

on May 1 and 2, 1990. On May 2, by a recorded vote of 32-3, the Committee ordered H.R. 2273 reported favorably to the House, with a single amendment in the nature of a substitute.

BACKGROUND AND NEED

A recent survey conducted by Louis Harris and Associates found that Americans with disabilities are notably underprivileged and disadvantaged. Compared with persons without disabilities, persons with disabilities are much poorer, have far less education, have less social and community life, participate much less often in social activities that other Americans regularly enjoy, and express less satisfaction with life.⁷ Historically, the inferior economic and social status of disabled people has been viewed as an inevitable consequence of the physical and mental limitations imposed by disability.

Over the years, this assumption has been challenged by policy makers, citizens with disabilities, the courts and Congress. Gradually, public policy affecting persons with disabilities recognized that many of the problems faced by disabled people are not inevitable, but instead are the result of discriminatory policies based on unfounded, outmoded stereotypes and perceptions, and deeply imbedded prejudices toward people with disabilities. These discriminatory policies and practices affect people with disabilities in every aspect of their lives, from securing employment, to participating fully in community life, to securing custody of their children, to enjoying all of the rights that Americans take for granted.

The first major challenge to the notion that being disabled meant lifelong economic dependency was the enactment of the first Rehabilitation Act, the Fess-Kenyon Act of 1920,⁸ which was prompted by the return of a vast number of disabled World War I veterans, and the ever-increasing incidence of industrial accidents. By the mid-1960's, the integration of disabled people into the mainstream of American life was the explicit goal of rehabilitation policy.

From a civil rights perspective, a profound and historic shift in disability public policy occurred in the 1970's. Through landmark litigation⁹ and legislation,¹⁰ Americans with disabilities were rec-

⁷ Louis Harris and Associates, *The ICD [International Center for the Disabled] Survey of Disabled Americans: Bringing Disabled Americans Into the Mainstream*, (1986); *See also*, *The ICD Survey II: Employing Disabled Americans* (1987); National Council on the Handicapped, *Toward Independence* (1986), and *On the Threshold of Independence* (1988); U.S. Commission on Civil Rights, *Accommodating the Spectrum of Individual Abilities* (1983); and Presidential Commission on the Human Immunodeficiency Virus Epidemic, *Report of the Commission*, (1988).

⁸ 41 Stat. 735.

⁹ Two landmark cases *Pennsylvania Association for Retarded Children v. Pennsylvania*, 334 F. Supp. 1257 (E.D.Pa. 1971); and *Mills v. Board of Education of the District of Columbia*, 348 F. Supp. 866 (D.D.C. 1972), held that disabled children who had previously been excluded from public education had the right to a public education appropriate to their educational needs.

¹⁰ In addition to the 1973 Rehabilitation Act, Congress enacted several other pieces of legislation designed to promote equal opportunity and integration of disabled people into the mainstream of American life. Chronologically, these statutes included: 1968, Architectural Barriers Act, 42 U.S.C. 4151 *et seq.* (required federally funded or leased buildings to be accessible); 1970, Urban Mass Transportation Act, 49 U.S.C. 1612 (required eligible jurisdictions to provide accessibility plan for mass transportation); 1973, Education for All Handicapped Children Act, 20 U.S.C. Section 1401 *et seq.* (provided that each handicapped child was entitled to a free appropriate education in the least restrictive environment); and 1975, National Housing Act Amendments, 12 U.S.C. 1701 *et seq.* (provided for barrier removal in federally supported housing).