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House Votes to Expand Civil Rights for Disabled

By [ROBERT PEAR](#)

WASHINGTON — The House passed a major civil rights bill on Wednesday that would expand protections for people with disabilities and overturn several [Supreme Court](#) decisions issued in the last decade.

The bill, approved 402 to 17, would make it easier for workers to prove discrimination. It would explicitly relax some stringent standards set by the court and says that disability is to be “construed broadly,” to cover more physical and mental impairments.

Supporters of the proposal said it would restore the broad protections that Congress meant to establish when it passed the Americans With Disabilities Act that President George Bush signed in 1990.

Lawmakers said Wednesday that people with epilepsy, diabetes, cancer, cerebral palsy, multiple sclerosis and other ailments had been improperly denied protection because their conditions could be controlled by medication or were in remission. In a Texas case, for example, a federal judge said a worker with epilepsy could not be considered disabled because he was taking medications that reduced the frequency of seizures.

In deciding whether a person is disabled, the bill says, courts should generally not consider the effects of “mitigating measures” like prescription drugs, hearing aids and artificial limbs. Moreover, it adds, “an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.”

The chief sponsor of the bill, the House Democratic leader, Representative [Steny H. Hoyer](#) of Maryland, said the situation was now bizarre. “An individual may be considered too disabled by an employer to get a job, but not disabled enough by the courts to be protected by the A.D.A. from discrimination,” Mr. Hoyer said.

The chief Republican sponsor, Representative F. James Sensenbrenner Jr. of Wisconsin, said the Supreme Court had “chipped away at the protections” of the 1990 law, leaving millions of Americans with no recourse or remedy for discrimination.

His wife, Cheryl Sensenbrenner, has testified in support of the bill as chairwoman of the American Association of People With Disabilities, an advocacy group. Mrs. Sensenbrenner suffered a spinal cord injury in 1972, when she was 22, and sometimes uses a wheelchair. In addition, she noted in an interview, she has a sister with Down syndrome.

Supporters of the bill immediately shifted their attention to the Senate, which is expected to pass a similar bipartisan measure. Senator [Tom Harkin](#), the Iowa Democrat leading the effort, predicted that the Senate would act “in the near future.”

The White House said that although President Bush “supports the overall intent” of the House bill, he was concerned that it “could unduly expand” coverage and significantly increase litigation.

The House bill reflects a deal worked out in months of negotiations by business groups and advocates for the disabled. The United States Chamber of Commerce and the [National Association of Manufacturers](#) helped shape the bill and endorsed it as a balanced compromise.

Representative [Jerrold Nadler](#), Democrat of New York, called the Supreme Court reading of the 1990 law “cramped and misguided.” Remedial legislation is needed now more than ever, Mr. Nadler said, because “thousands of men and women in uniform are returning from Iraq and Afghanistan with serious injuries, including the loss of limbs and head trauma.”

The House Republican whip, Representative Roy Blunt of Missouri, said the bill “puts people to work, creates opportunity and makes America a more productive country” by unlocking new pools of talent.

The 1990 law said “individuals with disabilities are a discrete and insular minority.” The bill passed Wednesday deletes that phrase, which the Supreme Court has cited as a reason for limiting the definition of disability.

The law generally prohibits an employer from discriminating against a qualified individual who has, or is perceived as having, a disability, defined as a physical or mental impairment that “substantially limits” one or more major life activities.

The Supreme Court said in 2002 that “these terms need to be interpreted strictly to create a demanding standard for qualifying as disabled.” To meet this test, the court said, a person has to have “an impairment that prevents or severely restricts the individual from doing activities that are of central importance to most people’s daily lives.”

Under the bill passed on Wednesday, Congress would establish a less stringent standard, saying an impairment qualifies as a disability if it “materially restricts” a major life activity like seeing, hearing, eating, walking, reading or thinking.

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