



**ROBERT J. DOLE**  
**INSTITUTE OF POLITICS**  

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**The University of Kansas**

## ABOUT THIS FOLDER

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- Any non-draft document or any draft with original added content (notations, highlighting, etc.) has been digitized in its entirety.
- Any draft with no original added content has had only the front page scanned and is noted as such.

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[dolearchives@ku.edu](mailto:dolearchives@ku.edu)

101ST CONGRESS  
1ST SESSION

# S. 933

To establish a clear and comprehensive prohibition of discrimination on the basis of disability.

## IN THE SENATE OF THE UNITED STATES

MAY 9 (legislative day, JANUARY 3), 1989

Mr. HARKIN (for himself, Mr. KENNEDY, Mr. DURENBERGER, Mr. SIMON, Mr. JEFFORDS, Mr. CRANSTON, Mr. MCCAIN, Mr. MITCHELL, Mr. CHAFEE, Mr. LEAHY, Mr. STEVENS, Mr. INOUE, Mr. COHEN, Mr. GORE, Mr. PACKWOOD, Mr. RIEGLE, Mr. GRAHAM, Mr. PELL, Mr. DODD, Mr. ADAMS, Ms. MIKULSKI, Mr. METZENBAUM, Mr. MATSUNAGA, Mr. WIRTH, Mr. BINGAMAN, Mr. CONRAD, Mr. BURDICK, Mr. LEVIN, Mr. LIEBERMAN, Mr. MOYNIHAN, Mr. KERRY, Mr. SARBANES, Mr. BOSCHWITZ, and Mr. HEINZ) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

## A BILL

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1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

4 (a) SHORT TITLE.—This Act may be cited as the  
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6 (b) TABLE OF CONTENTS.—The table of contents is as  
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6 (b) TABLE OF CONTENTS.—The table of contents is as  
7 follows:



231011.245

9:00  
S.L.C.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To exclude an employee or applicant who is a current user of illegal drugs from the definition of "qualified individual with a disability".

IN THE SENATE OF THE UNITED STATES—101st Cong., 1st Sess.

**S. 933**

To establish a clear and comprehensive prohibition of discrimination on the basis of disability.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr.

Viz:

1 On page 50, strike line 21 and all that follows through  
2 page 51, line 21.

3 On page 51, line 22, strike "(d)" and insert "(c)".

4 On page 52, between lines 9 and 10, insert the follow-  
5 ing new section:

6 SEC. 104. ILLEGAL DRUGS AND ALCOHOL.

7 (a) QUALIFIED INDIVIDUAL WITH A DISABILITY.—For  
8 purposes of this title, the term "qualified individual with a

1 disability" shall not include any employee or applicant  
2 who is a current user of illegal drugs.

3 (b) AUTHORITY OF COVERED ENTITY.—A covered  
4 entity—

5 (1) may prohibit the use of alcohol or illegal  
6 drugs at the workplace by all employees;

7 (2) may require that employees shall not be  
8 under the influence of alcohol or illegal drugs at the  
9 workplace;

10 (3) may require that employees behave in con-  
11 formance with the requirements established under the  
12 Drug-Free Workplace of 1988 (41 U.S.C. 701 et  
13 seq.) and that transportation employees meet require-  
14 ments established by the Secretary of Transportation  
15 with respect to drugs and alcohol; and

16 (4) may hold an employee who is a drug user or  
17 alcoholic to the same qualification standards for em-  
18 ployment or job performance and behavior that such  
19 entity holds other employees, even if any unsatisfac-  
20 tory performance or behavior is related to the drug  
21 use or alcoholism of such employee.

22 (c) DRUG TESTING.—

23 (1) IN GENERAL.—For purposes of this title, a  
24 test to determine the use of illegal drugs shall not be  
25 considered a medical examination.



231011.245

3

S.L.C.

1           (2) CONSTRUCTION.—Nothing in this title shall  
2       be construed to encourage, prohibit, or authorize the  
3       conduction drug testing of job applicants or employ-  
4       ees or making employment decisions based on such  
5       test results.

6       On page 52, line 10, strike “104” and insert “105”.

7       On page 52, line 17, strike “105” and insert “106”.

8       On page 52, line 22, strike “106” and insert “107”.

9       On page 53, line 4, strike “105” and insert “106”.

10       On page 53, line 6, strike “107” and insert “108”.

11       On page 93, line 20, strike “106” and insert “107”.

231011.253

S.L.C.

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To provide a plan to provide entities with technical assistance.

IN THE SENATE OF THE UNITED STATES—101st Cong., 1st Sess.

**S. 933**

To establish a clear and comprehensive prohibition of discrimination on the basis of disability.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. DOLE

Viz:

- 1 On page 95, strike lines 4 through 14 and insert the
- 2 following new subsections:
- 3 (a) PLAN FOR ASSISTANCE.—Not later than 180 days
- 4 after the date of enactment of this Act, the Attorney Gener-
- 5 al, in consultation with the Chairman of the Equal Employ-
- 6 ment Opportunity Commission, the Secretary of Transpor-
- 7 tation, the Chairperson of the Architectural and Transpor-
- 8 tation Barriers Compliance Board, and the Chairman of
- 9 Federal Communications Commission, shall develop a
- 10 plan to assist entities covered under this Act to understand
- 11 the responsibility of such entities under this Act.



Me, Copy

101ST CONGRESS  
1ST SESSION

**S. 933**

## **AN ACT**

To establish a clear and comprehensive prohibition of  
discrimination on the basis of disability.

*Be it enacted by the Senate and House of Representa-  
tives of the United States of America in Congress assembled,*

### **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the  
“Americans with Disabilities Act of 1989”.

(b) **TABLE OF CONTENTS.**—The table of contents is as  
follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Definitions.

231011.259

S.L.C.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

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IN THE SENATE OF THE UNITED STATES—101st Cong., 1st Sess.

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5 the date of enactment of this Act, the Attorney Gen-  
6 eral, in consultation with the Chairman of the Equal  
7 Employment Opportunity Commission, the Secretary  
8 of Transportation, the Chairperson of the Architec-  
9 tural and Transportation Barriers Compliance Board,  
10 and the Chairman of Federal Communications Com-  
11 mission, shall develop a plan to assist entities cov-



1       ered under this Act, along with other executive agen-  
2       cies and commissions, in understanding the responsi-  
3       bility of such entities, agencies, and commissions  
4       under this Act.

5               (2) PUBLICATION OF PLAN.—The Attorney Gen-  
6       eral shall publish the plan referred to in paragraph  
7       (1) for public comment in accordance with the Ad-  
8       ministrative Procedure Act (5 U.S.C. 551 et seq.).

9               (b) AGENCY AND PUBLIC ASSISTANCE.—The Attorney  
10      General is authorized to obtain the assistance of other Fed-  
11      eral agencies in carrying out subsection (a), including the  
12      National Council on Disability, the President's Committee  
13      on Employment of People with Disabilities, the Small  
14      Business Administration, and the Department of Com-  
15      merce.

16              (c) IMPLEMENTATION.—

17               (1) AUTHORITY TO CONTRACT.—Each department  
18      or agency that has responsibility for implementing  
19      this Act may render technical assistance to individ-  
20      uals and institutions that have rights or responsibil-  
21      ities under this Act.

22              (2) IMPLEMENTATION OF TITLES.—

23                (A) TITLE I.—The Attorney General, in co-  
24      ordination with the Equal Employment Opportu-  
25      nity Commission, shall implement the plan for

1 assistance, as described in subsection (a), for  
2 title I.

3 (B) TITLE II.—

4 (i) IN GENERAL.—Except as provided  
5 for in clause (ii), the Attorney General  
6 shall implement such plan for assistance  
7 for title II.

8 (ii) EXCEPTION.—The Secretary of  
9 Transportation shall implement such plan  
10 for assistance for section 203.

11 (C) TITLE III.—The Attorney General, in  
12 coordination with the Secretary of Transporta-  
13 tion and the Chairperson of the Architectural  
14 Transportation Barriers Compliance Board, shall  
15 implement such plan for assistance for title III.

16 (D) TITLE IV.—The Chairman of the Fed-  
17 eral Communications Commission, in coordina-  
18 tion with the Attorney General, shall implement  
19 such plan for assistance for title IV.

20 (d) GRANTS AND CONTRACTS.—

21 (1) IN GENERAL.—Each department and agency  
22 having responsibility for implementing this Act may  
23 make grants or enter into contracts with individuals,  
24 profit institutions, and nonprofit institutions, includ-  
25 ing educational institutions and groups or associa-



1        tions representing individuals who have rights or  
2        duties under this Act, to effectuate the purposes of  
3        this Act.

4            (2) DISSEMINATION OF INFORMATION.—Such  
5        grants and contracts, among other uses, may be de-  
6        signed to ensure wide dissemination of information  
7        about the rights and duties established by this Act  
8        and to provide information and technical assistance  
9        about techniques for effective compliance with this  
10       Act.

11       (e) FAILURE TO RECEIVE ASSISTANCE.—An employer,  
12       public accommodation, or other entity covered under this  
13       Act shall not be excused from meeting the requirements of  
14       this Act because of any failure to receive technical assist-  
15       ance under this section.

231011.259

S.L.C.

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AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

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- 10 and the Chairman of Federal Communications Com-
- 11 mission, shall develop a plan to assist entities cov-



*Justice*

Attached is a side-by-side comparison of four versions of the Americans With Disabilities Act: (1) S. 933, the introduced Harkin bill; (2) the pre-hearing Harkin draft bill; (3) the un-introduced Hatch bill; and (4) the original National Council on Disabilities proposal.

# COMPARISON OF ADA PROPOSALS

(Note: 2nd, 3rd, and 4th columns indicate differences from and similarities to S. 933 (1st column))

S. 933 Harkin Bill	Pre-Hearing Harkin Draft	Hatch Draft	S. 2345 NCD Bill
A BILL To establish a clear and comprehensive prohibition of discrimination on the basis of disability.	Provisions are identical to S. 933 unless otherwise noted.	No comparable provision	Same
BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED,			
SECTION 1. SHORT TITLE; TABLE OF CONTENTS.			
(a) Short Title. -- This Act may be cited as the "Americans with Disabilities Act of 1989".		This Act may be cited as the "Equal Opportunity Act of 1989. "	Same
SEC. 2. FINDINGS AND PURPOSES.			
(a) Findings. -- 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;		36,000,000	36,000,000



-2-

S. 933 Harkin Bill	Pre-Hearing Harkin Draft	Hatch Draft	S. 2345 NCD Bill
(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;	Provisions are identical to S. 933 unless otherwise noted.	No comparable provision	Same
(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;		No comparable provision	Same
(4) unlike individuals who have experienced discrimination on the basis of race, 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;	No comparable provision	No comparable provision	No comparable provision

- 3 -

S. 933 Harkin Bill	Pre-Hearing Harkin Draft	Hatch Draft	S. 2345 NCD Bill
<p>(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;</p> <p>(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;</p>	<p>Provisions are identical to S. 933 unless otherwise noted.</p>	<p>No comparable provision</p> <p>No comparable provision</p>	<p>Same</p> <p>Same</p>



-4-

S. 933 Harkin Bill	Pre-Hearing Harkin Draft	Hatch Draft	S. 2345 NCD Bill
<p>(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;</p>	<p>Provisions are identical to S. 933 unless otherwise noted.</p>	<p>No comparable provision</p>	<p>Same</p>
<p>(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</p>		<p>Only includes "equality of opportunity"</p>	<p>Same</p>

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S. 933 Harkin Bill	Pre-Hearing Harkin Draft	Hatch Draft	S. 2345 NCD Bill
(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 non-productivity.	Provisions are identical to S. 933 unless otherwise noted.	opportunities available to others in our free society, and imposes significant costs on the United States resulting from dependency and nonproductivity.	Same
(b) Purpose. -- It is the purpose of this Act --		(b) Purpose. - It is the purpose of this Act to provide a prohibition of discrimination against persons with disabilities in employment, public accommodations, state and local government agencies, certain transportation services; and the broadcast of television videotapes.	Same
(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;			Same
(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	No comparable provision	No comparable provision	No comparable provision



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S. 933 Harkin Bill	Pre-Hearing Harkin Draft	Hatch Draft	S. 2345 NCD Bill
<p>(4) to invoke the sweep of congressional authority, including its 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.</p>	<p>Same</p> <p>Also includes as a purpose: "to provide a prohibition of discrimination against persons with disabilities parallel in scope of coverage with that afforded to persons on the basis of race, sex, national origin, and religion."</p>	<p>No comparable provision</p>	<p>Same</p> <p>Also includes as a purpose: "to provide a prohibition of discrimination against persons with disabilities parallel in scope of coverage with that afforded to persons on the basis of race, sex, national origin, and religion."</p>
<p>SEC. 3. DEFINITIONS.</p>			
<p>As used in this Act:</p>			
<p>(1) AUXILIARY AIDS AND SERVICES. -- The term "auxiliary aids and services" shall include --</p>		<p>No comparable provision</p>	<p>All regulations issued under the Act must include the following requirements for the prohibition or removal of communication barriers, and for making reasonable accommodations to assure effective communication with a particular person who has a physical or mental impairment, perceived impairment, or record of impairment.</p>
<p>(A) qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments;</p>			<p>"Communication Barriers" are defined as the absence of devices, services, systems, or signage and information media, or modifications of devices, services, systems, or signage and information media that are necessary to achieve effective communication with persons with a physical or</p>
<p>(B) qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;</p>			
<p>(C) acquisition or modification of equipment or devices; and</p>			
<p>(D) other similar services and actions.</p>			



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S. 933  
Harkin Bill

Pre-Hearing  
Harkin Draft

Hatch  
Draft

S. 2345  
NCD Bill

mental impairment, perceived impairment, or record of impairment in regard to a service, program, activity, benefits, job, or other opportunity

Methods of removing such barriers include

(A) the provision and maintenance of devices such as Telecommunications Devices for the Deaf, visual aids such as flashing alarms and indicators, decoders, and augmentative communication devices for nonvocal persons such as language symbol or alphabet boards;

(B) the provision of such services as interpreting, readings audio or video taping, and notetaking, by qualified personnel;

(C) the development and effective operation of such systems as captioning, assistive listening. svstems, including audio induction loops, and in- frared, FM or AM communications, and telephone relay services system;

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S. 933  
Harkin Bill

Pre-Hearing  
Harkin Draft

Hatch  
Draft

S. 2345  
NCD Bill

(2) PHYSICAL OR  
MENTAL IMPAIRMENT-The term  
"physical or mental  
impairment", means-

(A) any physiological  
disorder or condition,  
cosmetic disfigurement, or  
anatomical loss affecting one  
or more systems of the body,  
including the following-

- (i) the neurological  
system;
- (ii) the musculoskeletal  
system;
- (iii) the special sense  
organs, and respiratory  
organs, including speech  
organs;
- (iv) the cardiovascular  
system;
- (v) the reproductive  
system;
- (vi) the digestive and  
genitourinary systems,
- (vii) the hemic and  
lymphatic systems;
- (viii) the skin; and
- (ix) the endoc#ne  
system; or

(B) any mental or  
psychological disorder, such  
as mental retardation,  
organic brain syndrome,  
emotional or mental illness,  
and specific learning  
disabilities.



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S. 933 Harkin Bill	Pre-Hearing Harkin Draft	Hatch Draft	S. 2345 NCD Bill
<p>(3) REASONABLE ACCOMMODATION. -- The term "reasonable accommodation" shall include --</p> <p>(A) making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and</p>	<p>Provisions are identical to S. 933 unless otherwise noted.</p>	<p>No comparable provision</p>	<p>(3) PERCEIVED IMPAIRMENT--The term "perceived impairment" means not having a physical or mental impairment as defined in paragraph (2), but being regarded as having or treated as having a physical or mental impairment.</p> <p>(4) RECORD OF IMPAIRMENT.--The term "record of impairment" means having a history of, or having been misclassified as having, a physical or mental impairment.</p> <p>REASONABLE ACCOMMODATION.--The term "reasonable accommodation" means providing or modifying devices, aids, services, or facilities, or changing standards, criteria, practices, or procedures for the purpose of providing to a particular person with a physical or mental impairment, or perceived impairment, or record of impairment the equal opportunity to participate effectively in a particular program, activity job, or other, opportunity.</p> <p>Reasonable accommodation is required in all contexts, not just employment.</p>



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S. 933 Harkin Bill	Pre-Hearing Harkin Draft	Hatch Draft	S. 2345 NCD Bill
<p>(B) job restructuring, part-time or modified work schedules, reassignment, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations and training materials, adoption or modification of procedures or protocols, the provision of qualified readers or interpreters, and other similar accommodations.</p> <p>(4) 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 Canal Zone, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.</p>	<p>Provisions are identical to S. 933 unless otherwise noted.</p>	<p>No comparable provision</p>	

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S. 933 Harkin Bill	Pre-Hearing Harkin Draft	Hatch Draft	S. 2345 NCD Bill
TITLE I -- GENERAL PROHIBITION AGAINST DISCRIMINATION		No comparable provision to Title I	Contains general prohibitions that apply to
SEC. 101. FORMS OF DISCRIMINATION PROHIBITED.			
(a) In General. --			
(1) SERVICES, PROGRAMS, ACTIVITIES, BENEFITS, JOBS, OR OTHER OPPORTUNITIES. -- Subject to the standards and procedures established in titles II through V, it shall be discriminatory to subject an individual or class of individuals, directly or through contractual, licensing, or other arrangements, on the basis of disability, to any of the following:	Does not address "class of individuals"		(1) employer practices, employment agency practices, labor organization practices, and training programs covered by title VII of the Civil Rights Act of 1964, (2) the sale or rental of housing covered by title VIII of the Civil Rights Act of 1964; (3) any public accommodation covered by title II of the Civil Rights Act of 1964; (4) transportation services rendered by a person, company, or agency engaged in the principal business of transportation of persons, goods, documents, or data; (5) the actions, practices, and operations of a State, or agency or political subdivision of



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S. 933 Harkin Bill	Pre-Hearing Harkin Draft	Hatch Draft	S. 2345 NCD Bill
	Provisions are identical to S. 933 unless otherwise noted.	No comparable provision to title I	(6) broadcasts, communications, or telecommunications services provided by a person, company, or agency engaged in the principal business of broadcasting or of communication by wire, as defined in subsections (a) and (o) of section 153 of the Communications Act of 1934, as amended (47 U.S.C. 153(a) and (o)).
(A) Denying the opportunity to participate in or benefit from a service, program, activity, benefit, job, or other opportunity.			Same
(B) Affording an opportunity to participate in or benefit from a service, program, activity, benefit, job, or other opportunity that is not equal to that afforded others.			Same
(C) Providing a service, program, activity, benefit, job, or other opportunity that is less effective than that provided to others.			Same
(D) Providing a service, program, activity, benefit, job, or other opportunity that is different or separate, unless such action is	Does not address "class of individuals"		Same



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S. 933 Harkin Bill	Pre-Hearing Harkin Draft	Hatch Draft	S. 2345 NCD Bill
necessary to provide the individual or class of individuals with a service, program, activity, benefit, job, or other opportunity that is as effective as that provided to others.	Provisions are identical to S. 933 unless otherwise noted.	No comparable provision to title I	
(E) Aiding or perpetuating discrimination by providing significant assistance to an agency, organization, or individual that discriminates.			Same
(F) Denying the opportunity to participate as a member of boards or commissions.			Same
(G) Otherwise limiting the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others.			Same
(2) EQUAL OPPORTUNITY. -- For purposes of this Act, aids, benefits, and services to be equally effective, must afford an individual with a disability an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the individual's needs.			Same

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<p>(3) OPPORTUNITY TO PARTICIPATE. -- Notwithstanding the existence of separate or different programs or activities provided in accordance with this section, an individual with a disability shall not be denied the opportunity to participate in such programs or activities that are not separate or different.</p>	Provisions are identical to S. 933 unless otherwise noted.	No comparable provision to title I	Same
<p>(4) ADMINISTRATIVE METHODS. -- An individual or entity shall not, directly or through contractual or other arrangements, utilize standards or criteria or methods of administration --</p> <p>(A) that have the effect of discrimination on the basis of disability;</p> <p>(B) that have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the services, programs, activities, benefits, jobs, or other opportunities provided with respect to an individual with a disability; or</p> <p>(C) that perpetuate the discrimination of others who are subject to common</p>			Same



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administrative control or are agencies of the same State.	Provisions are identical to S. 933 unless otherwise noted.	No comparable provision to title I	Same
(5) RELATIONSHIPS OR ASSOCIATIONS. -- It shall be discriminatory to exclude or otherwise deny equal services, programs, activities, benefits, jobs, or other opportunities to an individual or entity because of the relationship to, or association of, that individual or entity with another individual with a disability.	"It shall not be discrimination on the basis of handicap to exclude or otherwise deny equal services, programs, activities, benefits, jobs, or other opportunities to an individual with a handicap for reasons entirely unrelated to handicap."		Also provides that it is discriminatory (A) to establish or impose; or (B) to fail or refuse to remove; any architectural, transportation, or communication barriers that prevent the access or limit the participation of persons on the basis of handicap.
(b) DEFENSES. --	"Are shown by a covered entity" instead of "has been demonstrated by the covered entity"		It shall be discriminatory to impose or apply any qualification standards, selection criteria, or eligibility criteria that--  (A) screen out or disadvantage an individual because of a physical or mental impairment, perceived impairment, or record of impairment; or
(1) IN GENERAL. -- It shall be a defense to a charge of discrimination under this Act that an alleged application of qualification standards, selection criteria, performance standards or eligibility criteria that exclude or deny services, programs, activities, benefits, jobs, or other opportunities to an individual with a disability has been demonstrated by the covered entity to be both necessary and substantially related to the ability of an individual to			



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perform or participate, or take advantage of the essential components of such particular program, activity, job, or other opportunity and such performance, participation, or taking advantage of such essential components cannot be accomplished by applicable reasonable accommodations, modifications, or the provision of auxiliary aids or services.	Provisions are identical to S. 933 unless otherwise noted.	No comparable provision to title I	<p>(B)</p> <p>disproportionately, screen out or disadvantage persons with particular types of physical or mental impairments, perceived impairments, or records of impairment; unless such criteria or standards can be shown to be necessary and substantially related to ability to perform or participate in essential components of the particular service, program, activity, benefit, job, or other opportunity."</p> <p>It also provides as a defense that it shall not be considered to be discrimination on the basis of handicap to exclude or otherwise deny equal services, programs, activities, benefits, jobs, or other opportunities to a person-</p> <p>(1) for reasons entirely unrelated to the existence of or consequences of a physical or mental impairment, - perceived impairment, or record of impairment; or</p> <p>(2) based on a legitimate application of qualification standards, selection criteria, performance standards, or eligibility criteria that are both necessary and</p>

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			<p>substantially related to the ability to perform or participate in the essential components of the particular job, program, activity, or opportunity, and such performance or participation cannot be accomplished by a reasonable accommodation.</p> <p>Also provides the following defense:</p> <p>SEC. 7. LIMITATIONS ON THE DUTIES OF ACCOMMODATION AND BARRIER REMOVAL</p> <p>(a) EXISTENCE THREATENING ALTERATIONS.-</p> <p>(1) IN GENERAL,- The failure or refusal to remove architectural, transportation, and communication barriers, and to make reasonable accommodations required under section 5(a) shall not constitute an unlawful act of discrimination on the basis of handicap if such barrier removal or accommodation would fundamentally alter the essential nature, or threaten the existence of, the program, activity, business, or facility in question.</p>



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(2) OTHER ACTION.-In the event that barrier removal is not required because it would reset in a fundamental alteration or threaten the existence of a program, activity, business, or facility, there shall continue to be a duty to conform to other requirements of this Act and to take such other actions as are necessary to make a program, activity, or service, when viewed in its entirety, readily accessible to and usable by persons with physical and mental impairments, perceived impairments, or records of impairment.

(b) TIME FOR ALTERATIONS.-

(1) IN GENERAL.-If substantial modifications to existing buildings and facilities are necessary in order to remove architectural, transportation, and communication barriers, as required under section 5(a), such modifications shall, unless required earlier by other law or regulation, be made within a reasonable period of time, not to exceed 2 years from the date of enactment of this Act.

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(2) EXCEPTION.-  
Regulations promulgated pursuant to section 8 of this Act may allow up to 5 years from the date of enactment of this Act where reasonably necessary for the completion of such modifications to particular classes of buildings and facilities.

(c) MASS TRANSPORTATION.-  
(1) IN GENERAL.-If substantial modifications to existing platforms and stations of mass transportation systems are necessary in order to remove architectural, transportation, and communication barriers, as required under section 5(a), regulations promulgated pursuant to section 8 of this Act may, unless required earlier by other law or regulation, allow a reasonable period of time, in no event to exceed 10 years from the date of enactment of this Act, for such modifications to be made.



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<p>(2) QUALIFICATION STANDARDS. -- The term "qualification standards" may include --</p> <p>(A) requiring that the current use of alcohol or drugs by an alcoholic or drug abuser not pose a direct threat to property or the safety of others in the workplace or program; and</p> <p>(B) requiring that an individual with a currently contagious disease or infection not pose a direct threat to the health or safety of other individuals in the workplace or program.</p>	<p>Provisions are identical to S. 933 unless otherwise noted.</p>	<p>No comparable provision to title I</p>	<p>(2) EFFECT.- Paragraph (1) shall not affect the duty of providers of transportation services to conform to other requirements of this Act, including the requirement of removing other types of architectural, transportation, and communication barriers, and the application of such requirements to vehicles and rolling stock.</p> <p>No comparable provision</p> <p>No comparable provision</p>

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(C) LIMITATION ON EXCEPTION. -- The exception contained in subparagraph (B) shall not include employees subject to the civil service laws of a State government, governmental agency or political subdivision.	Provisions are identical to S. 933 unless otherwise noted.		(2) REQUIREMENTS.--The regulations promulgated under subparagraph (A) shall include, a requirement of outreach and recruitment efforts to increase the work force representation of individuals with physical or mental impairments, or records of impairment, and shall establish a process and timelines for the development, implementation, and periodic revision of such outreach and recruitment efforts.
(3) EMPLOYER. --			(3) PREEMPLOYMENT INQUIRIES.--
(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 a person.	"An individual" instead of "a person."	25 (25 applies to all aspects of bill, not just employment)	(A) IN GENERAL.--The regulations promulgated under paragraph (1)(A) shall include a requirement that employers may not conduct a preemployment medical examination and may not make a preemployment inquiry of an applicant as to whether such applicant has a physical or mental impairment, perceived impairment, or record of impairment, or as to the nature or severity of such impairment.
(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		Same	
(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.		Same	



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<p>(4) 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).</p>	<p>Included "joint labor-management committee," "State," not "person." Section 701 and 706 of Civil Rights Act.</p>	<p>Does not include "person" but does include "State"</p>	<p>(B) PERMITTED INQUIRIES.-An employer (i) may make a preemployment inquiry into the ability of an applicant to satisfy legitimate qualification standards, selection criteria, performance standards, or eligibility criteria as permitted under section 5(b)(2);</p>
<p>(5) 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.</p>	<p>Provisions are identical to S. 933 unless otherwise noted.</p>	<p>As used in this Act. - (1) "Individual with handicaps." -  (A) In General. - The term "individual with handicaps" includes any individual who - (i) has a physical or mental impairment which substantially limits one or more of such person's major life activities; (ii) has a record of such an impairment; or (iii) is regarded as having such an impairment.  (B) The term "individual with handicaps" does not include- (i) an individual who currently, illegally uses or is addicted to a controlled substance as defined in section 102 of the Controlled Substances Act, 21 U.S.C. Section 802. (ii) an individual who is an alcoholic or who is</p>	<p>(ii) may condition an offer of employment on the results of a medical examination conducted prior to the entrance to duty of the applicants if- (I) all entering employees are subjected to such an examination regardless of physical or mental impairment, perceived impairment, or record of impairment; and (II) the results of such an examination are used only in accordance with the requirements of this section; (iii) taking remedial action to correct the effects of past discrimination, or engaged in outreach and recruitment efforts to increase the participation of persons with physical or mental impairments, may invite employment applicants to</p>



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addicted to or dependent upon lawfully prescribed drugs if such individual's current use of alcohol or drugs prevents such individual from performing the duties of the job in question or performing the requirements of the program or activity in question, or whose employment or participation in the program or activity, by reason of such current alcohol or drug use, would constitute a direct threat to the property or the safety of others.

(iii) an individual who has a currently contagious disease or infection, and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, is unable to perform the duties of the job or perform the requirements of the program or activity; and

(iv) an individual solely because that individual is a transvestite.

(2) "Qualified individual with handicaps."-  
The term "qualified individual with handicaps" means -

indicate whether, and to what extent, such applicants have a physical or mental impairment, if-

(I) the employer states clearly on any written questionnaire used for employment purposes, or makes clear orally if no written questionnaire is used, that the information requested is intended for use solely in connection with such remedial action or outreach and recruitment activities; and

(II) the employer states clearly that the information is being requested on a voluntary basis, that such information will be kept confidential as provided in subparagraph (C), that refusal to provide such information will not subject the applicant or employee to any adverse treatment, and that such information will be used only in accordance with the requirements of this section.

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(A) with respect to employment, individuals with handicaps who, with or without reasonable accommodation, can perform the essential functions of the particular job in question; and

(B) with respect to any other program or activity, an individual with handicaps who, with or without reasonable accommodation, meets the essential eligibility requirements for participation in, or receipt of benefits from, that program or activity.

(C) CONFIDENTIALITY.- Information as to the medical condition or history of the applicant, obtained in accordance with this paragraph shall be collected and maintained on separate forms that shall be accorded the same confidentiality as are medical records, except that-

(i) supervisors and managers may be informed of restrictions on the work or duties of persons with physical or mental impairments and of necessary accommodations for such persons;

(ii) first aid and safety personnel may be informed, where appropriate, if such a condition may require emergency treatment; and

(iii) government officials investigating compliance with this Act shall be provided relevant information on request.



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<p>(2) the denial of employment opportunities by a covered employer, employment agency, labor organization, or joint labor-management committee to an applicant or employee who is a qualified individual with a disability if the basis for such denial is because of the need of the individual for reasonable accommodation; and</p> <p>(3) the imposition or application by a covered employer, employment agency, labor organization or joint labor-management committee of qualification standards, tests, selection criteria or eligibility criteria that identify or limit, or tend to identify or limit, a qualified individual with a disability, or any class of qualified individuals with disabilities, unless such standards, tests or criteria can be shown by such entity to be necessary and substantially related to the ability of an individual to perform the essential functions of the particular employment position.</p>	<p>Provisions are identical to S. 933 unless otherwise noted.</p>	<p>No comparable provision</p>	<p>No comparable provision</p>



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SEC. 203. POSTING NOTICES.	Provisions are identical to S. 933 unless otherwise noted.	H(e) Posting Notices. -	No comparable provision
<p>Every employer, employment agency, labor organization, or joint labor-management committee covered under this title shall post notices in an accessible format to applicants, employees, and members describing the applicable provisions of this Act, in the manner prescribed by section 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-10).</p>		<p>(1) Posting Requirement. - Every employer, employment agency, and labor organization shall post and keep posted, in conspicuous places upon its premises where notices to employees, applicants for employment, and members are customarily posted, a notice to be prepared or approved by the Commission setting forth excerpts from, or summaries of, the pertinent provisions of this section and information pertinent to the filing of a complaint.</p> <p>(2) Fine. - A willful violation of this section shall be punishable by a fine of not more than \$100 for each separate offense.</p>	
SEC. 204. REGULATIONS.	<p>Did not say "in an accessible format"</p> <p>Instead of "in accordance with subchapter II . . ." said, consistent with the authority under section 713 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-12)."</p>	<p>(d) Regulations. -</p> <p>(1) Issuance of Regulations. - The Commission shall issue such rules, regulations, orders, and instructions as the Commission considers necessary and appropriate to carry out its responsibilities under this section, and section 6 as it applies to entities covered by this section.</p>	See p. 22 of chart.
<p>Not later than 180 days after the date of enactment of this Act, the Commission shall issue regulations in an accessible format to carry out this title in accordance with subchapter II of chapter 5 of title 5, United States Code.</p>			



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<p>SEC. 205. ENFORCEMENT.</p> <p>The remedies and procedures set forth in sections 706, 709, and 710 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5, 2000e-8, and 2000e-9), and the remedies and procedures available under section 1981 of the Revised Statutes (42 U.S.C. 1981) shall be available, with respect to any individual who believes that he or she is being or about to be subjected to discrimination on the basis of disability in violation of any provisions of this Act, or regulations promulgated under section 204, concerning employment.</p>	<p>Did not include Sections 709 and 710 (2000e-8 and 2000e-9)</p> <p>Draft had title-specific effective date section -- see § 606 of S.933</p>	<p>(2) Issuance Date. - Final regulations described under paragraph (1) shall be issued no later than 10 months after the date of enactment of this Act.</p> <p>(c) Enforcement. -</p> <p>(1) Aggrieved individual. - The remedies and procedures set forth in sections 706, 709, and 710 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5, 2000e-8, and 2000e-9) shall be available to any individual aggrieved for any violation of this Act.</p> <p>(2) Enforcement of Act. - The remedies and procedures of sections 706 and 707 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5 and 2000e-6) shall be available to the Attorney General or to the Commission as prescribed by law to enforce the provisions of this Act.</p>	<p>Provides a uniform set of procedures and remedies for enforcement applicable to all areas as follows:</p> <p>Sec. 9. Enforcement.</p> <p>(a) Administrative Actions.</p> <p>(1) In General. Any person who believes that he or she or any specific class of individuals is being or is about to be subjected to discrimination on the basis of handicap in violation of this Act, shall have a right, by himself or herself, or by a representative, to pursue such administrative enforcement procedures and remedies as are available in connection with the regulations issued pursuant to section 8 of this Act.</p>



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(f) Exemption. - Nothing in this Act shall be construed to prohibit an entity, with a principal purpose of assisting a particular class of individuals with handicaps from establishing a publicly announced policy of giving preferences in hiring to individuals who are members of that class.

(g) Aliens outside of State. - This section shall not apply to any employer with respect to the employment of aliens outside of any State.

(2) Remedy. Agencies enforcing such regulations shall have the authority to order all appropriate remedial relief, including compliance orders, cutoff of Federal funds, rescission of Federal licenses, monetary damages, and back pay.

(b) Civil Actions.

(1) Right to File. Any person who believes that he or she or any specific class of individuals is being or is about to be subjected to discrimination on the basis of handicap in violation of this Act, shall have a right, by himself or herself, or by a representative, to file a civil action for injunctive relief, monetary damages, or both in a district court of the United States.

(2) Administrative Enforcement. The exhaustion of administrative enforcement procedures and remedies as contemplated in section 9(a) shall not be a prerequisite to the filing of a civil action under this subsection, except in regard to employer practices, employment agency practices, labor organization practices, and training programs, covered by section 4(a)(1) of this Act, for which such exhaustion shall be required unless

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			<p>(A) administrative enforcement procedures and remedies as contemplated in section 9(a) are not available; or</p> <p>(B) such enforcement procedures are not concluded within 180 days after the filing of a complaint of discrimination prohibited under this Act.</p> <p>(c) Additional Evidence. In any action brought under this section, the court shall receive the records of the administrative proceedings, shall hear additional evidence at the request of a party, and, basing its decision on the preponderance of the evidence, shall grant such relief as the court determines is appropriate.</p> <p>(d) Jurisdiction. The district courts of the United States shall have jurisdiction of actions brought under this Act with regard to the amount of controversy.</p> <p>(e) Immunity. A State shall not be immune under the eleventh amendment to the</p>



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			<p>Constitution of the United States from suit in Federal court for a violation of this Act. In a suit against a State for a violation of the requirements of this Act, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in a suit against any public or private entity other than a State.</p> <p>(f) Attorney's Fees. In any action or administrative proceeding commenced pursuant to this section, the court, or agency, in its discretion, may allow the prevailing complainants party, other than the United States, a reasonable attorney's fee in addition to costs, and the United States shall be liable for costs the same as a private person.</p> <p>(g) Burden of Proof. In any administrative proceeding or civil action brought under this Act, the burden of proving the legitimacy of any qualification standard, selection criteria, or eligibility criteria at issue in a case, and of proving the defense that a particular reasonable accommodation or</p>

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<p>TITLE III -- PUBLIC SERVICES</p> <p>SEC. 301. DEFINITION OF QUALIFIED INDIVIDUAL WITH A DISABILITY.</p> <p>As used in this title, the term "qualified individual with a disability" means an individual with a disability who, with or without reasonable modifications to rules, policies and practices, the removal of architectural, communication, and transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility require-</p>	<p>Did not include "the removal of architectural, communication, and transportation barriers"</p>	<p>See p. 24 of chart.</p>	<p>removal or an architectural, transportation, or communication barrier would fundamentally alter or threaten the existence of the program, activity, business, or facility in question, shall be on the person, agency, or entity alleged to have committed an act of discrimination, and shall not be on the complainant.</p> <p>Does not include remedies and procedures available under sec. 1981 but does provide a right to sue for an individual who is "about to be subjected to discrimination."</p> <p>Does not contain a separate title on public services but requires the Attorney General to issue regulations for States and their agencies and political subdivisions, and DOT to issue regulations applying to State and local transit systems and "to those engaged in the business of transportation." It requires the DOT rules to include the following:</p> <p>(e) Secretary of Transportation.</p>



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<p>ments for the receipt of services or the participation in programs or activities provided by a State or agency or political subdivision of a State or board, commission or other instrumentality of a State and political subdivision.</p> <p>SEC. 302. DISCRIMINATION.</p> <p>No qualified individual with a disability shall, by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a State, or agency or political subdivision of a State or board, commission, or other instrumentality of a State and political subdivision.</p> <p>SEC. 303. ACTIONS APPLICABLE TO PUBLIC TRANSPORTATION CONSIDERED DISCRIMINATORY.</p> <p>(a) DEFINITION. -- As used in this title, the term "public transportation" means transportation by bus or rail, or by any other conveyance (other than air travel) that provides the general public with general or special service (including charter service) on a regular and continuing</p>	<p>TITLE -- Said "mass transportation" instead of "public transportation" throughout</p> <p>Did not say "(including charter service)"</p>	<p>Section 9. Prohibition Against Discrimination in State and Local Government.</p> <p>(a) In General. - No otherwise qualified individual with handicaps shall be subject to discrimination, solely on the basis of his or her handicap, by any agency or department of any State or subdivision of any State.</p> <p>Section 10. Prohibition Against Discrimination in Transportation Services.</p> <p>(a) In General. - No otherwise qualified individual with handicaps shall be subject to discrimination, solely on the basis of his or her handicap, in any services offered to the public for the transportation of individuals by any agency or department of any State or subdivision of any State.</p>	<p>(1) Within 1 year of the date of enactment of this Act, the Secretary of Transportation shall promulgate regulations for the implementation and enforcement of the requirements of this Act as it applies to State and local transit systems and to those engaged in the business of transportation.</p> <p>(2) Standards. The regulations promulgated under paragraph (1) shall include standards regarding the accessibility of vehicles and rolling stock that are consistent with the requirements of paragraph (3).</p> <p>(3) Requirements. With respect to State and local transit systems, rail and light rail services, and bus companies, the standards issued under paragraph (2) shall -</p> <p>(A) ensure that all vehicles or rolling stock that are purchased, leased, renovated, or otherwise placed into service later than one year after the date of enactment of this Act shall be accessible to and usable by persons with physical or mental impairments, including wheelchair users;</p>



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(b) VEHICLES. --		No comparable provision	
(1) NEW BUSES, RAIL VEHICLES, AND OTHER FIXED ROUTE VEHICLES. -- It shall be considered discrimination for purposes of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for an individual or entity to purchase or lease a new fixed route bus of any size, a new intercity rail vehicle, a new commuter rail vehicle, a new rapid rail vehicle, a new light rail vehicle to be used for public transportation, or any other new fixed route vehicle to be used for public transportation and for which a solicitation by such individual or entity is made later than 30 days after the date of enactment of this Act, if such bus, rail, or other vehicle is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.	"rail" instead of "fixed route"		(B) permit a reasonable period of time, not to exceed 7 years, for such transportation operators to purchase, acquire, or modify sufficient vehicles and rolling stock so that the peak fleet of such operators has at least 50 percent of vehicles and rolling stock that are accessible to and usable by persons with physical or mental impairments, including wheelchair users; and
	Did not say "or other"		(C) ensure that the use of paratransit and other specialized transportation services for persons with physical or mental impairments shall be used as a supplement to other forms of transportation, but shall not affect the requirement that transportation systems and services available to members of the public shall be accessible to and usable by persons with physical or mental impairments, including wheelchair users.
(2) USED VEHICLES. -- If an individual or entity purchases or leases a used vehicle after the date of enactment of this Act, such individual or entity shall make demonstrated good faith	Did not say "demonstrated"		



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efforts to purchase or lease a used vehicle that is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.	Not in draft	No comparable provision	See pp. 34-36 of chart.
(3) REMANUFACTURED VEHICLES. -- If an individual or entity remanufactures a vehicle, or purchases or leases a remanufactured vehicle, so as to extend its usable life for 5 years or more, the vehicle shall, to the maximum extent feasible, be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.			
(c) PARATRANSIT AS A SUPPLEMENT TO FIXED ROUTE PUBLIC TRANSPORTATION SYSTEM. -- If an individual or entity operates a fixed route public transportation system to provide public transportation, it shall be considered discrimination, for purposes of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), for such individual or entity to fail to provide paratransit or other special transportation services sufficient to provide a comparable level of services as is provided to	Throughout paragraph (c), (formerly paragraph (d)) said "fixed route bus system" or "fixed route buses" instead of "fixed route public transportation system."		
	"transportation services <u>that are</u> comparable to services provided . . ."		

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<p>individuals using fixed route public transportation to individuals with disabilities, including individuals who use wheelchairs, who cannot otherwise use fixed route public transportation and to other individuals associated with such individuals with disabilities in accordance with service criteria established under regulations promulgated by the Secretary of Transportation.</p>	<p>"accessible" before "fixed route"</p>	<p>No comparable provision</p>	<p>See pp. 34-36 of chart.</p>
<p>(d) COMMUNITY OPERATING DEMAND RESPONSIVE SYSTEMS FOR THE GENERAL PUBLIC. -- If an individual or entity operates a demand responsive system that is used to provide public transportation for the general public, it shall be considered discrimination, for purposes of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), for such individual or entity to purchase or lease a new vehicle, for which a</p>	<p>Title of paragraph (d) (formerly paragraph (c)) was "Community Without Fixed Route Buses but With a Demand Responsive System."</p> <p><u>"exclusively operates"</u></p> <p>after "general public," said "and operates no fixed route bus system for the general public."</p> <p>Effect of S.933 is to require that if entity operates a demand-responsive system, the vehicle accessibility requirements for a demand-responsive system apply, even if the community has a fixed-route bus system.</p>		



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<p>solicitation is made later than 30 days after the date of enactment of this Act, that is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs unless the entity can demonstrate that such system, when viewed in its entirety, provides a level of service to individuals with disabilities equivalent to that provided to the general public.</p> <p>(e) NEW FACILITIES. -- For purposes of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), it shall be considered discrimination for an individual or entity to build a new facility that will be used to provide public transportation services, including bus service, intercity rail service, rapid rail service, commuter rail service, light rail service, and other service used for public transportation that is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.</p>	<p>Did not include "the entity can demonstrate that"</p> <p>Said "is and will remain readily accessible to and usable by such individuals." (Standard of ready access, not equivalency.)</p>	<p>No comparable provision</p>	<p>See pp. 34-36 of chart.</p>

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<p>(f) ALTERATIONS OF EXISTING FACILITIES. -- With respect to a facility or any part thereof that is used for public transportation and that is altered by, on behalf of, or for the use of an individual or entity later than 1 year after the date of enactment of this Act, in a manner that affects or could affect the usability of the facility or part thereof, it shall be considered discrimination, for purposes of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), for such individual or entity to fail to make the alterations in such a manner that, to the maximum extent feasible, the altered portion of the facility, the path of travel to the altered area, and the bathrooms, telephones, and drinking fountains serving the remodeled area are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.</p> <p>(g) EXISTING FACILITIES, INTERCITY RAIL, RAPID RAIL, LIGHT RAIL, AND COMMUTERRAIL SYSTEMS, AND KEY STATIONS. --</p>	<p>"Renovations" instead of "Alterations"</p> <p>"refuse" instead of "fail"</p>	<p>No comparable provision</p>	<p>See pp. 34-36 of chart.</p>



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<p>(1) EXISTING FACILITIES. -- Except as provided in paragraph (3), with respect to existing facilities used for public transportation, it shall be considered discrimination, for purposes of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), for an individual or entity to fail to operate such public transportation program or activity conducted in such facilities so that, when viewed in the entirety, it is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.</p>	<p>Title was "Intercity rapid rail, and commuter systems"  "vehicles <u>and rolling stock</u>"</p>	<p>No comparable provision</p>	<p>See pp. 34-36 of chart.</p>
<p>(2) INTERCITY, RAPID, LIGHT, AND COMMUTER RAIL SYSTEMS. -- With respect to vehicles operated by intercity, light, rapid and commuter rail systems, for purposes of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), it shall be considered discrimination for an individual or entity to fail to have at least one car per train that is accessible to individuals with disabilities, including individuals who use wheelchairs, as soon as practicable but in any event in no less than 5 years.</p>	<p>Did not say "with disabilities, including individuals"  "As soon as practicable" is new. Time limit was 10 (not 5) years for intercity, rapid, and light rail.</p>		

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<p>(3) KEY STATIONS. -- For purposes of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), it shall be considered discrimination for an individual or entity to fail to make stations in intercity rail systems and key stations in rapid rail, commuter rail and light rail systems readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as soon as practicable but in no event later than 3 years after the date of enactment of this Act, except that the time limit may be extended by the Secretary of Transportation up to 20 years for extraordinarily expensive structural changes to, or replacement of, existing facilities necessary to achieve accessibility.</p>	<p>Did not say "stations on intercity rail systems"</p> <p>Said "<u>program</u> accessibility."</p>	<p>No comparable provision</p> <p>Transportation services are in a separate section of the Hatch bill. The regulations and enforcement provisions applicable to government services, other than transportation are as follows:</p>	<p>See pp. 34-36 of chart.</p>



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		<p>(b) Regulations and Enforcement. -</p> <p>(1) Designation of Agencies. - Consistent with this Act, the President shall designate Federal agencies, that have a regulation issued under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), to issue regulations applicable to State and local government agencies or departments to effectuate this section, including procedures for the receipt of complaints of violations of this section, and section 6 as it applies to entities covered by this section, the conciliation of such complaints, and the referral of these complaints in which conciliation fails to the Attorney General.</p> <p>(2) Issuance Date. - The final regulations described in paragraph (1) shall be issued no later than 10 months after the date of enactment of this Act.</p> <p>(3) Equitable Relief. - The Attorney General may, on referral of a complaint from a Federal agency, initiate a civil action for injunctive and other appropriate equitable relief.</p>	

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		<p>( 4 )</p> <p>Enforcement Provisions. - The remedies and procedures of section 204(a) and (b) of the Civil Rights Act of 1964 (42 U.S.C. 2000a-3(a) and (b)), shall be available to -</p> <p>(A) a individual aggrieved under this section;</p> <p>and,</p> <p>(B) to the Attorney General with respect to intervention in a civil action initiated under this subsection.</p> <p>( 5 )</p> <p>Jurisdiction. - The district courts of the United states shall have jurisdiction of proceedings instituted pursuant to this section, and shall exercise such jurisdiction without regard to whether the aggrieved party shall have exhausted any administrative or other remedies that may be provided by law.</p> <p>The enforcement and regulation provisions applicable to transportation are as follows:</p>	
<p>SEC. 304. REGULATIONS.</p> <p>(a) ATTORNEY GENERAL. -- Not later than 180 days after the date of enactment of this Act, the Attorney General shall promulgate regulations in an accessible format that implement this title (other than section 303), and such regulations shall be con-</p>	<p>Did not say "in an accessible format"</p>		<p>1 year</p>



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<p>sistent with this title and with the coordination regulations under part 41 of title 28, Code of Federal Regulations (as in existence on January 13, 1978), applicable to recipients of Federal financial assistance under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).</p>	<p>Did not say "(as in existence on January 13, 1978)"</p>	<p>(b) Enforcement.</p> <p>-</p> <p>(1) Secretary of Transportation. - The Secretary of transportation-</p> <p>(A) shall investigate complaints of violations of this section;</p> <p>(B) shall seek conciliation of such complaints; and</p> <p>(C) may refer complaints in which such conciliation fails to the Attorney General.</p> <p>(2) Attorney General.- The Attorney General may, on referral of complaint from the Secretary of Transportation, initiate a civil action for injunctive and other appropriate equitable relief.</p> <p>(3) Remedies and Procedures. - The remedies and procedures of section 204(a) and (b) of the Civil Rights Act of 1964, (42 U.S.C. 2000a-3 (a) and (b)), shall be available to -</p> <p>(A) an individual aggrieved under this section; and</p> <p>(B) the Attorney General with respect to his or her intervention in a civil action initiated under this subsection.</p>	<p>Does not refer coordination regulations.</p>
<p>(b) SECRETARY OF TRANSPORTATION. --</p>	<p>Said 180, not 240 days</p>	<p>(C) may refer complaints in which such conciliation fails to the Attorney General.</p>	<p>1 year</p>
<p>(1) IN GENERAL. -- Not later than 240 days after the date of enactment of this Act, the Secretary of Transportation shall promulgate regulations in an accessible format that include standards applicable to facilities and vehicles covered under section 303.</p>	<p>After "regulations" said "to carry out section 303 related to discrimination in mass transportation."</p>	<p>(2) Attorney General.- The Attorney General may, on referral of complaint from the Secretary of Transportation, initiate a civil action for injunctive and other appropriate equitable relief.</p>	<p>Uniform Remedies. See p. 30 of chart.</p>
<p>(2) CONFORMANCE OF STANDARDS. -- Such standards shall be consistent with the minimum guidelines and requirements issued by the Architectural and Transportation Barriers Compliance Board in accordance with section 604(b).</p>	<p>Did not contain paragraph (2).</p>	<p>(3) Remedies and Procedures. - The remedies and procedures of section 204(a) and (b) of the Civil Rights Act of 1964, (42 U.S.C. 2000a-3 (a) and (b)), shall be available to -</p> <p>(A) an individual aggrieved under this section; and</p> <p>(B) the Attorney General with respect to his or her intervention in a civil action initiated under this subsection.</p>	<p>Uniform Remedies. See p. 30 of chart.</p>

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SEC. 305. ENFORCEMENT.

The remedies, procedures, and rights set forth in section 505 of the Rehabilitation Act of 1973 (29 U.S.C. 794a) shall be available with respect to any individual who believes that he or she is being or about to be subjected to discrimination on the basis of disability in violation of any provisions of this Act, or regulations promulgated under section 304, concerning public services.

Had title-specific effective date -- see § 606 of S.933.

(4) District Court.- The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise such authority without regard to whether the aggrieved party shall have exhausted any administrative or other remedies that may be provided by law.

(c) Regulations. -

(1) Issuance of Regulations. - The Secretary of Transportation shall issue such regulations as the Secretary considers necessary to effectuate this section, and section 6 as it applies to entities covered by this section.

(2) Issuance Date.- The final regulations described under paragraph (1) shall be issued no later than 10 months after the date of enactment of this Act.

Uniform Remedies. See p. 30 of chart.



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TITLE IV -- PUBLIC ACCOMMODATIONS AND SERVICES OPERATED BY PRIVATE ENTITIES	Provisions are identical to S. 933 unless otherwise noted.	(1) Affect Commerce. - The operations of an establishment "affect commerce" if the establishment meets the criteria in section 201(c) of the Civil Rights Act of 1964 (42 U.S.C. 2000a(c)).	Does not contain a separate title on Public Accommodations and services operated by private entities but requires the Secretary of Commerce to promulgate regulations covering "places of public accommodation" and DOT to issue regulations covering anyone "engaged in the business of transportation" including the requirements specified above.
SEC. 401. DEFINITIONS.		(2) Place of Public Accommodation. - The term "place of public accommodation" means those establishments listed in sections 201(b)(1)-(4) and excludes those listed in section 201(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000a(b)(1)-(4) and (e)).	
As used in this title:			
(1) COMMERCE. -- The term "commerce" means travel, trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia and any State or between any foreign country or any territory or possession and any State or the District of Columbia or between points in the same State but through another State or the District of Columbia or foreign country.			
(2) PUBLIC ACCOMMODATION.			
(A) IN GENERAL. -- The term "public accommodation" means privately operated establishments --			Covers only those establishments covered by title II of the Civil Rights Act. See p. 12 of chart.
(i)(I) that are used by the general public as customers, clients, or visitors; or			

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(II) that are potential places of employment; and	Provisions are identical to S. 933 unless otherwise noted.	See p. 47 of chart	See p. 47 of chart
(ii) whose operations affect commerce.			
(B) INCLUSIONS. -- Public accommodations referred to in clause (i)(I) include auditoriums, convention centers, stadiums, theaters, restaurants, shopping centers, inns, hotels, and motels (other than inns, hotels, and motels exempt under section 201(b)-			
(1) of the Civil Rights Act of 1964 (42 U.S.C. 2000a(b)(1))), terminals used for public transportation, passenger vehicle service stations, professional offices of health care providers, office buildings, sales establishments, personal and public service businesses, parks, private schools, and recreation facilities.			
(3) PUBLIC TRANSPORTATION. -- The term "public transportation" means transportation by bus or rail, or by any other conveyance (other than by air travel) that provides the general public with general or special service (including charter service) on a regular and continuing basis.	Did not say "(including charter service)"		



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SEC. 402. PROHIBITION OF  
DISCRIMINATION BY PUBLIC  
ACCOMMODATIONS.

(a) GENERAL RULE. -- 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, on the basis of disability.

(b) CONSTRUCTION. -- As used in subsection (a), the term "discriminated against" includes --

(1) the imposition or application of eligibility criteria that identify or limit, or tend to identify or limit, an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any goods, services, facilities, privileges, advantages, and accommodations;

(2) a failure to make reasonable modifications in rules, policies, practices, procedures, protocols, or services when such modifications may be necessary to afford such privileges, advantages, and accommodations unless the entity can demons-

Provisions are identical to S. 933 unless otherwise noted.

"refusal" instead of  
"failure"

(b) Prohibition on Discrimination. -- No otherwise qualified individual with handicaps shall be subject to discrimination, solely on the basis of his or her handicaps, in any place of public accommodation whose operations affect commerce.

General prohibitions and defenses apply.

Reasonable accommodation, barrier removal, and effective communication with requisite aids, services, and devices required subject to fundamental alteration and "threaten the existence" defense. See pp. 18-19 of chart.

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trate that making such modifications would fundamentally alter the nature of such privileges, advantages, and accommodations;		See p. 47 of chart	See p. 47 of chart
(3) a failure to take such steps as may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the entity can demonstrate that taking such steps would result in undue burden;	"refusal" instead of "failure"		
(4)(A) a failure to remove architectural and communication barriers that are structural in nature in existing facilities, and transportation barriers in existing vehicles used by an establishment for transporting individuals (not including barriers that can only be removed through the retrofitting of vehicles by the installation of a hydraulic or other lift), where such removal is readily achievable; and	"refusal" instead of "failure"		
(B) where an entity can demonstrate that removal of a barrier under subparagraph			



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<p>(A) is not readily achievable, a failure to make such goods, services, facilities, privileges, advantages, and accommodations available through alternative methods if such methods are readily achievable;</p> <p>(5) with respect to a facility or part thereof that is altered by, on behalf of, or for the use of an establishment later than one year after the date of enactment of this Act in a manner that affects or could affect the usability of the facility or part thereof, a failure to make the alterations in such a manner that, to the maximum extent feasible, the altered portion of the facility, the path of travel to the altered area, and the bathrooms, telephones, and drinking fountains serving the remodeled area, are readily accessible to and usable by individuals with disabilities;</p> <p>(6) a failure to make facilities constructed for first occupancy later than 30 months after the date of enactment of this Act readily accessible to and usable by individuals with disabilities, except where an entity can demonstrate that</p>	<p>after "achievable," said "a refusal to provide alternative methods of making such goods, services, facilities, privileges, advantages, and accommodations available;"</p> <p>"refusal" instead of "failure"</p> <p>"refusal" instead of "failure"</p> <p>covered facilities "designed and constructed later than 30 months after" enactment</p>	<p>See p. 47 of chart</p>	<p>See p. 47 of chart</p>

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it is structurally impracticable to do so, in accordance with standards set forth or incorporated by reference in regulations issued under this title; and		See p. 47 of chart	See p. 47 of chart
(7) in the case of an entity that uses a vehicle to transport individuals not covered under section 303 or 403 --			See pp. 34-36 of chart.
(A) a failure to provide a level of transportation services to individuals with disabilities, including individuals who use wheelchairs, equivalent to that provided for the general public; and	did not contain paragraph (A)		
(B) purchasing or leasing a new bus, or vehicle that can carry in excess of 12 passengers, for which solicitations are made later than 30 days after the date of enactment of this Act, that is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.	addressed "a refusal to make vehicles (those vehicles that can carry in excess of 12 passengers) . . . for which solicitations are made later than <u>2 years</u> after . . . enactment . . . readily accessible"		



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<p>SEC. 403. PROHIBITION OF DISCRIMINATION IN PUBLIC TRANSPORTATION SERVICES PROVIDED BY PRIVATE ENTITIES.</p> <p>(a) GENERAL RULE. -- No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of public transportation services provided by a privately operated entity that is primarily engaged in the business of transporting people, but is not in the principal business of providing air transportation, and whose operations affect commerce.</p> <p>(b) CONSTRUCTION. -- As used in subsection (a), the term "discrimination against" includes --</p> <p>(1) the imposition or application by an entity of eligibility criteria that identify or limit, or tend to identify or limit, an individual with a disability or any class of individuals with disabilities from fully enjoying the public transportation services provided by the entity;</p>	<p>Provisions are identical to S. 933 unless otherwise noted.</p>	<p>No comparable provision</p>	<p>See pp. 34-36 of chart.</p>

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(2) the failure of an entity to --	"refusal" instead of "failure"	No comparable provision	See pp. 34-36 of chart.
(A) make reasonable modif- ications consistent with those required under section 402(b)(2);			
(B) provide auxiliary aids and services consistent with the requirements of section 402(b)(3); and			
(C) remove barriers con- sistent with the requirements of section 402(b)(4); and			
(3) the purchase or lease of a new vehicle (other than an automobile) that is to be used to provide public trans- portation services, and for which a solicitation is made later than 30 days after the date of enactment of this Act, that is not readily accessible to and usable by individuals with disabili- ties, including individuals who use wheelchairs.			



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SEC. 404. REGULATIONS.			
(a) ACCESSIBILITY STANDARDS. -- Not later than 240 days after the date of enactment of this Act, the Secretary of Transportation shall issue regulations in an accessible format that shall include standards applicable to facilities and vehicles covered under section 403.	180, not 240, days		1 year
(b) OTHER PROVISIONS. -- Not later than 240 days after the date of enactment of this Act, the Attorney General shall issue regulations in an accessible format to carry out the remaining provisions of this title not referred to in subsection (a) that include standards applicable to facilities and vehicles covered under section 402.	after "regulations," said, "to carry out the provision of this title related to discrimination in mass transportation "		1 year
(c) STANDARDS. -- Standards included in regulations issued under subsections (a) and (b) shall be consistent with the minimum guidelines and requirements issued by the Architectural and Transportation Barriers Compliance Board in accordance with section 604(-b).	180, not 240, days	(d) Regulations. - (1) Issuance of Regulations. - The Commission shall issue such rules, regulations, orders, and instructions as the Commission considers necessary and appropriate to carry out its responsibilities under this section, and section 6 as it applies to entities covered by this section.	Department of Commerce
	Did not say "in an accessible format"	(2) Issuance Date. - Final regulations described under paragraph (1) shall be issued no later than 10 months after the date of enactment of this Act.	See p. 68 of chart
	Did not include paragraph (c)		

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SEC. 405. ENFORCEMENT.

Sections 802(i), 813, and 814 (a) and (d) of the Fair Housing Act (42 U.S.C. 3602(-i), 3613, and 3614 (a) and (d)) shall be available with respect to any aggrieved individual, except that --

(1) any reference to a discriminatory housing practice or breach of a conciliation agreement shall be considered to be a reference to a practice that is discriminatory under this title concerning a public accommodation or public transportation service operated by a private entity; and

(2) subparagraph (B) of paragraph (1) and paragraphs (2) and (3) of subsection (a) of section 813 shall not apply.

Did not include "and (d)"

Included title-specific effective date.

(c) Enforcement. -

(1) Attorney General. - The remedies and procedures of sections 206 and 204(a) of the Civil Rights Act of 1964, (42 U.S.C. 2000a-5 and 2000a-3(a)), shall be available to the Attorney General to enforce the provisions of this section.

(2) Aggrieved Individual. - The remedies and procedures of section 204 of the Civil Rights Act of 1964, (42 U.S.C. 2000a-3), shall be available to a individual aggrieved under this section.

(3) District Courts. - The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the aggrieved party shall have exhausted any administrative or other remedies that may be provided by law.

Uniform Remedies. See p. 30 of chart.



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<p>TITLE V -- TELECOMMUNICATIONS RELAY SERVICES</p> <p>SEC. 501. DEFINITIONS.</p> <p>As used in this title:</p> <p>(1) COMMISSION. -- The term "Commission" means the Federal Communications Commission.</p> <p>(2) TELECOMMUNICATIONS RELAY SERVICES. -- The term "telecommunications relay services" means services that enable simultaneous communication to take place between individuals who use TDDs or other nonvoice terminal devices and individuals who do not use such devices.</p> <p>(3) TDD. -- The term "TDD" means a Telecommunication Device for the Deaf, a machine that employs graphic communications in the transmission of coded signals through the nationwide telecommunications system.</p>	<p>Provisions are identical to S. 933 unless otherwise noted.</p>	<p>No comparable provision</p>	<p>Requires FCC to promulgate regulations implementing the Act with respect to those engaged "in the business of broadcasting or of communicating by wire."</p> <p>With respect to television broadcasting, mandates FCC to issue requirements "for progressively increasing the proportion of programs, advertisements, and announcements that are captioned."</p>

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SEC. 502. TELECOMMUNICATIONS RELAY SERVICES.	Provisions are identical to S. 933 unless otherwise noted.	No comparable provision	No comparable provision
(a) GENERAL RULE. -- It shall be considered discrimination for purposes of this Act for any common carrier, as defined in section 3(h) of the Communications Act of 1934 (47 U.S.C. 153 (h)), that offers telephone services to the general public, to fail to provide, not later than 1 year after the date of enactment of this Act, interstate or intrastate telecommunication relay services so that such services provide individuals who use nonvoice terminal devices because of disabilities with opportunities for communications that are equal to those provided to their customers who are able to use voice telephone services, except that it shall not be considered discrimination for such a common carrier to fail to provide such services in any State to which subsection (b) applies if such services are provided under subsection (b).	Did not include "individuals who use nonvoice terminal devices because of disabilities with"  "individuals" instead of "their customers who are"  Did not include rest of sentence after "services"		



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<p>(b) STATE DISCRIMINATION. -- It shall be considered discrimination by a State, that designates an entity to provide interstate or intrastate telecommunication relay services to individuals throughout the entire State in a manner consistent with regulations issued by the Commission, for purposes of this Act, for such State, through the designated entity, to fail to provide, not later than 1 year after the date of enactment of this Act, interstate or intrastate telecommunication relay services so that such services provide individuals who use nonvoice terminal devices because of disabilities with opportunities for communications that are equal to those provided to their customers who are able to use voice telephone services.</p> <p>(c) CONSTRUCTION. -- Nothing in this title shall be construed to discourage or impair the development of improved or future technology designed to improve access to telecommunications services for individuals with disabilities.</p>	Did not include paragraph (b)	No comparable provision	No comparable provision

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<p>SEC. 503. REGULATIONS.</p> <p>Not later than 180 days after the date of enactment of this Act, the Commission shall issue regulations to carry out this title, and such regulations shall establish minimum standards and guidelines for telecommunications relay services.</p>	<p>Provisions are identical to S. 933 unless otherwise noted.</p>	<p>See p. 63 of chart.</p>	<p>1 yr.</p> <p>Does not explicitly mention telecommunications relay services.</p>
<p>SEC. 504. ENFORCEMENT.</p> <p>(a) Civil Actions. -- Section 802(i), 813, and 814 (a) and (d) of the Fair Housing Act (42 U.S.C. 3602(-i), 3613, and 3614 (a) and (d)) shall be available with respect to any aggrieved individual, except that --</p> <p>(1) any reference to a discriminatory housing practice or breach of a conciliation agreement shall be considered to be a reference to a practice that is discriminatory under this title concerning the provision of an appropriate interstate or intrastate telecommunication relay service; and</p>	<p>Did not include "and (d)"</p>		<p>Uniform Remedies. See p. 30 of chart.</p>



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(2) subparagraph (B) of paragraph (1) and paragraphs (2) and (3) of subsection (a) and subsection (d) of section 813 shall not apply.	Did not include "and subsection (d)"	See p. 63 of chart	Uniform Remedies. See p. 30 of chart.
(b) ADMINISTRATIVE ENFORCEMENT. --			
(1) IN GENERAL. -- The Commission shall enforce the provisions of this title.	Did not include paragraph (1)		
(2) APPLICABLE ENFORCEMENT PROVISIONS. -- The remedies, procedures, and rights set forth in sections 206, 207, 208, and 209 of the Communications Act of 1934 (47 U.S.C. 206, 207, 208, and 209) and in title IV of the Communications Act of 1934 (47 U.S.C. 401 et seq.) shall apply with respect to the enforcement of this title, except that nothing in this subsection shall be construed to limit or restrict in any manner the remedies, procedures, or rights set forth in subsection (a).	Instead of paragraphs (2), (3), and (4), containing specific enforcement provisions (e.g., cease and desist orders, penalties), contained paragraph saying, "The provisions of sections _____ of the Communications Act of 1934 (47 U.S.C. 151 et seq.) relating to revocations of licenses, forfeitures of property, enforcements of orders, and civil actions, shall be available to the FCC."		
(3) CEASE AND DESIST ORDERS. -- Whenever, after full opportunity for hearing, on a complaint or under an order for investigation and hearing made by the Commission on the initiative of the Commission,			

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<p>the Commission shall be of the opinion that any carrier, or any State as described in section 502(b), is or will be in violation of this title or of any regulation issued under this title, the Commission shall --</p> <p>(A) order that the carrier or State cease and desist from such violation to the extent that the Commission finds that such violation exists or will exist; and</p> <p>(B) take other actions as it finds appropriate and necessary.</p> <p>(4) PENALTIES. --</p> <p>(A) IN GENERAL. -- Any carrier or State to which section 502(b) applies that knowingly fails or neglects to comply with this title or of any regulation or order made by the Commission in carrying out this title shall forfeit to the United States the sum of \$10,000 for each such offense.</p> <p>(B) SEPARATE OFFENSES . -- Each distinct violation of the provisions of this title shall be a separate offense under subparagraph (A). In case of a</p>	<p>Provisions are identical to S. 933 unless otherwise noted.</p>	<p>See p. 63 of chart.</p>	<p>Uniform Remedies. See p. 30 of chart.</p>



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<p>continuing violation, each day shall be considered a separate offense.</p> <p>(C) RECOVERING FORFEITURES. -- Such forfeitures shall be payable and recoverable in the same manner as prescribed in section 504 of the Communications Act of 1934 (47 U.S.C. 504).</p>	<p>Provisions are identical to S. 933 unless otherwise noted.</p>	<p><u>Section 11. Television Broadcasters.</u></p> <p>(a) Closed Captions.- Television stations that broadcast videotape programming or advertising shall do so with closed captions, provided that no television station need undertake an undue financial and administrative burden to do so.</p> <p>(b) Enforcement. -</p> <p>(1) Secretary of Commerce. - The Secretary of Commerce shall -</p> <p>( A )</p> <p>investigate complaints of violations of this section;</p> <p>( i )</p> <p>shall seek conciliation of such complaints; and</p> <p>(C) may refer complaints in which conciliation fails to the Attorney General.</p>	

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(2) Attorney General.-  
The Attorney General may, on referral of a complaint, initiate a civil action for injunctive and other appropriate equitable relief.

(3) Remedies and Procedures. - The remedies and procedures of section 204(a) and (b) of the Civil Rights Act of 1964 (42 U.S.C. 2000a-3(a) and (b)), shall be available to -

(A) an individual aggrieved under this section; and

(B) the Attorney General with respect to intervention in a civil action initiated under this subsection. ( 4 )

District Courts. - The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section, and shall exercise such jurisdiction without regard to whether the aggrieved party shall have exhausted any administrative or other remedies that may be provided by law.

(c) Regulations. -

(1) Issuance of Regulations. - The Secretary of Commerce shall issue regulations to effectuate this section, and section 6



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	Provisions are identical to S. 933 unless otherwise noted.	as it applies to entities covered by this section.  (2) Issuance Date. - The final regulations described under paragraph (1) shall be issued no later than 10 months after the date of enactment of this Act.	
TITLE VI -- MISCELLANEOUS PROVISIONS			
SEC. 601. CONSTRUCTION.			
(a) REHABILITATION ACT OF 1973. -- Nothing in this Act shall be construed to reduce the scope of coverage or apply a lesser standard than the coverage required or the standards applied under title V of the Rehabilitation Act of 1973 (29 U.S.C. 790 et seq.) or the regulations issued by Federal agencies pursuant to such title.		(a) Nondiscrimination Provisions. - Nothing in this Act shall be construed to affect or change the nondiscrimination provisions contained in title V of the Rehabilitation Act of 1973 (29 U.S.C. 790 et seq.), and any right, remedy, obligation, or responsibility under such Act, or to affect or change regulations issued by Federal agencies pursuant to title V of such Act.	"affect or change"
(b) OTHER LAWS. -- Nothing in this Act shall be con- strued to invalidate or limit any other Federal law or law of any State or polit- ical subdivision of any State or jurisdiction that provides greater protection for the rights of individuals with disabilities than are af- forded by this Act.		(b) Controlled Substances. - Nothing in this Act prohibits any conduct against an individual because -  (1) such individual has been convicted by any court of competent jurisdiction for the illegal manufacture or distribution of a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or	Same
(c) RELATIONSHIP AMONG			

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(2) of the  
sexual orientation of  
such individual. (c)  
Rehabilitation Act or  
Air Carriers. - Nothing  
in this

Act shall be construed to  
apply to -

(1) any  
program or activity that is  
subject to sections 503 or  
504 of the Rehabilitation Act  
of 1973 (29 U.S.C. 793 and  
794); or

(2) to any  
air carrier that is subject  
to the Air Carrier Access Act  
of 1986 (49 U.S.C. 1374(c)).

(d) Government  
Limitation. - Nothing in this  
Act shall be construed to  
apply to any entity solely  
because it is licensed or  
regulated by, or receives  
assistance from, any agency  
or department of any State or  
subdivision of any State.

(e) Coexistence With  
Other Laws. - Nothing in this  
Act shall be construed to  
invalidate or limit any other  
Federal Law or any law of a  
state or political  
subdivision of a State or  
jurisdiction that provides  
greater protection of rights  
for individuals with  
handicaps.



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<p>TITLES. -- The requirements contained in titles I through V shall be construed in a manner that is consistent with the other provisions of this Act, and any apparent conflict between provisions of this Act shall be resolved by reference to the title that specifically covers the type of action in question.</p>	<p>Provisions are identical to S. 933 unless otherwise noted.</p>	<p>Section 6. Prohibition Against Retaliation</p> <p>No employer, employment agency, labor organization, joint labor-management committee, place of public accommodation, state or local government agency, entity engaged in providing transportation services, or broadcaster of videotapes covered by this Act shall discriminate against any individual because--</p> <p>(1) such individual has opposed any act or practice made unlawful by this Act; or</p> <p>(2) such individual has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Act.</p>	<p>Structure of bill renders this unnecessary.</p>
<p>SEC. 602. PROHIBITION AGAINST RETALIATION.</p>			<p>No comparable provision</p>
<p>No individual shall discriminate against any other individual because such other individual has opposed any act or practice made unlawful by this Act or because such other individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Act.</p>			

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<p>SEC. 603. STATE IMMUNITY.</p> <p>A State shall not be immune under the Eleventh Amendment to the Constitution of the United States from an action in Federal court for a violation of this Act. In any action against a State for a violation of the requirements of this Act, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in an action against any public or private entity other than a State.</p> <p>SEC. 604. REGULATIONS BY THE ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.</p> <p>(a) ISSUANCE OF GUIDELINES. -- Not later than 6 months after the date of enactment of this Act, the Architectural and Transportation Barriers Compliance Board shall issue minimum guidelines that shall supplement the existing Minimum Guidelines and Requirements for Accessible Design for purposes of sections 304 and 404.</p>	<p>Provisions are identical to S. 933 unless otherwise noted.</p> <p>Did not say "for purposes of sections 304 and 404"</p>	<p>No comparable provision</p>	<p>Same</p> <p>Requires ATBCB to issue regulations as follows:</p> <p>(a) Architectural and Transportation Barriers Compliance Board. Within 6 months of the date of enactment of this Act, the Architectural and Transportation Barriers Compliance Board shall issue minimum guidelines, to supplement the existing Minimum Guidelines and Requirements for Accessible Design, to establish requirements for the architectural, transportation, and communication accessibility of buildings, facilities, vehicles, and rolling stock subject to the requirement</p>



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<p>(b) CONTENTS OF GUIDELINES. -- The guidelines issued under subsection (a) shall establish additional requirements, consistent with this Act, to ensure that buildings, facilities, and vehicles are accessible, in terms of architecture and design, transportation, and communication, to individuals with disabilities.</p> <p>SEC. 605. ATTORNEY'S FEES.</p> <p>In any action or administrative proceeding commenced pursuant to this Act, the court, or agency, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee, including litigation expenses, and costs, and the United States shall be liable for the foregoing the same as a private individual.</p> <p>SEC. 606. EFFECTIVE DATE.</p> <p>This Act shall become effective on the date of enactment.</p>	<p>Provisions are identical to S. 933 unless otherwise noted.</p> <p>Instead of "litigation expenses," said "expert witness fees"</p> <p>"Instead of "the foregoing," said "costs"</p> <p>Section not included -- draft had title specific effective date clauses.</p>	<p>No comparable provision</p> <p>one year after the date of its enactment.</p> <p>Section 12. Authorization of Appropriations.</p> <p>There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.</p>	<p>Same</p> <p>Includes requirements for housing, now superseded by Fair Housing Amendments Act.</p>

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Section 5. Exclusion From  
Coverage

The provisions of this  
Act shall not apply to any  
public or private entity  
otherwise covered by this Act  
that does not employ 25 or  
more employees for each  
working day in each of 20 or  
more calendar weeks in the  
current or preceding calendar  
year.