

his legislation has done that. This report explains in detail how that balance has been struck.

V. SUMMARY OF COMMITTEE ACTION

S. 933 was brought for markup at the Committee on Labor and Human Resources executive session on August 2, 1989. At that time, the Committee discussed three amendments, of which two were adopted. Senator Harkin offered an amendment in the nature of a substitute, which included amendment No. 541, proposed by Senator McCain concerning amending the substitute by adding a provision concerning technical assistance, which was adopted by voice vote. Senator Hatch offered and then withdrew an amendment that would have extended the scope of coverage to include the Congress.

The Committee voted to adopt and report S. 933, as amended, as an amendment in the nature of a complete substitute, by a roll call vote of 16-0.

VI. EXPLANATION OF THE LEGISLATION

DEFINITION OF THE TERM "DISABILITY"

Section 3(2) of the legislation defines the term "disability" for purposes of this legislation. The definition of the term "disability" included in the bill is comparable to the definition of the term "individual with handicaps" in section 7(8)(B) of the Rehabilitation Act of 1973 and section 802(h) of the Fair Housing Act.

It is the Committee's intent that the analysis of the term "individual with handicaps" by the Department of Health, Education, and Welfare of the regulations implementing section 504 (42 Fed. Reg. 22685 et. seq. (May 4, 1977)) and the analysis by the Department of Housing and Urban Development of the regulations implementing the Fair Housing Amendments Act of 1988 apply to the definition of the term "disability" included in this legislation.

The use of the term "disability" instead of "handicap" and the term "individual with a disability" instead of "individual with handicaps" represents an effort by the Committee to make use of up-to-date, currently accepted terminology. In regard to this legislation, as well as in other contexts, the Congress has been apprised of the fact that to many individuals with disabilities the terminology applied to them is a very significant and sensitive issue.

As with racial and ethnic epithets, the choice of terms to apply to a person with a disability is overlaid with stereotypes, patronizing attitudes, and other emotional connotations. Many individuals with disabilities and organizations representing them object to the use of such terms as "handicapped person" or "the handicapped." In recent legislation, Congress has begun to recognize this shift of terminology, e.g., by changing the name of the National Council on the Handicapped to the National Council on Disability.

The Committee concluded that it was important for the current legislation to use terminology most in line with the sensibilities of most Americans with disabilities. No change in definition or substance is intended nor should be attributed to this change in phraseology.