

Seventeen years ago - on July 26, 1990 - the first President Bush signed the Americans with Disabilities Act (ADA) into law, hailing it as "the world's first comprehensive declaration of equality for people with disabilities." That day was one of my proudest in public service, and I know others who helped lead the fight on the ADA feel the same way.

This landmark civil rights law prohibited discrimination against Americans with disabilities in the workplace, public accommodations, and other settings. We knew that it would not topple centuries of prejudice overnight, but we believed that it could change attitudes and unleash the talents of millions of Americans with disabilities.

And, we were right. Since its enactment, thousands of Americans with disabilities have entered the workplace, realizing self-sufficiency for the first time in their lives. The ramps, curb cuts, braille signs, and captioned television programs that were once novel are now ubiquitous.

The ADA has also made transit systems and communications systems more accessible. And, perhaps most importantly, the ADA has begun to change society's attitudes toward people with disabilities.

But the full promise of the law has not been fulfilled. In recent years, the Supreme Court has slowly chipped away at the broad protections of the ADA and has created a new set of barriers for Americans with disabilities. Under the cramped interpretation of the ADA by the courts, a broad range of people with physical and mental impairments have been held not to be "disabled enough" to gain the protections of the law.

As a result, unexpected court decisions have placed individuals with disabilities in a Catch-22. For example, people with diabetes, heart conditions, epilepsy, mental retardation 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 a broad application of this law. Simply put, the point of the ADA is not disability, it is the prevention of wrongful and unlawful discrimination.

Thus this past week, Congressman F. James Sensenbrenner of Wisconsin- the former Chairman of the House Judiciary Committee - and I introduced the *Americans With Disabilities Restoration Act of 2007* to restore the broad reach of ADA that we believed was plain in 1990. Senator Tom Harkin of Iowa intends to introduce very similar legislation in the Senate.

Among other things, the bipartisan House bill - which already has more than 130 co-sponsors - will restore the original intent of the ADA. This bipartisan legislation will do two things: 1) amend the definition of "disability" so that people who Congress originally intended to protect from discrimination are covered under the ADA, and 2) preventing courts from considering "mitigating measures" - such as eyeglasses or medication - when determining whether a person qualifies for protection under the law.

The fact is, the Supreme Court has improperly shifted the focus of the ADA from an employer's alleged misconduct and onto whether an individual can first meet - in the Supreme Court's words - a "demanding standard for qualifying as disabled." 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 most important civil rights laws.

Furthermore, with thousands of severely injured soldiers returning home from Afghanistan and Iraq, we have a special responsibility to assure them that they will receive the fair treatment they deserve as they attempt to return to work and re-integrate themselves in their communities.

We must bring our nation closer to the ideals of equality and opportunity that are both our heritage and our hope. The fight was not over in 1990.

We must remain vigilant for Americans with disabilities until we finish the job.

As we note the 17th anniversary of this landmark law, its promise remains unfulfilled but is still within reach. Passage of this legislation is critical to helping us achieve the ADA's promise - and creating

a society in which
Americans with
disabilities can realize
their potential.