



National Black Justice Coalition



## STATEMENT IN SUPPORT OF THE ADA AMENDMENTS ACT OF 2008

We the undersigned organizations endorse the *ADA Amendments Act of 2008*, as passed by the House of Representatives on June 25. We are local, regional, and national HIV organizations representing people living with HIV, advocates, and providers who are committed to protecting the rights of people living with HIV to be free from discrimination.

The ADA Amendments Act is vitally needed to restore equality to the protection of people who are excluded from full participation in society purely on the basis of their disability. In passing the Americans with Disabilities Act of 1990 (the ADA), Congress intended to provide strong civil rights protections to people with disabilities, so they could enjoy equal opportunities to participate in all aspects of community life, based on ability rather than bias. However, in the years since its passage courts have narrowed significantly the protective reach of the ADA. Increasingly, people living with HIV – or other conditions – have been blocked from even the opportunity to establish that they have experienced discrimination. When the courts do allow the case to proceed to the real issue – whether an adverse action was taken because the person has or was perceived as having HIV – typically the person meant to be protected from discrimination must first go through the demeaning process of providing testimony about highly personal, intimate matters that are wholly irrelevant to whether he or she experienced discrimination based on HIV infection.

The ADA Amendments Act of 2008 will protect people with disabilities, including people living with HIV, by

- Specifically rejecting restrictive interpretations by the Supreme Court that have reduced the protections for people with disabilities under the ADA.
- Directing that the definition of “disability” must be construed broadly, to cover anyone who is discriminated against on the basis of disability.
- Clarifying the definition of disability, to more clearly prohibit discrimination against people with physical or mental impairments.
- Prohibiting consideration of an individual’s ability to mitigate the effect of a disability (e.g., by taking medications) in determining whether she is eligible for protection from discrimination.
- Covering individuals who experience discrimination based on a perception that they have an impairment – such as HIV infection – regardless of whether they are disabled.

We strongly urge members of Congress to pass the ADA Amendments Act of 2008 as quickly as possible, to end unfair discrimination against all people with disabilities.

Signed, [list in formation]

The AIDS Institute; CHAMP; Lambda Legal; Latino Commission on AIDS; National Black Justice Coalition; National Minority AIDS Council