

Nicole Fiocco

*The Unpopular Disabled: Drug Addicts and Alcoholics Lose Benefits*

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Abstract by Alex M. Johnson

This comment analyzes the Contract with America Advancement Act of 1996 (Contract with America), focusing particular scrutiny on section 105 of the Contract with America, which authorized the elimination of drug addiction and alcoholism (DAA) disability benefits. This comment explores the tension between the provisions outlined in the 1973 Rehabilitation Act and section 105 while further questioning whether section 105, in prohibiting DAA classified individuals from receiving federal aid, is constitutionally sound. After reviewing both judicial and legislative interpretations of the definition of DAA under the 1973 Rehabilitation Act, the author examines the shift in definitional standards of DAA classified individuals under the Americans with Disabilities Act of 1990 (ADA). The author notes that the ADA excluded DAA individuals from the definition of disabled individuals and held them to the same standards as non-disabled individuals. However, the author contends that the Supplemental Security Income program (SSI) exemplifies congressional intent to classify DAA individuals as disabled.

The author highlights the anti-discrimination provision of the Rehabilitation Act through a discussion of comparative analysis of the Supreme Court's decisions in *School Board of Nassau County v. Arline* and *Traynor v. Turnage*, distinguishing *Traynor* which held that certain categories of DAA individuals could be excluded from federal benefits. Finally, the author analyzes the equal protection concerns arising in section 105 of the Rehabilitation Act by comparing the legislation at issue in *Romer v. Evans*. The author draws a parallel between the classifications articulated in section 105 and those defined in Amendment 2, finding that section 105 fails the rational basis test under the same theory in *Romer*. Finally, the article suggests that Congress's decision to deny benefits to DAA individuals could eventually lead to the eradication of benefits for mentally disabled or HIV inflicted individuals.