

On July 26, we celebrate the 15th anniversary of the Americans with Disabilities Act (ADA) – landmark legislation that extended civil rights protections to an estimated 43 million disabled Americans.

The ADA, which passed Congress with overwhelming bipartisan support and was signed into law by the first President Bush, recognized the simple premise that every American ought to have the right to live independently and to fully participate in all aspects of our society – in the job market, in schools and in communities. The ADA sought to foster inclusion, and to break down the barriers of exclusion to people with disabilities.

As the lead sponsor of the ADA in the House of Representatives, I am pleased that since July 26, 1990, we have seen signs of progress everywhere - ramps, curb cuts, Braille signs, captioned television programs, wheelchair lifts and assistive listening devices at movie theaters to name a few.

The ADA has 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.

However, despite this important and widespread progress, the fact remains that the promise of the ADA remains unfulfilled for far too many.

A major focus of the ADA, for example, was to improve employment opportunities. However, the evidence shows that there has been too little change in the employment rate of people with disabilities. Today, only 35 percent of people of working age who have a disability are employed. And people with disabilities are still three times more likely to live in poverty.

Furthermore, despite the clear intent of Congress, federal courts in recent years have narrowed the scope of the ADA and limited the enforcement of key provisions, especially those related to the workplace and the application of the ADA to state law.

As a result, unexpected court decisions have placed individuals with disabilities in a Catch-22. They have held that those with diabetes, epilepsy, heart ailments, cancer and mental illness are not "disabled" under the law if those conditions can be mitigated by medication or corrective

measures.

Such decisions are simply erroneous. Congress never intended that the ADA be interpreted so narrowly. In fact, Congress specifically provided that any person who is disadvantaged by an employer because of a real or perceived impairment may bring a claim under the ADA. Why? Because the point of the law is discrimination, not disability.

Additionally, the ADA has suffered under the current Administration. President Bush has nominated judges for the federal bench who have a track record of explicit hostility to the ADA. The President also has failed to follow through on his New Freedom Initiative, and actually proposed funding cuts to Medicaid, Section 8 housing, vocational rehabilitation and assistive technology – all of which are essential to fostering independence.

The President also has failed to honor former President Clinton's pledge to hire 100,000 individuals with disabilities in the federal government by 2005; in fact, under President Bush, the number of federal employees with disabilities has declined.

It's clear: Our work is far from finished. We are not close to meeting the goal of the ADA, and must strive to reach a point in this nation where you can get a job if you are qualified and can do the job.

Democrats are absolutely committed to the ADA. 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.

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