

August 28, 2008

The Honorable Thomas R. Carper
301 N. Walnut Street, Suite 102-L
Wilmington, DE 19801

Dear Senator Carper:

The State Council for Persons with Disabilities (SCPD) has reviewed the ADA Amendments Act of 2008 (H.R. 3195) which would amend the Americans with Disabilities Act of 1990 to restore Congress' original intent and protections of that Act. On Wednesday, June 24, the U.S. House of Representatives approved the ADA Amendments Act of 2008, formerly known as the ADA Restoration Act, by a vote of 402-17.

People with epilepsy, diabetes, cancer, cerebral palsy, multiple sclerosis and other disabilities have 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 that 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."

SCPD encourages you to endorse the ADA Amendments Act of 2008, HR 3195 as passed by the House. This bill has been changed to reflect the deal the business and disability communities reached.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our position or observations on the proposed legislation.

Sincerely,

Daniese McMullin-Powell, Chair
State Council for Persons with Disabilities

Cc: Developmental Disabilities Council
Governor's Advisory Council for Exceptional Citizens

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