

Testimony of the Honorable Lowell Weicker, Jr. On ADA

I come before you today as a parent of a child with a disability, as a former Chairman of the Subcommittee on the Handicapped, and now as president of a coalition furthering medical research, to discuss legislation which I believe should be the highest priority of the 101st Congress: The Americans with Disabilities Act.

The 43 million Americans with disabilities have waited long enough to be equal in the eyes of the laws of the United States.

For years this country has maintained a public policy of protectionism toward people with disabilities. We have created monoliths of isolated care in institutions and in segregated educational settings. It is that isolation and segregation that has become the basis of the discrimination faced by many disabled people today. Separate is not equal. It wasn't for blacks; it isn't for the disabled.

It is true that, over the last 16 years, we have begun to alter the direction of public policy. With the enactment of Section 504 of the Rehabilitation Act of 1973, Congress said that no longer will federal funds support or assist discrimination, and last year we reaffirmed that commitment in the Civil Rights Restoration Act. In 1975, with the passage of Public Law 94-142, we said that children with disabilities had a right to a public education—and that no longer would we allow such children to be educated outside of the mainstream of our society. That directive was expanded in 1986 by P.L. 99-457. Most recently, in the Fair Housing Amendments of 1988, we said that no longer will we build multifamily housing that does not allow all Americans inside.

The legislation before this committee today completes the work begun in 1973 to secure the civil rights of Americans with disabilities. It provides a place in society for everyone. It does not guarantee you a job—it guarantees that you will not be denied a job on the basis of your disability. This bill looks to the future, not to punishing society for the sins of the past. It lays out a blueprint for the future—a blueprint that says, when a community buys a bus, it buys a bus that everyone can use. A blueprint that says, when new buildings are constructed, they must be usable by persons with disabilities. A blueprint that says our phone system must be usable by everyone.

I'd like to take a moment to remind the members of this committee that the Americans with Disabilities Act would not be before you today were it not for the work of the National Council on Disability. The members of that council are presidential appointees—and all were appointees of Ronald Reagan when they developed this historic legislation. From Justin Dart, a long-time stalwart of the Republican Party, to Jeremiah Milbank, the Founder of the Eagle Forum, I dare say no one has ever challenged the conservative political credentials of any of those 15 members. And, after much internal deliberation, they came forward with a bill that was one of the most progressive, comprehensive civil rights legislation since the Civil Rights Act of 1964. When their work was completed, they came and asked, as the ranking Republican on the Handicapped Subcommittee, if I would be the lead sponsor in the Senate. I said I would be proud to do so.

Yet as one who knew the difficulty of furthering any new legislation, much less legislation for persons with disabilities, I knew that nothing would be accomplished except on a bipartisan basis. And so in the next breath, I asked them to see Tom Harkin. Not because he is a good friend and a compassionate man, but because as the Chairman of the Handicapped Subcommittee, his active leadership was critical to the future of the Americans with Disability Act. Together, we could do much—separately, nothing.

The fact is, disability legislation has always been a bipartisan effort. And no one knows it better than the members of this committee. There wasn't a bill that came through this committee in my memory that wasn't cosponsored and fully supported by the chairmen and ranking members of the full committee, as well as the Handicapped Subcommittee. Every one of those bills passed this committee unanimously, and every one of those bills was signed into law.

Today, the bipartisanship on this bill continues, with 11 Republicans from all ranges of the political spectrum joining in the battle. I cannot emphasize enough that the divisiveness of partisanship has no place on a bill that will guarantee the civil rights of Americans with disabilities.

Not only is this bill the appropriate humanitarian step for the 101st Congress, the Americans with Disabilities Act makes good economic sense as well. Right now, we have a system that is based on dependence, with over \$57 billion a year in federal funds going for social insurance benefits for disabled persons. The economic return to society when people get off the welfare rolls and become employed cannot be overstated. With two-thirds of disabled Americans unemployed, and 82 percent of those persons willing to give up benefits if they could work full-time, it can only mean a reduction in welfare dependency if those persons have real opportunities to participate in the workforce.

I understand the need for compromise, and I commend the chief sponsor, Senator Harkin, and the Chairman of the full Committee, Senator Kennedy, and the Subcommittee ranking member, Senator Durenberger, for working with those who have express legitimate concerns about the bill in an effort to come up with equitable, workable solutions to some of the issues raised. I have to tell you, though, that I think the changes made on this legislation go far enough. The balance has been struck-while fine-tuning may be necessary, any further substantive changes would, I believe, seriously tilt the scales against securing full civil rights for persons with disabilities, and thus demean the constitutional spirit in which this endeavor was conceived.

The fact is, this legislation now enjoys support from every segment of the disabled community. From the deaf and hearing impaired, to persons infected with HIV, to those with physical and mental disabilities, there is nothing less than enthusiastic support for this bill. Over 100 organizations have been working tirelessly on behalf of Americans with disabilities. Don't frustrate them now. There has already been a lifetime spent overcoming not what God wrought but what man imposed by custom and law.

As most of you know, I have a son with Down Syndrome. Sonny is 11 years old. Thanks to the vision of you and your predecessors, he has spent a life in public schools with nondisabled peers. When Sonny completes school, he will go out into the world ready to take his place in society, along with everyone else. This bill then is the follow-on to Sonny's future: with it, he will be able to live where he wants, get on a bus, go to work wherever his talents will take him, and relaxation will mean movies and restaurants

as for anyone else. Without ADA, his ability to do any of those activities will rest on the whim of society. That simply isn't good enough in America.

Disabled persons may represent a minority in this country, but they are a minority any of us may join at any time. Indeed, the latest research indicates that Sonny will probably join the disabled ranks for a second time. As reported in the New England Journal of Medicine this month, Down persons are at greater risk to develop Alzheimer's by age 50. That gives me 39 years to find through research a resolution of the fate that awaits him.

However, in a matter of months you can secure to Sonny and his 43 million peers a happiness that only comes with love equally devised and administered. Thank you.