



U.S. House of Representatives Committee on the Judiciary F. James Sensenbrenner, Jr., Chairman

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News Advisory

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Sensenbrenner/Hoyer Introduce Bipartisan Legislation Restoring Americans with Disabilities Act Protections

WASHINGTON, D.C. – House Judiciary Committee Chairman F. James Sensenbrenner, Jr. (R-Wis.) and House Minority Whip Steny H. Hoyer (D-Md.) today introduced bipartisan legislation that would restore protections for disabled Americans under the Americans with Disabilities Act of 1990 (ADA). H.R. 6258, is titled the “Americans with Disabilities Act Restoration Act of 2006.”

Chairman Sensenbrenner stated, “The landmark American with Disabilities Act has helped ensure American citizens no longer live in isolation but live as independent, self sufficient members of our communities. In recent years, however, the Supreme Court has slowly chipped away at the broad protections of the ADA and has created a new set of barriers for disabled Americans. This bipartisan legislation will enable disabled Americans utilizing the ADA to focus on the discrimination that they have experienced rather than having to first prove that they fall within the scope of the ADA’s protection. With this bill, the ADA’s ‘clear and comprehensive national mandate for the elimination of discrimination on the basis of disability’ will be properly restored and the ADA can rightfully reclaim its place among our Nation’s civil rights laws.”

Congressman Hoyer said: “As the lead Democratic sponsor of the ADA in the House, I harbored no illusions that this legislation would topple centuries of prejudice overnight – nor that we could legislate that prejudice out of existence. Over the last 16 years, this landmark law has ushered in significant change. However, the promise of the ADA remains unfulfilled. The Supreme Court’s interpretations of this historic law have been largely inconsistent with the original intent of Congress and President George H.W. Bush in enacting the ADA. For example, people with diabetes, heart conditions and cancer have had their ADA claims kicked out of court because, with improvements in medication, they are considered ‘too functional’ to be considered ‘disabled.’ This is not what Congress intended when it passed the ADA. We intended the law to be broadly – not narrowly – interpreted.

The point of the law is not disability; the point is discrimination. I am pleased to join Chairman Sensenbrenner in introducing this legislation, which will help restore the original intent of the ADA.”

“Americans with Disabilities Restoration Act” Background:

Replacing “against an individual with a disability” with “on the basis of a disability” harmonizes the ADA with the Civil Rights Act of 1964 and other civil rights laws that prohibit discrimination “on the basis of race, color, religion, national origin, and sex.”

Prohibiting discrimination “on the basis of a disability” will enable individuals utilizing the ADA to focus on the discrimination that they have experienced rather than having to prove that they fall within the intended scope of the ADA. This phrase presumes that an individual is a member of the protected class if they are disabled, which the current language – “against an individual with a disability” – does not.

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