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# United States Senate

COMMITTEE ON LABOR AND  
HUMAN RESOURCES

WASHINGTON, DC 20510-6300

April 2, 1994

The Hon. Mike Espy  
Secretary of the Agriculture  
U.S. Department of Agriculture  
14th St. and Independence Avenue, N.W.  
Washington, D.C. 20250

Dear Mike:

Recently, I received an inquiry from James E. Patterson, an employee of the U.S. Department of Agriculture, regarding whether sections 501 and 504 of the Rehabilitation Act of 1973 prohibit a federal agency from denying an employment opportunity to an employee because of the medical condition of the employee's dependent child.

It is my understanding that Mr. Patterson applied for conversion to the Foreign Service of the Foreign Agricultural Service. Following successful completion of written and oral examinations, he was recommended for conversion to the Foreign Service. He alleges that he was denied conversion because of the fact that his dependent child has a history of an impairment.

As chief sponsor of the Americans with Disabilities Act (ADA) and the Rehabilitation Act Amendments of 1992 (P.L. 102-569), I believe that federal agencies must act as model employers when it comes to hiring persons with disabilities and individuals who have family members with disabilities.

Sections 501 and 504 of the Rehabilitation Act of 1973 ensure that employees of federal agencies are not subjected to discrimination on the basis of disability. These sections were amended in 1992 to incorporate all of the standards relating to employment discrimination set forth in the ADA, including the prohibition against excluding or otherwise denying equal jobs or benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association.

In other words, sections 501 and section 504 of the Rehabilitation Act, as amended, bar discrimination against a federal employee or an applicant for federal employment because of the disability of a dependent child.

If you have any questions regarding the 1992 amendments, please contact my chief counsel, Bob Silverstein (224-6265).

Sincerely,



Tom Harkin  
Chair, Subcommittee on  
Disability Policy

cc James. E. Patterson