

and the OGE will perform the critical tasks of reviewing and approving the financial disclosure forms of countless political appointees, and of educating these officials about their financial disclosure and ethics requirements. This office must be adequately equipped if we want to be sure that the new cadre of administration officials, from whichever party holds the White House, start off on solid ethical footing, free from conflicts of interest. The tone must be set from the first day of the administration, and a viable OGE is an important factor in this process.

Over the past few years I have been concerned that the OGE has lacked the will and ability to be an aggressive leader in ethics education and enforcement. This office was created by the Congress to be an ethics watchdog, but, unfortunately, in the last few years it has been viewed by many as lacking the bark—let alone the bite—to ensure compliance with ethics standards and laws. I am hopeful that the changes we are proposing in this legislation will make the OGE a stronger voice in ethics policies and enforcement throughout the executive branch.●

By Mr. WEICKER (for himself, Mr. HARKIN, Mr. SIMON, Mr. STAFFORD, Mr. KENNEDY, Mr. DODD, Mr. MATSUNAGA, Mr. CHAFEE, Mr. KERRY, Mr. PACKWOOD, Mr. LEAHY, Mr. INOUE, Mr. CRANSTON, and Mr. DOLE):

S. 2345. A bill to establish a clear and comprehensive prohibition of discrimination on the basis of handicap; to the Committee on Labor and Human Resources.

AMERICANS WITH DISABILITIES ACT

● Mr. WEICKER. Mr. President, I rise today to introduce, along with Senator HARKIN and 12 others of my colleagues, the Americans With Disabilities Act of 1988. This historic legislation is the work of the National Council on the Handicapped, an independent Federal agency whose members were appointed by the President and confirmed by the Senate. Its statutory missions include a responsibility to make legislative recommendations to the Congress, and I want to commend the Council for its outstanding efforts to develop the bill before us today.

In its 1986 report "Toward Independence" the Council noted: "People with disabilities have been saying for years that their major obstacles are not inherent in their disabilities, but arise from barriers that have been imposed externally and unnecessarily." The report went on to recommend that "Congress . . . enact a comprehensive law requiring equal opportunity for individuals with disabilities, with broad coverage and setting clear, consistent, and enforceable standards

prohibiting discrimination on the basis of handicap."

The legislation I am introducing today seeks to do just that. It will establish a broad-scope prohibition of discrimination against people with disabilities and will describe specific methods by which such discrimination is to be eliminated. The bill has been endorsed by more than 50 national organizations representing people with a wide variety of disabilities. It is also supported by the Leadership Conference on Civil Rights, an umbrella organization representing 185 organizations active in the area of civil rights.

Authorities on disability have often said, and I have quoted them on this floor before, that the history of society's formal methods of dealing with people with disabilities can be summed up in two words: segregation and inequality. Psychologist Kenneth Clark, whose testimony about the damaging effects of segregation provided pivotal evidence in the landmark case of *Brown versus Board of Education*, has stated that "segregation is the way in which a society tells a group of human beings that they are inferior to other groups of human beings in the society." As a society, we have treated people with disabilities as inferiors and have made them unwelcome in many activities and opportunities generally available to other Americans. Such segregation and inequality are instilled and effectuated through the unfortunate mechanism of discrimination.

Is such discrimination really a serious and widespread problem for persons with disabilities? Earlier this year, the National Council on the Handicapped complied with another of its statutory mandates and issued a followup report to Congress and the President, titled "On the Threshold of Independence," in which it called discrimination "the number one problem faced by individuals with disabilities."

In an indepth 1983 report on discrimination against people with disabilities, another independent Federal agency, the U.S. Commission on Civil Rights concluded that, "despite some improvements . . . it persists in such critical areas as education, employment, institutionalization, medical treatment, involuntary sterilization, architectural barriers, and transportation. The Commission further observed that, "Discriminatory treatment of handicapped persons can occur in almost every aspect of their lives."

In a nationwide poll of Americans with disabilities conducted in 1986 by Louis Harris & Associates, respondents identified a variety of types of discrimination—including workplace discrimination, denials of educational opportunities, lack of access to public buildings and bathrooms, the absence of ac-

cessible transportation and other forms of social ostracism.

Nearly 15 years ago, the Congress took an important step to begin to address discrimination against people with disabilities by enacting title V of the Rehabilitation Act of 1973. Pursuant to sections 503 and 504 of that act, discrimination on the basis of handicap was made unlawful for Federal agencies, recipients of Federal financial aid and Federal contractors. There is no doubt that these statutes, particularly section 504, have had a profoundly positive effect in the programs and activities they cover. Important regulations have been promulgated and numerous lawsuits have been filed, resulting in court decisions—a few even reaching the U.S. Supreme Court—that have interpreted and applied the prohibition of discrimination on the basis of handicap.

A few weeks ago, we passed the Civil Rights Restoration Act to make sure that section 504, along with civil rights laws protecting racial minorities, women, and elderly people, would not be restricted by the narrowed interpretation of their scope engendered by the Supreme Court's decision in *Grove City College versus Bell*. There should be no doubt that persons with disabilities and we in Congress continue to believe in the paramount importance of sections 503 and 504, and will strenuously resist any attempts to undercut them. But, at the same time, we must recognize that the existing statutes do not go far enough toward establishing a broad legal condemnation of the discrimination confronting people with disabilities.

Some have heralded section 504 as "the civil rights law" for people with disabilities. The fact is, however, that section 504 addresses only a few of the arenas in which discrimination occurs. Section 504 is indeed modeled on the language of title VI of the Civil Rights Act of 1964. But that act and other statutes protecting people from discrimination on the basis of race, color, sex, religion or national origin, contain many, many other provisions not found in statutes protecting people with disabilities.

For example, the 1964 act prohibits discrimination by employers engaged in interstate commerce, in places of public accommodation, by States and political subdivision of States—while people with disabilities currently have no such protection. Other statutes, constitutional provisions, regulatory interpretations, and longstanding judicial precedents prohibit discrimination on grounds of race, color, sex, religion, or national origin in housing, travel, and the communications industry. People with disabilities are not similarly protected.

On February 1, 1960, four black students entered a Woolworth's store in