

HELP SECURE THE PROMISE OF THE ADA: SUPPORT THE ADA AMENDMENTS ACT OF 2008

June 17, 2008

Chairman Miller and Ranking Member McKeon,

As you are aware, the Committee today is poised to consider legislation to secure the promise of the original Americans with Disabilities Act of 1990 (ADA). The ADA has as its fundamental goal the inclusion of people with disabilities in all aspects of society, including employment for people who are willing and able to work despite their disabilities.

Unfortunately, court decisions over the last decade have excluded individuals who should have been covered under the current ADA law. These narrow court interpretations have restricted ADA coverage for people with diabetes, epilepsy, serious heart conditions, mental disabilities and even cancer. As representatives of a broad cross-section of both the employer and disability communities, we believe the proposal before the Committee strikes an appropriate balance between the needs of individuals with disabilities and those of employers. The proposal includes the following key provisions:

- **Coverage under the ADA** - The proposal clarifies that Congress intended the ADA's coverage to be broad, to cover anyone who faces unfair discrimination because of a disability.
- **Definition of Disability** - The proposal retains the requirement that an individual's impairment substantially limits a major life activity in order to be considered a disability and an individual must demonstrate that he or she is qualified for the job.
- **Protection for Mitigating Measures** - The proposal would overturn several court decisions to provide that people with disabilities not lose their coverage under the ADA simply because their condition is treatable with medication or can be addressed with the help of assistive technology.
- **Regarded As** - The proposal includes a "regarded as" prong as part of the definition of disability which covers situations where an employee is discriminated against because of his or her actual or perceived impairment. Moreover, the proposal makes it clear that accommodations do not need to be made to someone who is disabled solely because he or she is "regarded as" disabled.

Chairman Miller and Ranking Member McKeon, we firmly support this legislation and we stand ready to work with you to enact this legislation this year. We thank you for addressing the important issue and look forward to working with the House of Representatives to secure its passage.

Sincerely,

American Association of People with Disabilities
American Diabetes Association
Bazelon Center for Mental Health Law
Epilepsy Foundation
HR Policy Association
International Franchise Association
Leadership Conference on Civil Rights
National Association of Manufacturers
National Disability Rights Network
National Council on Independent Living
National Restaurant Association
Society for Human Resource Management
U.S Chamber of Commerce