forms and other pre-employment inquiries.

ies that inquire about the existence of a disability rather than about the ability to perform the essential functions of a job.

Several witnesses also explained that title I of the ADA (employment discrimination) is modeled after regulations implementing the Rehabilitation Act of 1973, which prohibits discrimination by recipients of Federal assistance and requires affirmative action by Federal contractors and that compliance with these laws has been "no big deal."

Harold Russell, the chairperson of the President's Committee on Employment of People With Disabilities, testified that for a majority of employees, for example, no reasonable accommodation is required; for many others the costs can be less than \$50. According to the President's Committee which operates the Job Accommodation Network, typical accommodations provided for under \$50 include:

A timer costing \$26.95 with an indicator light allowed a medical technician who was deaf to perform the laboratory tests required for her job;

A receptionist who was visually impaired was provided with a light probe, costing \$45, which allowed her to determine which lines on a telephone were ringing, on hold, or in use of her company;

Obtaining a headset for a phone costing \$49.95 allowed an insurance salesperson with cerebral palsy to write while talking.

Witnesses also explained that there will also be a need for more expensive accommodations, including readers for blind persons and interpreters for deaf persons. But even costs for these accommodations are frequently exaggerated. Dr. I. King Jordan, President of Gallaudet University, explained to the Committee:

Often, interpreters can be hired to do other things as well as interpret—administrative secretaries or professional staff, even, who interpret on an only-as-needed basis. Most of the time, people who are hired who are deaf function without an interpreter except when they are in a meeting or except when they are attending a workshop or except when there is a very essential need for one-to-one communication. But, I think it needs to be made clear to people that the accommodations are not nearly as large as some people would lead us to believe.

In sum, testimony indicates that the provision of all types of reasonable accommodations is essential to accomplishing the critical goal of this legislation—to allow individuals with disabilities to be part of the economic mainstream of our society.

Public accommodations

Based on testimony presented at the hearings and recent national surveys and reports, it is clear that an overwhelming majority of individuals with disabilities lead isolated lives and do not frequent places of public accommodation.

The National Council on Disability summarized the findings of a recent Lou Harris poll:

The survey results dealing with social life and leisure experiences paint a sobering picture of an isolated and secluded population of individuals with disabilities. The large majority of people with disabilities do not go to movies, do not go to the theater, do not go to see musical performances, and do not go to sports events. A substantial minority of persons with disabilities never go to a restaurant, never go to a grocery store, and never go to a church or synagogue * * * The extent of non-participation of individuals with disabilities in social and recreational activities is alarming.

Several witnesses addressed the obvious question "Why don't people with disabilities frequent places of public accommodations and stores as often as other Americans?" Three major reasons were given by witnesses. The first reason is that people with disabilities do not feel that they are welcome and can participate safely in such places. The second reason is fear and self-consciousness about their disability stemming from degrading experiences they or their friends with disabilities have experienced. The third reason is architectural, communication, and transportation barriers.

Former Senator Weicker testified that people with disabilities spend a lifetime "overcoming not what God wrought but what man imposed by custom and law."

Witnesses also testified about the need to define places of public accommodations to include all places open to the public, not simply restaurants, hotels, and places of entertainment (which are the types of establishments covered by title II of the Civil Rights Act of 1964) because discrimination against people with disabilities is not limited to specific categories of public accommodations. The Attorney General stated that we must bring Americans with disabilities into the mainstream of society "in other words, full participation in and access to all aspects of society."

Robert Burgdorf, Jr., currently a Professor of Law at the District of Columbia School of Law, testifying on behalf of the National Easter Seal Society, stated:

* * * it makes no sense to bar discrimination against people with disabilities in theaters, restaurants, or places of entertainment but not in regard to such important things as doctors' offices. It makes no sense for a law to say that people with disabilities cannot be discriminated against if they want to buy a pastrami sandwich at the local deli but that they can be discriminated against next door at the pharmacy where they need to fill a prescription. There is no sense to that distinction.

Witnesses identified the major areas of discrimination that need to be addressed. The first is lack of physical access to facilities. Witnesses recognized that it is probably not feasible to require that existing facilities be completely retrofitted to be made accessible. However, it is appropriate to require modest changes. Ron Mace, an architect, described numerous inexpensive changes that could be made to make a facility accessible, including installing a permanent or portable ramp over an entrance step; installing offset

hinges to widen a doorway; relocating a vending machine to clear an accessible path; and installing signage to indicate accessible routes and features within facilities.

Several witnesses also recognized that when renovations are made that affect or could affect usability, the renovations should enhance accessibility and that newly constructed buildings should be fully accessible because the additional costs for making new facilities accessible are often "negligible." According to Ron Mace, there is absolutely no reason why new buildings constructed in America cannot be barrier-free since additional cost is not the factor. He testified that the problem is that "there is right now no training provided for designers in our country on how to design for children, older people and disabled people."

Additional areas of discrimination that witnesses identified include: the imposition or application of standards or criteria that limit or exclude people with disabilities; the failure to make reasonable modifications in policies to allow participation, and a failure to provide auxiliary aids and services.

For example, Greg Hlibok and Frank Bowe testified about the need for places of public accommodations to take steps to enhance safety for persons with hearing impairments. Laura Oftedahl testified about the lack of access and unnecessary dangers visually impaired people face because of lack of simple, inexpensive auxiliary aids.

Public services

Currently, Federal law prohibits recipients of Federal assistance from discriminating against individuals with disabilities. Many agencies of State and local government receive Federal aid and thus are currently prohibited from engaging in discrimination on the basis of disability. Witnesses testified about the inequity of limiting protection based on the receipt of Federal funding. For example, Neil Hartigan, the Attorney General from Illinois, testified that:

Under the current Federal law, the Rehabilitation Act's nondiscrimination requirements are tied to the receipt of Federal financial assistance. Unfortunately, what this translates to is total confusion for the disabled community and the inability to expect consistent treatment. Where there is no state law prohibiting discriminatory practices, two programs that are exactly alike, except for funding sources, can treat people with disabilities completely differently than others who don't have disabilities.

Mr. Hartigan also focused on the need to ensure access to polling places: "You cannot exercise one of your most basic rights as an American if the polling places are not accessible." The Committee heard about people with disabilities who were forced to vote by absentee ballot before key debates by the candidates were held.

Dr. Mary Lynn Fletcher testified that access to all public services is particularly critical in rural areas, because State and local government activities are frequently the major activities in such small towns. Since Federal aid frequently does not reach small rural

towns, current law thus does not protect people with disabilities in such areas from discrimination.

Transportation

Transportation is the linchpin which enables people with disabilities to be integrated and mainstreamed into society. Timothy Cook testified that "access to transportation is the key to opening up education, employment, recreation; and other provisions of the [ADA] are meaningless unless we put together an accessible public transportation system in this country." The National Council on Disability has declared that "accessible transportation is a critical component of a national policy that promotes the self-reliance and self-sufficiency of people with disabilities."

Harold Russell, testifying for the President's Committee on Employment of People with Disabilities made the same point when he stated:

To have less than adequate accessible public transportation services for an individual who is protected from discrimination in employment, or who has received other numerous federally funded services, is analogous to throwing an 11-foot rope to a drowning man 20 feet offshore and then proclaiming you are going more than halfway.

Witnesses also testified about the need to pursue a multi-modal approach to ensuring access for people with disabilities which provides that all new buses used for fixed routes are accessible and paratransit is made available for those who cannot use the fixed route accessible buses.

For some people with disabilities who lead or would like to lead spontaneous, independent lives integrated into the community, paratransit is often inadequate or inappropriate for the following reasons, among others: the need to make reservations in advance often conflicts with one's work schedule or interests in going out to restaurants and the like; the cost of rides when used frequently is often exorbitant; limitations on time of day and the number of days that the paratransit operates; waiting time; restrictions on use by guests and nondisabled companions who are excluded from accompanying the person with a disability; the expense to the public agency; and restrictions on eligibility placed on use by social service agencies.

However, witnesses also stressed that there are some people with disabilities who are so severely disabled that they cannot use accessible mainline transit and thus there is a need to have a paratransit system for these people.

Witnesses also addressed common myths about making mainline buses accessible. Harold Jenkins, the General Manager of the Cambria County Transit Authority in Johnstown, Pennsylvania, testified that his system is 100% accessible and operates without problem, notwithstanding hilly terrain and inclement weather, including snow, flooding, and significant extremes in temperature.

He also explained that when the decision was initially made to make the fleet 100% accessible there was fear and reluctance on the part of the disability community, the drivers, and the general public. That fear and reluctance has now disappeared. Jenkins con-

cluded that mainline access works in his community because of the commitment by everyone to make it work. Thus, there is a need to train and educate top management, drivers, and the general public as well as the disability community.

The Committee also heard and received written testimony that the new generation of lifts are not having the maintenance problems experienced in the past and they can operate in inclement weather. The Architectural Transportation Barriers Compliance Board has reported that currently most problems with lift operation are the direct result of driver error and that lift maintenance is but one facet of a good maintenance program. Thus, transit authorities reporting problems with lifts are generally those that also report problems with general maintenance.

With respect to intercity transportation, the Committee learned about reasonably priced lifts that can be installed on buses which will enable people using wheelchairs to have access to these buses. This is particularly critical in rural areas where these buses are often the only mode of transportation that is available.

Telecommunications

Dr. I. King Jordan, President of Gallaudet University, noted to the Committee that more than 100 years ago Alexander Graham Bell invented the telephone in the hope that he could close the communication gap between deaf and hearing people. According to Dr. Jordan: "Not only did the telephone not help close the gap, but in many ways it widened it and has become one more barrier in the lives of deaf people."

Several witnesses testified about the critical need to establish relay systems which will enable hearing impaired and communication impaired persons who use telecommunication devices for the deaf (TDDs) to make calls to and receive calls from individuals using voice telephones. Dr. Jordan explained:

The simplest task often becomes a major burden when we do not have access to the telephone: the person who wants to call a doctor for an appointment or the person who has to call his boss and tell him he cannot show up for work that day, someone at home who needs to call a plumber to fix a leak, or maybe a theatergoer who wants to make reservations or go to dinner.

Robert Yeager, who operates the Minnesota Relay Service, explained the importance of the relay this way:

As a former relay operator myself, I have seen the difference these services can make in people's lives . . . A woman calls an ambulance when her husband has a heart attack; someone sets up a job interview and gets a job; a teenager gets their first date . . .

Dr. Jordan summed up the need for a national relay system by stating:

The phone is a necessity, and it is a necessity for all of us, not just people who can hear . . . By requiring nationwide telephone relay service for everyone, it will help deaf people achieve a level of independence in employment

and public accommodations that is sought by other parts of the ADA.

Enforcement

Several witnesses emphasized that the rights guaranteed by the ADA are meaningless without effective enforcement provisions. Illinois Attorney General Neil Hartigan explained that:

The whole trick is to make it more expensive to break the law than it is to keep the law. The vast majority of businesspeople want to keep the law. They just have got a bottom line they have got to meet. They can't have somebody else having an unfair competitive advantage by getting away with a discriminatory practice. That is why we need teeth in the law. That is why we put the penalties in the law and the damages in the law.

Mr. Hartigan explained that the inclusion of penalties and damages in the driving force that facilitates voluntary compliance:

When you don't have the penalties, there is no enforcement possibilities. Right now . . . we can have traditional as well as punitive damages. We can have injunctive activity. We have got a range of weapons we can use if we have to use them. But, the fact that you've got it, the fact they know you are serious about it, keeps you from having to use it. We have 3,000 cases where we haven't had to go to court.

Summary

In sum, the unfortunate truth is that individuals with disabilities are a discrete and insular minority who have been faced with restrictions and limitations, subjected to a history of purposeful unequal treatment, and relegated to a position of political powerlessness in our society, based on characteristics that are beyond the control of such individuals and resulting from stereotypic assumptions not truly indicative of the ability of such individuals to participate in and contribute to society.

THE EFFECTS OF DISCRIMINATION ON INDIVIDUALS WITH DISABILITIES

Discrimination has many different effects on individuals with disabilities. Arlene Mayerson of the Disabilities Rights Education and Defense Fund testified about the nature of discrimination against people with disabilities:

The discriminatory nature of policies and practices that exclude and segregate disabled people has been obscured by the unchallenged equation of disability with incapacity and by the gloss of "good intentions." The innate biological and physical "inferiority" of disabled people is considered self-evident. This "self-evident" proposition has served to justify the exclusion and segregation of disabled people from all aspects of life. The social consequences that have attached to being disabled often bear no relationship to the physical or mental limitations imposed by the disability. For example, being paralyzed has meant far more than

being unable to walk—it has meant being excluded from public schools, being denied employment opportunities and being deemed an “unfit parent.” These injustices co-exist with an atmosphere of charity and concern for disabled people.

Dr. I. King Jordan, the President of Gallaudet University, explained that:

Discrimination occurs in every facet of our lives. There is not a disabled American alive today who has not experienced some form of discrimination. Of course, this has very serious consequences. It destroys healthy self-concepts and slowly erodes the human spirit. Discrimination does not belong in the lives of disabled people.

Judith Heumann explained that:

In the past, disability has been a cause of shame. This forced acceptance of second-class citizenship has stripped us as disabled people of pride and dignity . . . This stigma scars for life.

Discrimination produces fear and reluctance to participate. Robert Burgdorf and Harold Jenkins testified that fear of mistreatment and discrimination and the existence of architectural, transportation, and communication barriers are critical reasons why individuals with disabilities don't participate to the same extent as nondisabled people in public accommodations and transportation.

Dr. Mary Lynn Fletcher testified about the factors that isolate people with disabilities and then explained that when one adds the rural factor on top of everything else it “obliterates the person.”

Discrimination results in social isolation and in some cases suicide.

Justin Dart testified before the Committee about how several of his brothers had committed suicide because of their disabilities and about a California woman, a mother, a TV director before becoming disabled who said to him:

We can go just so long constantly reaching dead ends. I am broke, degraded, and angry, have attempted suicide three times. I know hundreds. Most of us try, but which way and where can we go? What and who can we be? If I were understood, I would have something to live for.

THE EFFECTS OF DISCRIMINATION ON SOCIETY

The Committee also heard testimony and reviewed reports concluding that discrimination results in dependency on social welfare programs that cost the taxpayers unnecessary billions of dollars each year. Sandy Parrino, the chairperson of the National Council on Disability, testified that discrimination places people with disabilities in chains that:

. . . bind many of the 36 million people into a bondage of unjust, unwanted dependency on families, charity, and social welfare. Dependency that is a major and totally unnecessary contributor to public deficits and private expenditures.

She added that:

. . . it is contrary to sound principles of fiscal responsibility to spend billions of Federal tax dollars to relegate people with disabilities to positions of dependency upon public support.

President Bush has stated:

On the cost side, the National Council on the Handicapped states that current spending on disability benefits and programs exceeds \$60 billion annually. Excluding the millions of disabled who want to work from the employment ranks costs society literally billions of dollars annually in support payments and lost income tax revenues.

Attorney General Thornburgh added that:

We must recognize that passing comprehensive civil rights legislation protecting persons with disabilities will have direct and tangible benefits for our country . . . Certainly, the elimination of employment discrimination and the mainstreaming of persons with disabilities will result in more persons with disabilities working, in increased earnings, in less dependence on the Social Security system for financial support, in increased spending on consumer goods, and increased tax revenues.

Justin Dart testified that it is discrimination and segregation that are preventing persons with disabilities from becoming self-reliant:

. . . and that are driving us inevitably towards an economic and moral disaster of giant, paternalistic welfare bureaucracy. We are already paying unaffordable and rapidly escalating billions in public and private funds to maintain ever-increasing millions of potentially productive Americans in unjust, unwanted dependency.

Thus, discrimination makes people with disabilities dependent on social welfare programs rather than allowing them to be taxpayers and consumers.

Discrimination also deprives our Nation of a valuable source of labor in a period of labor shortages in certain jobs.

President Bush has stated:

The United States is now beginning to face labor shortages as the baby boomers move through the work force. The disabled offer a pool of talented workers whom we simply cannot afford to ignore, especially in connection with the high tech growth industries of the future.

Jay Rochlin, the executive director of the President's Committee on Employment of People with Disabilities, has stated:

The demographics have given us an unprecedented 20 year window of opportunity. Employers will be desperate to find qualified employees. Of necessity, they will have to look beyond their traditional sources of personnel and work to attract minorities, women, and others for a new

workforce. Our challenge is to insure that the largest minority, people with disabilities, is included.

Discrimination also negates the billions of dollars we invest each year to educate our children and youth with disabilities and train and rehabilitate adults with disabilities. Dr. I. King Jordan testified that:

We must stop sending disabled youth conflicting signals. America makes substantial investments in the education and development of these young people, then we deny them the opportunity to succeed and to graduate into a world that treats them with dignity and respect.

Sylvia Piper, a parent of a child with developmental disabilities testified that:

We have invested in Dan's future. And the Ankeny Public School District has made an investment in Dan's future. . . . Are we going to allow this investment of time, energy, and dollars, not to mention Dan's ability and quality of life, to cease when he reaches 21?

Attorney General Thornburgh made the same point in his testimony:

The continued maintenance of these barriers imposes staggering economic and social costs and inhibits our sincere and substantial Federal commitment to the education, rehabilitation, and employment of persons with disabilities. The elimination of these barriers will enable society to benefit from the skills and talents of persons with disabilities and will enable persons with disabilities to lead more productive lives.

CURRENT FEDERAL AND STATE LAWS ARE INADEQUATE; NEED FOR COMPREHENSIVE FEDERAL LEGISLATION

State laws are inadequate to address the pervasive problems of discrimination that people with disabilities are facing. As Neil Hargan, testified,

This is a crucial area where the Federal Government can act to establish uniform minimum requirements for accessibility.

Admiral Watkins, testified that:

My predecessor [Sandy Parrino] here this morning said enough time has, in my opinion, been given to the States to legislate what is right. Too many States, for whatever reason, still perpetuate confusion. It is time for Federal action.

According to Harold Russell:

The fifty State Governors' Committees, with whom the President's Committee works, report that existing State laws do not adequately counter such acts of discrimination.

Current Federal law is also inadequate. Currently, Federal anti-discrimination laws only address discrimination by Federal agen-

cies and recipients of Federal financial assistance. Last year, Congress amended the Fair Housing Act to prohibit discrimination against people with disabilities. However, there are still no protections against discrimination by employers in the private sector, by places of public accommodation, by State and local government agencies that do not receive Federal aid, and with respect to the provision of telecommunication services. With respect to the provision of accessible transportation services, there are still misinterpretations by executive agencies and some courts regarding transportation by public entities and lack of protection against private transportation companies.

The need to enact omnibus civil rights legislation for individuals with disabilities was one of the major recommendations of the National Council on Disability in its two most recent reports to Congress. In fact S. 2345, the Americans With Disabilities Act of 1988, introduced during the 100th Congress, was developed by the Council.

The need for omnibus civil rights legislation was also one of the major recommendations of the Presidential Commission on the HIV Epidemic:

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.

Attorney General Thornburgh, on behalf of President Bush, also testified about the importance of enacting comprehensive civil rights legislation for people with disabilities:

The Committee is to be commended for its efforts in drafting S. 933. One of its most impressive strengths is its comprehensive character. Over the last 20 years, civil rights laws protecting disabled persons have been enacted in piecemeal fashion. Thus, existing Federal laws are like a patchwork quilt in need of repair. There are holes in the fabric, serious gaps in coverage that leave persons with disabilities without adequate civil rights protections.

VISION FOR THE FUTURE

Many of the witnesses described the vision of the Americans With Disabilities Act.

Sandy Parrino testified that:

Martin Luther King had a dream. We have a vision. Dr. King dreamed of an America "where a person is judged not by the color of his skin, but by the content of his character." ADA's vision is of an America where persons are judged by their abilities and not on the basis of their disabilities.

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1. World AIDS Day, 1994 November 30, 1994 Pres. Proc. No. 6759,
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2. National Family Caregivers Week, 1994 November 3, 1994
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3. White Cane Safety Day, 1994 October 14, 1994 Pres. Proc. No. 6741,
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4. National Disability Employment Awareness Month, 1994 September 30, 1994
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6. Women's Equality Day, 1994 August 18, 1994 Pres. Proc. No. 6715,
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7. National Scleroderma Awareness Month, 1994 July 29, 1994
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11. Federal Leadership of Fair Housing January 17, 1994 59 FR 8513,
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