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**EDUCATION & LABOR COMMITTEE**

**Congressman George Miller, Chairman**

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Tuesday, January 29, 2008  
Press Office, 202-226-0853

**Chairman Andrews Statement at Hearing on “H.R. 3195, ADA Restoration Act of 2007”**

WASHINGTON, D.C. – *Below are the prepared remarks of U.S. Rep. Rob Andrews (D-NJ), chairman of the House Subcommittee on Health, Employment, Labor, and Pensions, for a full committee hearing on “H.R. 3195, ADA Restoration Act of 2007.”*

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Good morning and welcome to today’s full committee hearing titled “HR 3195, ADA Restoration Act of 2007.”

During this Congress, under the leadership of Chairman George Miller, our committee has address discrimination in workplace with respect to an individual’s genetic makeup, gender and sexual orientation.

Today, we turn our attention to discrimination based on disability. In the early 90’s, the original drafters of the Americans with Disabilities Act (ADA) said there “exists a compelling need to establish a clear and comprehensive Federal prohibition of discrimination on the basis of disability” in the private sector, as well as public accommodations, public services, transportation and telecommunications. After the enactment of the ADA, if an individual was discriminated against because of their disability, the law was on their side to rectify the harm that was done to them.

Unfortunately, in three cases decided on the same day in 1999, the Supreme Court misinterpreted the definition of disability under the ADA, which has left many disabled Americans without the protection provided to them by Congress in the early 90s.

Carey McClure, who will testify before our committee today, is one of those disabled Americans I speak about. Carey is an electrician with over 20 twenty years of experience from Williamson, Georgia. Despite being diagnosed with muscular dystrophy at age 15, Carey has managed to pursue his dream of becoming an electrician.

In 1999, Carey faced workplace discrimination when he was hired and then fired when his employer learned of his disability. When people like Carey, who’ve overcome impenetrable odds, are fired by their employer based not on their qualifications but because of their disability, and the highest court in our nation condones it, we as legislators have nothing short of an obligation to rectify the situation.

The Supreme Court’s narrow interpretation of the definition of disability has adversely affected most, if not all, plaintiffs in ADA employment discrimination claims. To put an end to this

imbalance in the scales of justice and restore Congress's original intent, we are here today to consider HR 3195, the ADA Restoration Act of 2007.”

HR 3195 was introduced by our distinguished Majority Leader, Steny Hoyer and the Honorable James Sensenbrenner, both original authors of the 1990 ADA law. HR 3195 currently has 244 cosponsor, with all 27 Democratic committee Members as cosponsors and 6 Republican committee Members.

I thank all of the witnesses for coming before us today and look forward to your testimony.

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