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Proposed Amendments to the ADA: 116th Congress

The Americans with Disabilities Act of 1990 (“ADA”), 42 U.S.C. § 12101 *et seq.*, prohibits discrimination based on a disability. Patterned after Section 504 of the Rehabilitation Act (“Rehab Act”), 29 U.S.C. § 701, the ADA was a bipartisan effort to expand civil rights for the millions of individuals living with a disability. The ADA Amendments Act of 2008 (“ADAAA”), Pub. L. No. 110-325, amends the ADA’s definition of a covered disability to restore a broad scope of coverage. This document provides an overview of proposed changes to amend the ADA in the 116th Congress to date. [Potential Post-ADAAA Amendments to the ADA: A 10 Year Snapshot of Proposed Federal Disability Legislation](#) charts changes proposed in legislation introduced from 2009 to 2018.

Synopses of the Bills

Generally, the substance of the captured bills fall into one of three categories: expanding **coverage** of Title I of the ADA; **enforcement** bills that try to improve the utilization of various discrimination laws, including Title I of the ADA; and **public accommodation** bills that examine accessibility and changes to Title III of the ADA, including bills that purport to address compliance through *notification* requirements and bills related to travel, tourism, *transportation*, and accessibility (including service animals) for individuals with disabilities.¹ Resolutions also were introduced to recognize milestones and anniversaries relating to the ADA and related disability rights.

The following chart provides information about these bills and resolutions:

Category	Bill Number	Title	Date of Introduction	Sponsor # of cosponsors	Committee(s)	Any major activity?	Summary of provisions to amend the ADA
Coverage	H.R. 134	Unpaid Intern Protection Act of 2019 “To protect unpaid interns from workplace harassment and discrimination.”	1/3/2019	Rep. Elijah E. Cummings [D-MD-7] Democrats- 3 Republicans- 0	Education and Labor	None	This bill extends the ADA’s coverage to interns by banning private employers from discriminating against unpaid interns on the basis of a disability.
Coverage	H.R. 1230 / S. 485	Protecting Older Workers Against Discrimination Act “To amend the Age Discrimination in Employment Act of 1967 and other laws to clarify appropriate standards for Federal employment discrimination and retaliation claims, and for other purposes.”	2/14/2019 --- 2/14/2019	Rep. Robert C. “Bobby” Scott [D-VA-3] Democrats- 81 Republicans- 10 --- Sen. Robert P. Casey, Jr. [D-PA] Democrats- 1 Republicans- 2	House Education and Labor --- Senate Health, Education, Labor, and Pensions	Passed House 1/15/2020	The bill (1) permits a complaining party to rely on any type or form of admissible evidence, which need only be sufficient for a reasonable trier of fact to find that an unlawful practice occurred; and (2) declares that a complaining party shall not be required to demonstrate that age or retaliation was the sole cause of the employment practice (thereby rejecting the Supreme Court’s decision in <i>Gross v. FBL Financial Services, Inc.</i> , which requires a complainant to prove that age was the “but-for” cause for the employer’s decision).

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Public Accommodation - Transportation Enforcement	H.R. 1549 / S. 669	Air Carrier Access Amendments Act of 2019 "To protect the rights of passengers with disabilities in air transportation, and for other purposes."	3/6/2019 --- 3/6/2019	Rep. James R. Langevin [D-RI-2] Democrats- 36 Republicans- 2 --- Sen. Tammy Baldwin [D-WI] Democrats- 7 Republicans- 0	House Transportation and Infrastructure --- Senate Commerce, Science, and Transportation	None	This bill changes the Air Carrier Access Act to better apply the ADA's public accommodations requirements to air travel, including preventing an air transporter from discriminating against an individual with a disability and providing a private cause of action for any alleged violations. Additionally, this bill recommends creating a bill of rights for passengers with disabilities, an advisory committee, and a study of air-wheelchair restraint systems.
Public Accommodation	HR 3208 / S. 1755	Real Emergency Access for Aging and Disability Inclusion for Disasters Act "To ensure that older adults and individuals with disabilities are prepared for disasters, and for other purposes."	6/11/2019 --- 6/10/2019	Rep. James R. Langevin [D-RI-2] Democrats- 16 Republicans- 3 --- Sen. Robert P. Casey, Jr. [D-PA] Democrats- 9 Republicans- 1	House Transportation and Infrastructure; Education and Labor --- Senate Homeland Security and Governmental Affairs	None	This bill establishes a series of programs and requirements to assist individuals with disabilities and the elderly with disaster preparedness. Additionally, this bill establishes a National Commission on Disability Rights and Disasters.
Public Accommodation Enforcement	H.R. 4045 / S. 2290	Disabled Access Credit Expansion Act "A bill to amend the Internal Revenue Code of 1986 to expand the credit for expenditures to provide access to disabled individuals, and for other purposes."	House- 7/25/2019 --- Senate- 7/25/2019	Rep. A. Donald McEachin [D-VA-4] Democrats- 22 Republicans- 1 --- Sen. Tammy Duckworth [D-IL] Democrats- 7 Republicans- 0	House Ways and Means; Judiciary; Education and Labor; Transportation and Infrastructure; and Energy and Commerce --- Senate Finance	None	This bill amends the Internal Revenue Code to increase tax credits to qualified small businesses that follow the ADA's requirements and provide access to individuals with a disability. Additionally, the bill requires the Department of Justice ("DOJ") to create an ADA Mediation Program to encourage voluntary resolution of ADA claims and to train mediators who provide services through the program. Lastly, the bill requires the DOJ to report yearly on their ADA information hotline.

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Public Accommodation	H.R. 4099	ADA Compliance for Customer Entry to Stores and Services Act” or the “ACCESS Act” “To amend the Americans with Disabilities Act of 1990 to promote compliance through education, to clarify the requirements for demand letters, to provide for a notice and cure period before the commencement of a private civil action, and for other purposes.”	7/30/2019	Rep. Ken Calvert [R-CA-42] Democrats- 0 Republicans- 8	Judiciary	None	This bill amends the ADA to require a person to provide a property owner with written notice and a 60 day window to cure any barrier to public accommodations before filing a civil lawsuit.
Coverage	H.R. 4235	Protecting Independent Contractors from Discrimination Act of 2019 “To amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Fair Labor Standards Act of 1938, the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973, and the Genetic Information Nondiscrimination Act of 2008 to require that individuals who perform work for employers as independent contractors be treated as employees.”	9/6/2019	Rep. Eleanor Holmes Norton [D-DC-At Large] Democrats- 0 Republicans- 0	Education and Labor	None	This bill expands ADA coverage to independent contractors by defining them as employees.
Coverage	H.R. 5204	Student Mental Health Rights Act “To direct the Secretary of Education to study student mental health at institutions of higher education and to issue guidance on compliance with the Americans with Disabilities Act for mental health and substance use disorder policies of institutions of higher education, and for other purposes.”	11/20/2019	Rep. Katie Porter [D-CA-45] Democrats- 3 Republicans- 0	Education and Labor	None	This bill requires the Secretary of Education to provide guidance to post-secondary schools on compliance with the ADA for “students with mental health conditions and students with substance use conditions.”

Category	Bill Number	Title	Date of Introduction	Sponsor # of cosponsors	Committee(s)	Any major activity?	Summary of provisions to amend the ADA
Public Accommodation	H.R. 5412	Travel and Tourism for All Act “To direct the National Council on Disability to conduct a review of the implementation of standards under the Americans with Disabilities Act of 1990 in the travel, tourism, and hospitality industries.”	12/12/2019	Rep. Dina Titus [D-NV-1] Democrats- 1 Republicans- 0	Education and Labor; Energy and Commerce; Judiciary; and Transportation and Infrastructure	None	This bill requires the National Council on Disability to examine the progress of the travel, tourism, and hospitality businesses regarding the ADA.
	S. 2294	Office of Disability Policy Act of 2019 “To establish the Office of Disability Policy in the legislative branch.”	7/25/2019	Sen. Robert P. Casey, Jr. [D-PA] Democrats- 2 Republicans- 0	Homeland Security and Governmental Affairs	None	Establishes an Office of Disability Policy to provide data and analysis regarding any proposed policy changes that affect individuals with disabilities. Provides for appropriations for the Office.

Resolutions						
Bill Number	Title	Date of Introduction	Sponsor # of cosponsors	Committee(s)	Any major activity? If so, description.	Summary of provisions to amend the ADA
H. Con. Res. 80 / S. Con. Res. 30	“Recognizing the need to improve physical access to many federally funded facilities for all people of the United States, particularly people with disabilities.”	House- 12/12/2019 --- Senate- 12/12/2019	Rep. Jahana Hayes [D-CT-5] Democrats- 8 Republicans- 1 --- Sen. Richard Blumenthal [D-CT] Democrats- 13 Republicans- 0	House Education and Labor; Judiciary; Transportation and Infrastructure; Energy and Commerce; and Oversight and Reform --- Senate Health, Education, Labor, and Pensions	None	This concurrent resolution wants to demonstrate the need to allow access of facilities funded by the federal government to people with disabilities.

H. Res. 806	<p>“Expressing the sense of the House of Representatives that Congress should enact the Voters with Disabilities Bill of Rights to fulfill the promises of the Americans With Disabilities Act of 1990 and other civil rights laws which demand equal access to the ballot box for people with disabilities and to reaffirm and ensure that voters with disabilities have equal access to the ballot box.”</p>	<p>1/17/2020</p>	<p>Rep. Susan Wild [D-PA-7] Democrats- 30 Republicans- 0</p>	<p>House Administration</p>	<p>None</p>	<p>This resolution encourages Congress to pass the Voters with Disabilities Act to ensure and affirm the intent of the ADA.</p>
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ⁱ During the 116th Congress, several bills were introduced to address federal policy related to disability rights in some capacity. In keeping with the goals of *The ADA Project*, the research captured in this document focuses on bills that amended the ADA or Section 504 of the Rehabilitation Act. It does not include the following types of bills, which were outside the scope of the research and excluded from this document:

- Bills introducing changes related to social security disability insurance, veterans’ benefits, voting rights, subminimum wages, the definition of competitive integrated employment, schools, immigration system, health care, or insurance unless the bill also proposes specific, substantive changes to the ADA;
- Bills presenting appropriations, even if those bills contain provisions related to funding ADA enforcement or other ADA efforts;
- Bills excluding categories of people or entitles from existing ADA compliance requirements;
- Bills introducing minor procedural changes to filing, charges, and hearing requests under the ADA;
- Bills providing changes to the standard of proof for ADA discrimination claims as one part of larger omnibus legislation; and
- Bills involving changes to transportation or other laws that tangentially reference the ADA or disability generally.