

AMERICANS WITH DISABILITIES ACT OF 1990 (House of Representatives - May 22, 1990)

[Page: H2638]

NOES--280

- Ackerman
- Anderson
- Andrews
- Annunzio
- Anthony
- Applegate
- Aspin
- Atkins
- AuCoin
- Barnard
- Bates
- Beilenson
- Bennett
- Berman
- Beville
- Bilbray
- Bliley
- Boehlert
- Boggs
- Bonior
- Borski
- Bosco
- Boucher
- Boxer
- Brennan
- Brooks
- Browder
- Brown (CA)
- Bruce
- Bryant
- Buechner
- Bustamante
- Byron
- Campbell (CO)
- Cardin
- Carper
- Carr
- Chapman
- Clarke
- Clay
- Clement
- Clinger
- Coleman (TX)
- Collins
- Condit
- Conte
- Conyers
- Cooper
- Costello
- Courter
- Coyne
- Crockett
- Darden
- Davis
- de la Garza
- DeFazio
- Dellums
- Derrick
- Dicks
- Dingell
- Dixon
- Donnelly
- Dorgan (ND)
- Downey
- Durbin
- Dwyer
- Dymally
- Dvson

- Early
- Eckart
- Edwards (CA)
- Edgel
- English
- Erdreich
- Espy
- Evans
- Fascell
- Fazio
- Feighan
- Fish
- Flake
- Foglietta
- Ford (MI)
- Frank
- Frost
- Gallo
- Gaydos
- Gejdenson
- Gephardt
- Geren
- Gillmor
- Gilman
- Glickman
- Gonzalez
- Goodling
- Gordon
- Gray
- Green
- Guarini
- Hall (OH)
- Hamilton
- Harris
- Hatcher
- Hawkins
- Hayes (IL)
- Hayes (LA)
- Hefner
- Henry
- Hertel
- Hoagland
- Hochbrueckner
- Horton
- Hoyer
- Huckaby
- Hughes
- Hutto
- Jacobs
- Jenkins
- Johnston
- Jones (GA)
- Jones (NC)
- Jontz
- Kanjorski
- Kaptur
- Kasich
- Kastenmeier
- Kennedy
- Kennelly
- Kildee
- Kleczka
- Kolter
- Kostmayer
- LaFalce
- Lancaster
- Lantos
- Laughlin
- Leath (TX)
- Lehman (CA)
- Lehman (FL)
- Lent
- Levin (MI)

- Levine (CA)
- Lewis (GA)
- Lloyd
- Long
- Lowey (NY)
- Luken, Thomas
- Machtley
- Manton
- Markey
- Martinez
- Matsui
- Mavroules
- Mazzoli
- McCloskey
- McCurdy
- McDade
- McDermott
- McGrath
- McHugh
- McMillen (MD)
- McNulty
- Mfume
- Miller (CA)
- Mineta
- Moakley
- Mollohan
- Montgomery
- Moody
- Morella
- Morrison (CT)
- Mrazek
- Murtha
- Nagle
- Natcher
- Neal (MA)
- Neal (NC)
- Nowak
- Oakar
- Oberstar
- Obey
- Ortiz
- Owens (NY)
- Owens (UT)
- Pallone
- Panetta
- Parker
- Parris
- Patterson
- Payne (NJ)
- Payne (VA)
- Pease
- Pelosi
- Penny
- Perkins
- Pickett
- Pickle
- Poshard
- Price
- Pursell
- Rahall
- Rangel
- Ravenel
- Ray
- Richardson
- Ridge
- Rinaldo
- Roe
- Rose
- Rostenkowski
- Rowland (CT)
- Rowland (GA)
- Roybal
- Russo
- Sahn

- Saiki
- Sangmeister
- Sarpalius
- Savage
- Sawyer
- Saxton
- Scheuer
- Schneider
- Schroeder
- Schumer
- Serrano
- Sharp
- Shays
- Sikorski
- Sisisky
- Skaggs
- Skelton
- Slattery
- Slaughter (NY)
- Smith (FL)
- Smith (IA)
- Smith (NJ)
- Smith (VT)
- Snowe
- Solarz
- Spratt
- Staggers
- Stallings
- Stark
- Stokes
- Studds
- Swift
- Synar
- Tallon
- Tanner
- Tauzin
- Taylor
- Thomas (GA)
- Torres
- Torricelli
- Towns
- Traficant
- Traxler
- Udall
- Unsoeld
- Valentine
- Vento
- Visclosky
- Volkmer
- Walgren
- Walsh
- Washington
- Waxman
- Weiss
- Weldon
- Wheat
- Whitten
- Williams
- Wilson
- Wise
- Wolf
- Wolpe
- Wyden
- Yates
- Yatron

NOT VOTING--9

- Alexander
- Craig
- Flippo
- Ford (TN)
- Hammerschmidt
- Lukens, Donald

- Lukens, Donnan
- Nelson
- Thomas (CA)
- Watkins

[TIME: 1453]

The Clerk announced the following pairs:

On this vote:

Mr. Craig for, with Mr. Nelson of Florida against.

Mr. Thomas of California for, with Mr. Ford of Tennessee against.

Mr. BUECHNER changed his vote from `aye' to `no.'

Mr. HALL of Texas and Ms. ROS-LEHTINEN changed their vote from `no' to `aye.'

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HOYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were--ayes 403, noes 20, not voting 9, as follows:

Roll No. 123

[Roll No. 123]

AYES--403

- Ackerman
- Anderson
- Andrews
- Annunzio
- Anthony
- Applegate
- Aspin
- Atkins
- AuCoin
- Baker
- Ballenger
- Barnard
- Bartlett
- Bates
- Beilenson
- Bennett
- Bentley
- Bereuter
- Berman
- Beville
- Bilbray
- Bilirakis
- Bliley
- Boehlert
- Boggs
- Bonior
- Borski
- Bosco
- Boucher
- Boxer
- Brennan
- Brooks
- Broomfield
- Browder
- Brown (CA)

- Brown (CO)
- Bruce
- Bryant
- Buechner
- Bunning
- Bustamante
- Byron
- Callahan
- Campbell (CA)
- Campbell (CO)
- Cardin
- Carper
- Carr
- Chandler
- Chapman
- Clarke
- Clay
- Clement
- Clinger
- Coble
- Coleman (MO)
- Coleman (TX)
- Collins
- Combest
- Condit
- Conte
- Conyers
- Costello
- Coughlin
- Courter
- Cox
- Coyne
- Crockett
- Darden
- Davis
- de la Garza
- DeFazio
- Dellums
- Derrick
- DeWine
- Dickinson
- Dicks
- Dingell
- Dixon
- Donnelly
- Dorgan (ND)
- Dornan (CA)
- Douglas
- Downey
- Dreier
- Duncan
- Durbin
- Dwyer
- Dymally
- Dyson
- Early
- Eckart
- Edwards (CA)
- Edwards (OK)
- Emerson
- Engel
- English
- Erdreich
- Espy
- Evans
- Fascell
- Fawell
- Fazio
- Feighan
- Fields
- Fish
- Flake
- Foglietta
- Ford (MT)

- Frank
- Frenzel
- Frost
- Gallegly
- Gallo
- Gaydos
- Gejdenson
- Gekas
- Gephardt
- Geren
- Gibbons
- Gillmor
- Gilmor
- Gingrich
- Glickman
- Gonzalez
- Goodling
- Gordon
- Goss
- Gradison
- Grandy
- Grant
- Gray
- Green
- Guarini
- Gunderson
- Hall (OH)
- Hall (TX)
- Hamilton
- Hansen
- Harris
- Hastert
- Hatcher
- Hawkins
- Hayes (IL)
- Hayes (LA)
- Hefley
- Hefner
- Henry
- Hertel
- Hiler
- Hoagland
- Hochbrueckner
- Holloway
- Hopkins
- Horton
- Houghton
- Hoyer
- Hubbard
- Huckaby
- Hughes
- Hunter
- Hutto
- Hyde
- Inhofe
- Ireland
- Jacobs
- James
- Jenkins
- Johnson (CT)
- Johnson (SD)
- Johnston
- Jones (GA)
- Jones (NC)
- Jontz
- Kanjorski
- Kaptur
- Kasich
- Kastenmeier
- Kennedy
- Kennelly
- Kildee
- Kleczka

- Kolbe
- Kolter
- Kostmayer
- Kyl
- LaFalce
- Lagomarsino
- Lancaster
- Lantos
- Laughlin
- Leach (IA)
- Leath (TX)
- Lehman (CA)
- Lehman (FL)
- Lent
- Levin (MI)
- Levine (CA)
- Lewis (CA)
- Lewis (FL)
- Lewis (GA)
- Lipinski
- Livingston
- Lloyd
- Long
- Lowery (CA)
- Lowey (NY)
- Luken, Thomas
- Machtley
- Madigan
- Manton
- Markey
- Martin (IL)
- Martin (NY)
- Martinez
- Matsui
- Mavroules
- Mazzoli
- McCandless
- McCloskey
- McCollum
- McCrery
- McCurdy
- McDade
- McDermott
- McEwen
- McGrath
- McHugh
- McMillan (NC)
- McMillen (MD)
- McNulty
- Meyers
- Mfume
- Michel
- Miller (CA)
- Miller (OH)
- Miller (WA)
- Mineta
- Moakley
- Molinari
- Mollohan
- Montgomery
- Moody
- Moorhead
- Morella
- Morrison (CT)
- Morrison (WA)
- Mrazek
- Murphy
- Murtha
- Myers
- Nagle
- Natcher
- Neal (MA)
- Neal (NC)
- Nowak

- Oaker
- Oberstar
- Obey
- Ortiz
- Owens (NY)
- Owens (UT)
- Oxley
- Pallone
- Panetta
- Parker
- Parris
- Pashayan
- Patterson
- Paxon
- Payne (NJ)
- Payne (VA)
- Pease
- Pelosi
- Penny
- Perkins
- Petri
- Pickett
- Pickle
- Porter
- Poshard
- Price
- Pursell
- Quillen
- Rahall
- Rangel
- Ravenel
- Ray
- Regula
- Rhodes
- Richardson
- Ridge
- Rinaldo
- Ritter
- Roberts
- Robinson
- Roe
- Rogers
- Rohrabacher
- Ros-Lehtinen
- Rose
- Rostenkowski
- Roth
- Roukema
- Rowland (CT)
- Rowland (GA)
- Roybal
- Russo
- Sabo
- Saiki
- Sangmeister
- Sarpalius
- Savage
- Sawyer
- Saxton
- Schaefer
- Scheuer
- Schiff
- Schneider
- Schroeder
- Schuette
- Schulze
- Schumer
- Sensenbrenner
- Serrano
- Sharp
- Shaw
- Shays
- Sikorski

- Sisisky
- Skaggs
- Skeen
- Skelton
- Slattery
- Slaughter (NY)
- Slaughter (VA)
- Smith (FL)
- Smith (IA)
- Smith (NE)
- Smith (NJ)
- Smith (TX)
- Smith (VT)
- Smith, Denny (OR)
- Smith, Robert (NH)
- Smith, Robert (OR)
- Snowe
- Solarz
- Solomon
- Spence
- Spratt
- Staggars
- Stallings
- Stangeland
- Stark
- Stearns
- Stokes
- Studds
- Sundquist
- Swift
- Synar
- Tallon
- Tanner
- Tauke
- Tauzin
- Taylor
- Thomas (GA)
- Thomas (WY)
- Torres
- Torricelli
- Towns
- Traficant
- Traxler
- Udall
- Unsoeld
- Upton
- Valentine
- Vander Jagt
- Vento
- Visclosky
- Volkmer
- Vucanovich
- Walgren
- Walker
- Walsh
- Washington
- Waxman
- Weber
- Weiss
- Weldon
- Wheat
- Whittaker
- Whitten
- Williams
- Wilson
- Wise
- Wolf
- Wolpe
- Wyden
- Wylie
- Yates
- Yatron
- Young (AK)
- Young (FL)

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NOES--20

- Archer
- Armey
- Barton
- Bateman
- Burton
- Cooper
- Crane
- Dannemeyer
- DeLay
- Hancock
- Herger
- Lightfoot
- Marlenee
- Nielson
- Olin
- Packard
- Shumway
- Shuster
- Stenholm
- Stump

NOT VOTING--9

- Alexander
- Craig
- Flippo
- Ford (TN)
- Hammerschmidt
- Lukens, Donald
- Nelson
- Thomas (CA)
- Watkins

[TIME: 1500]

The Clerk announced the following pair:

On this vote:

Mr. Nelson of Florida for, with Mr. Craig against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

-
- Mr. DELLUMS. Mr. Speaker, I rise today to express my sincere joy at the final passage of H.R. 2273, the Americans With Disabilities Act. I feel deeply that in voting for this legislation, Members of this body have acted to enfranchise an entire class of Americans whose rights and liberties are finally on a par with every other citizen.
- It is incredible that action on this vitally important civil rights issue has evaded us for so long. The story of our Nation's disparate treatment of disabled individuals is a sad conclusion. As a black American, I am especially proud to stand here as part of the coalition that has brought equal standing for the disabled in the eyes of the law. All minority Americans have shared the suffering of 'separate but equal,' and we rejoice collectively when that unjust standard can no longer be legally applied.
- It is at moments like these, Mr. Speaker, when I am proud to be a Member of this body. We must remember that we are empowered with a special responsibility by the 14th amendment to the Constitution to ensure that every citizen, not just those of particular ethnic groups, not just those who arguably are 'able-bodied,' not just those who own property--but every citizen shall enjoy the equal protection of the laws.
- Indeed, as the Supreme Court has noted:
- It is fundamental that in no organ of government, state or federal, does there repose a more comprehensive remedial power than in the Congress, expressly charged by the Constitution with competence and authority to enforce equal protection guarantees. (448 U.S. at 483)
- Our action in this area is therefore long overdue. The history of different, separate, and unequal treatment of persons with disabilities, especially those with severe disabilities, could not be clearer. That history is in fact a stark reminder of the prejudice and misunderstanding that has characterized the treatment of minority citizens. This disparate treatment establishes

prejudice and misunderstanding that has characterized the treatment of minority citizens. This disparate treatment establishes an abundant factual predicate for the relief granted by H.R. 2273. The Americans With Disabilities Act is a plenary civil rights statute designed to halt all practices that segregate persons with disabilities and those which treat them inferior or differently. By enacting the ADA, we are making a conscious decision to reverse a sad legacy of segregation and degradation.

-
- The significance, historic and legal, of our decision to establish disability as a basis for civil rights protection cannot be overstated. We have been moved by the continuing destructive effect of segregation, and we are acting now to reverse those practices, root and branch, and to eliminate their legacy. In short, what we are saying is that a severe, lifelong disability may be handicapping, but more handicapping has been the practice of congregating services for persons with disabilities in settings different or separate from those in which the rest of us are provided those services.
- Through the various hearings we have held in this body, not only in connection with the ADA, but also in connection with the Rehabilitation Act, the Education of the Handicapped Act, and the Developmental Disabilities Act, we have come to a knowledge of the capabilities and prospects for persons with disabilities entirely different from that which underlies the historic legacy and that continues today still to be boldly offered in justification of services that are separate or different. We have found that persons with severe disabilities, as a matter of fact, can live and work productively in the same settings in which their neighbors live and work.
- Which brings us, Mr. Speaker, to what I view as the highest and best purpose for which this body can convene itself--to protect the fundamental rights and liberties of our citizens and to enact those measures necessary to guarantee their equal treatment under law. Today we have accomplished that purpose.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2273, AMERICANS WITH DISABILITIES ACT OF 1990

Mr. HOYER. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 2273, the Clerk be authorized to correct section numbers, cross-references, punctuation, and indentation, and to make other technical and conforming changes necessary to reflect the actions of the House.

The SPEAKER pro tempore (Mr. **Traxler**). Is there objection to the request of the gentleman from Maryland?

There was no objection.

GENERAL LEAVE

Mr. HOYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, and I ask unanimous consent that I be allowed to include material detailing the development of the ADA to appear in the **Record** at the close of debate on the amendments, on H.R. 2273, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HOYER. Mr. Speaker, pursuant to House Resolution 394, I call up from the Speaker's table the Senate bill (S. 933) to establish a clear and comprehensive prohibition of discrimination on the basis of disability, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. **Hoyer** moves to strike all after the enacting clause of the Senate bill, S. 933, and to insert the provisions of the bill, H.R. 2273, as passed by the House, as follows:

Resolved, That the bill from the Senate (S. 933) entitled 'An Act to establish a clear and comprehensive prohibition of discrimination on the basis of disability', do pass with the following amendment: Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **Short Title**: This Act may be cited as the 'Americans with Disabilities Act of 1990'.

(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.

TITLE I--EMPLOYMENT

Sec. 101. Definitions.

Sec. 102. Discrimination

Sec. 102. Discrimination.

Sec. 103. Defenses.

Sec. 104. Illegal use of drugs and alcohol.

Sec. 105. Posting notices.

Sec. 106. Regulations.

Sec. 107. Enforcement.

Sec. 108. Effective date.

TITLE II--PUBLIC SERVICES

Subtitle A--Prohibition Against Discrimination and Other Generally Applicable Provisions

Sec. 201. Definition.

Sec. 202. Discrimination.

Sec. 203. Enforcement.

Sec. 204. Regulations.

Sec. 205. Effective date.

Subtitle B--Actions Applicable to Public Transportation Provided by Public Entities Considered Discriminatory

Part I--Public Transportation Other Than by Aircraft or Certain Rail Operations

Sec. 221. Definitions.

Sec. 222. Public entities operating fixed route systems.

Sec. 223. Paratransit as a complement to fixed route service.

Sec. 224. Public entity operating a demand responsive system.

Sec. 225. Temporary relief where lifts are unavailable.

Sec. 226. New facilities.

Sec. 227. Alterations of existing facilities.

Sec. 228. Public transportation programs and activities in existing facilities and one car per train rule.

Sec. 229. Regulations.

Sec. 230. Interim accessibility requirements.

Sec. 231. Effective date.

Part II--Public Transportation by Intercity and Commuter Rail

Sec. 241. Definitions.

Sec. 242. Intercity and commuter rail actions considered discriminatory.

Sec. 243. Conformance of accessibility standards.

Sec. 244. Regulations.

Sec. 245. Interim accessibility requirements.

Sec. 246. Effective date.