



CCD Rights Task Force Report of Activities For 2007

ADA Restoration

Implementation of the Americans with Disabilities Act of 1990 (ADA) as it affects rights and remedies of people with disabilities has been a major focus for the Rights Task Force. Since both the House and the Senate signaled interest in 2006 in addressing the impact of the Supreme Court's decisions in ADA employment cases with a legislative response, the Task Force has had an increased focus on ADA Restoration. An ADA Working Group formed in 2006, and carried out intensive activities throughout 2007 in areas such as legal research, legislative drafting, and education of the general public, advocates, and of staff and members of Congress, specifically identifying and proposing solutions to the problems created by the Supreme Court. A model CCD ADA Restoration bill was drafted and agreed to by the Task Force early in the spring, and on the anniversary of the ADA's passage, July 27th, Congress introduced two bills closely paralleling that legislation. In the House, Majority Leader Steny Hoyer (D-MD) and the Honorable Jim Sensenbrenner (R-WI) introduced H.R. 3195, the ADA Restoration Act of 2007. In the Senate, Tom Harkin (D-IA) and Arlen Specter (R-PA) introduced S. 1881, the companion bill. Succinctly, the bills address the fact that as a result of Supreme Court rulings interpreting the ADA's employment provisions, people with conditions such as epilepsy, diabetes, cancer, bipolar disorder, intellectual disabilities, depression, posttraumatic stress disorder, HIV, multiple sclerosis, and hearing limitations, are being denied antidiscrimination protections under the ADA. This happens even when an employer admits that the individual was not hired or was fired because of the same condition! This is not what Congress and the Administration thought the ADA was about when the law passed in 1990, and the ADA Restoration Act of 2007 fixes the definition of disability to solve these coverage problems. At the end of the year, there were 242 bipartisan cosponsors on HR 3195 in the House, and the House Judiciary Subcommittee on the Constitution and Civil Rights held hearings on the bill. Plans are being made for hearings in the primary committee of jurisdiction, Education and Labor, and work is also underway with the Committee on Energy and Commerce, and the Committee on Transportation and Infrastructure, the other two committees that had original jurisdiction of the ADA. The Senate held a hearing in the HELP committee in November, and is focusing on obtaining cosponsors, particularly Republican cosponsors as the year ended. Senator Kennedy has also signed on as cosponsor and has indicated his interest in addressing ADA Restoration in the coming year.

Hate Crimes

The Task Force worked to assure that disability remained as a covered class in the Hate Crimes bill. The bill passed both the House and Senate as part of the DOD reauthorization bill. However, it was stripped out in the conference due opposition from the minority and the President. The bill appears dead in this Congress.

Congressman Frank bill

The Task Force objected to a bill that Congressman Frank introduced which would limit the ability to sue large state ICF/MRs based on conditions in those facilities. The bill is pending.

Voting

The Task Force played a major role in assuring that voting legislation proposed in the Congress did not roll back the protections of HAVA. Primarily efforts were focused on the Holt bill which would have required paper trail in federal elections. No bill moved forward in this Congress.

Seclusion and Restraint

Efforts are underway to include language addressing the increase of use of seclusion and restraint in schools in the SAMHSA reauthorization currently moving through Congress.