Mr. HARE changed his vote from "aye" to "no".
So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read:
"A bill to restore Second Amendment rights in the District of Columbia.",

A motion to reconsider was laid on the table.

Stated against:
Mr. SIRES. Mr. Speaker, when I voted on final passage of H.R. 6842, the Second Amendment Enforcement Act, I incorrectly voted aye. I meant to vote no on final passage of that bill.

Mr. ETHERIDGE. Mr. Chairman. Earlier today, the House took sequential votes on an amendment to and final passage of the National Capital Security and Safety Act, H.R. 6842. On roll number 601 when I cast my vote on final passage an "aye" vote was recorded when a "no" vote should have been recorded.

PERSONAL EXPLANATION
Mr. EHLERS. Mr. Speaker, (Mr. Chairman), on rollcall No. 600 and 601, I missed these votes due to illness (influenza). Had I been present, I would have voted "aye" on both.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

ADA AMENDMENTS ACT OF 2008
Mr. GEORGE MILLER of California. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3406) to restore the intent and protections of the Americans with Disabilities Act of 1990. The Clerk read the title of the Senate bill.
The text of the Senate bill is as follows:
S. 3406
Be it enacted by the Senate and House of Representat...
The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCEON) each will control 20 minutes.

The Chair recognizes the gentleman from California Mr. GEORGE MILLER.

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent for 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on S. 3406 into the RECORD.

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Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent for 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on S. 3406 into the RECORD.
There was no objection.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of final passage of S. 3406, the Americans with Disabilities Amendments Act of 2008.

Since 1990, the Americans with Disabilities Act has provided protection from discrimination for millions of productive, hardworking Americans so that they may fully participate in our Nation's schools, communities and workplace. Among other rights, the law guaranteed that workers with disabilities would be judged on their merits and not on an employer's prejudice.

But since the ADA's enactment, several Supreme Court rulings have dramatically reduced the number of individuals with disabilities who are protected from discrimination under the law. Workers like Carey McClure, an electrician with muscular dystrophy who we supported in our committee in January, have not been hired or passed over for promotion by an employer regarding them as too disabled to do the job. Yet when these workers seek justice for this discrimination, the courts rule that they are not disabled enough to be protected by the Americans with Disabilities Act. This is a terrible catch-22 that Congress will change.

S. 3406, like H.R. 3190 passed in June, remedies this catch-22 situation in several ways by reversing flawed court decisions to restore the original congressional intent of the Americans with Disabilities Act. Workers with disabilities who have been discriminated against will no longer be denied their civil rights as a result of these erroneous court decisions.

To do this, S. 3406 reestablishes the scope of protection of the Americans with Disabilities Act to be generous and inclusive. The bill restores the proper focus on whether discrimination occurred rather than on whether or not an individual's impairment qualifies as a disability.

S. 3406 ensures that individuals who reduce the impact of their impairments through means such as hearing aids, medications, or learned behavioral modifications will be considered in their unmitigated state.

For people with epilepsy, diabetes and others who have successfully managed their disability, this means the end of the catch-22 situation that Carey McClure and so many others have encountered when attempting to seek justice.

For our returning war veterans with disabilities, S. 3406 will ensure that the transition to civilian life will not include another battle here at home, a battle against discrimination on the basis of disability.

And students with physical and mental impairments will have access to the accommodations and modifications they need to successfully pursue an education.

Much of the language contained in S. 3406 is identical to the House-passed H.R. 3195. This includes provisions concerning mitigating measures, episodic conditions, major life activities, treatment of claims under the “regarded as” prong, regulatory authority for the definition of disability, and conforming amendments to section 504 of the Rehabilitation Act.

We expect the courts and agencies to apply this less demanding standard when interpreting “substantially limiting.” S. 3406 also specifically provides agencies to interpret the term consistent with the findings and purposes of the ADA Amendments Act.

We intend that the ADA Amendments Act will reduce the depth of analysis related to the severity of the limitation of the impairment and return the focus to where it should be: the question of whether or not discrimination, based upon the disability, actually occurred.

This legislation has broad support: Democrats and Republicans; employers, civil rights groups, and advocates for individuals with disabilities. I'm pleased that we were able to work together to get to this point.

In particular, I want to thank the members of the Employer and Disability Alliance, including the Leadership Conference on Civil Rights, the Epilepsy Foundation, the American Association of People with Disabilities, the Business Roundtable, the National Association of Manufacturers, and the Society for Human Resource Management for all of their hard work and long hours of negotiations with each other and with our staff.

Of course, much credit is due to Majority Leader STENY HOYER and Congressman Jim SENSENIBRINKER for their leadership and tenacity in the House; and Senator HARKIN, Senator KENNEDY, Senator HATCH for their skill in moving this legislation through the Senate with unanimous support.

It is time to restore the original intent of the ADA and ensure that the tens of millions of Americans with disabilities who want to work, attend school, and fully participate in our communities will have the chance to do so.

I look forward to the passage of this legislation and encourage my colleagues to support it.

I reserve the balance of my time.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to rise in support of ADA Amendments Act of 2008, a bill we first approved earlier this year. The bill we passed was the product of good-faith negotiation and a careful compromise, and I appreciate that the framework of our bill has been maintained.

At the same time, our counterparts on the Senate side of the Capitol were able to further refine and improve the legislation. Thanks to that effort, the bill before us today represents an important step forward for Americans with disabilities and the employers that benefit from their many contributions.

The Americans with Disabilities Act was enacted in 1990 with broad bipartisan support. Among the bill's most important purposes was to protect individuals with disabilities from discrimination in the workplace.

By many measures, the law has been a huge success. I firmly believe that the employer community has taken the ADA to heart, with businesses adopting practices specifically designed to provide meaningful opportunities to individuals with disabilities.

However, despite the law’s many success stories, it is clear today that for some, the ADA is failing to live up to its promise.

In the years since its enactment, court cases and legal interpretations have left some individuals outside the scope of the act's protections. Some individuals the law was clearly intended to benefit have been considered "too disabled enough," an interpretation we all agree needs correcting.

In response, however, proposals were put forward to massively expand the law's protections to cover virtually all individuals. This is an equally dangerous proposition.

Our task with this legislation was to focus relief where it is needed, while still maintaining the delicate balance embodied in the original ADA.

In the months since this bill was first introduced and moved through the House, I am pleased to say that we were able to do exactly that.

Mr. Speaker, this is a good bill, and the time to enact it is now. It ensures that meaningful relief will be extended to those most in need, while the ADA's careful balance is maintained as fully as possible.

Once again, I want to thank my colleagues on both sides of the aisle for their participation in this process for their efforts.

Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER), a member of the Judiciary Committee, which also had jurisdiction over this legislation and was very helpful in its passage.

Mr. NADLER. I thank the gentleman.

I thank the distinguished majority leader and the gentleman from Wisconsin (Mr. SENSENIBRINKER). Under their leadership, the House passed the ADA Amendments Act in June by an overwhelming vote of 402-17.
The Senate, under the leadership of Senators HARKIN and HATCH, has taken up our bipartisan call to restore the promise of the ADA and has passed a nearly identical bill, S. 3406.

Like the House bill, S. 3406 overturns Supreme Court decisions that have narrowed the scope of protection under the ADA. These decisions have created a catch-22, in which an individual who is able to lessen the adverse impact of an impairment by use of a mitigating measure like medicine or a hearing aid can lose a job or otherwise face discrimination on the basis of that impairment and yet not be considered sufficiently disabled to be protected by the ADA. Congress never intended such an absurd result.

Like the House bill, S. 3406 cures this problem by preventing courts from considering "mitigating measures"—things like medicine, prosthetic devices, hearing aids, or the body’s own compensation and ability to adapt—when determining whether an individual is disabled. On this important point, S. 3406 retains the exact same language as H.R. 3195.

S. 3406 also retains the House language on the treatment of episodic conditions. Activities an individual is able to perform during a "good average" may be considered "substantially limited" by an impairment if he or she is "regarded as" disabled by others. Both bills identify an "average" consistent with how courts had applied the term "substantially limits," the Senate bill—like ours—ensures that the burden of showing that an impairment limits one’s ability to perform common activities is not an onerous burden.

Thus, while the approach taken in the two bills is somewhat different, congressional intent and the result achieved by both bills is the same.

Both bills make clear that the courts and Federal agencies have set the standard for qualifying as disabled under the ADA too high. Both bills reject court and agency interpretation of the term "substantially limits" as "preventing" or "significantly restricting" the ability to perform a major life activity. This is not an onerous burden.

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It is our sincere hope that, with less fighting over who is or is not disabled, we will finally be able to focus on the important questions: Is an individual qualified? And might a reasonable accommodation afford them an opportunity to participate fully at work and in community life.

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the impact of these decisions is such that disabled Americans can be discriminated against by their employer because of their conditions but are not considered disabled enough by our Federal courts to invoke the protections of the ADA. This is unacceptable. Today’s bill enables disabled Americans utilizing the ADA to focus on the discrimination that they have experienced rather than having to first prove that they fall within the scope of the ADA’s protection.

It has been a long road to finally reach this point.

As chairman of the House Judiciary Committee last Congress, I first introduced this bill with House Majority Leader Steny Hoyer. Although the Judiciary Committee held a hearing on the bill in 2006, it was too late in the legislative session to move it but that bill marked our intent and promise to tackle the issue in the 110th Congress.

Last year on the ADA’s anniversary, Leader Hoyer and I introduced the bill again. The purpose of this legislation is to resolve the intent of Congress to cover a broad group of individuals with disabilities under the ADA and to eliminate the problem of courts focusing too heavily on whether individuals are perceived as disabled, rather than on whether discrimination occurred. We worked with advocates from the disability community and business interests over the past year to craft a balanced bill with bipartisan support.

President Ronald Reagan once said, “There is no limit to what you want to accomplish if you don’t care who gets the credit.” That statement rings true about negotiations with this bill. Interest groups that did not see eye-to-eye at the outset worked diligently over many months. After intense discussions, they came to a compromise that both sides could support.

The bill we pass today will restore the full meaning of equal protection under the law and all of the promises that our Nation has to offer. As Members are well aware by now, the Supreme Court has slowly chipped away at the broad protections of the ADA and has created a new set of barriers for disabled Americans. The Court’s rulings currently exclude millions of Americans utilizing the ADA to focus on the discrimination that have experienced rather than having to first prove that they fall within the scope of the Act in 1990.

The impact of these decisions is such that disabled Americans can be discriminated against by their employer because of their conditions but are not considered disabled enough by our Federal courts to invoke the protections of the ADA. This is unacceptable. Today’s bill enables disabled Americans utilizing the ADA to focus on the discrimination that they have experienced rather than having to first prove that they fall within the scope of the ADA’s protection.

Finally, I would like to pay tribute to my wife, Cheryl. As the chairman of the board of the American Association of People With Disabilities, she has been dogged in her advocacy of this legislation and has presented real life situations on why this bill ought to pass. Without her efforts, a lot of the progress that has been made would not have occurred, and I salute her for that.

The ADA has been one of the most effective civil rights laws passed by Congress. I encourage my colleagues to vote in favor of the ADA Amendments Act.
with the finding that an individual is substantially limited in such major life activities. As such, we reject the findings in Price v. National Board of Medical Examiners, Gonzalez v. National Board of Medical Examiners, and Wong v. Regents of University of California.

Mr. STARK. I thank the Chairman.

Specific learning disabilities, such as dyslexia, are neurologically based impairments that substantially limit the way an individual performs major life activities, like reading or learning, or the time it takes to perform such activities often referred to as the condition, manner, or duration.

This legislation will reestablish coverage of the individuals by ensuring that the definition of this ability is broadly construed and the determination does not consider the use of mitigating measures.

Given this, would the chairman agree that these amendments support the finding in Bartlett v. New York State Board of Law Examiners in which the court held that in determining whether the plaintiff was substantially limited with respect to reading, Bartlett’s ability to “read” should not be taken into consideration when determining whether she was protected by the ADA?

Mr. GEORGE MILLER of California. Yes, I would.

As we stated in the committee report on H.R. 3195, the committee supports the finding in Bartlett. Our report explains that “an individual with an impairment that substantially limits a major life activity should not be penalized when seeking protection under the ADA simply because he or she managed their own adaptive strategies or received informal or undocumented accommodations that have the effect of lessening the deleterious impacts of their disability.”

Mr. STARK. I want to thank the chairman. It is indeed our full intention to ensure that the civil rights law retains its focus on protecting individuals with disabilities and not the interests that may need to address their practices in accordance with the ADA.

I look forward to working with the chairman to continue to protect individuals with specific learning disabilities to ensure that unnecessary barriers are not being erected in their path.

I want to thank the chairman, the distinguished ranking member, our colleagues from Wisconsin, and the majority leader for their work on this landmark legislation.

Mr. GEORGE MILLER of California. I reserve the balance of my time.

Mr. MCKEON. Mr. Speaker, I am happy to yield now 3 minutes to the gentleman from Illinois (Mr. SHIMKUS). Mr. SHIMKUS. I thank the gentleman.

Mr. MILLER, thank you for the good work you do on this. I’m planning, as many of us are, to be highly supportive of it.

I just want to bring to the attention of the Chamber an article that was in USA Today, September 4. We’re talking about disabilities here and the disabilities act, and also remind people, as a teacher of government and history of 4 years, the process of how a bill becomes a law.

We had a vote last night that passed a bill. It has not yet become law. In essence, we still have done nothing to ease the energy crisis, and this article highlights “Gas Prices Confound Sick People.”

Some have to cut back on travel, treatment, such as dialysis or chemotherapy. There here is a visit to a Lou Gehrig’s, ALS, clinic, and one of the quotes is saying, “People are going to depend on us more because their friends and families can’t afford to transport them in their cars.”

When we’ve been fighting so hard for an energy policy and energy debate, many times I would come to the floor to say energy is a variable in everything that we do in our society. It’s a variable in the cost of doing the job here as we use power to generate electricity, air-conditioning, and, of course, communications. It’s a part of the educational environment as we find schools having to adjust transportation schedules on diesel fuel. It is a critical portion of how we can meet the needs of the disabled.

And one of the places they point out here is in Sacramento, the disabled individuals can’t get services because they can’t afford to drive to reach the services. Again, this is not me. This is USA Today on 4 September. Pretty big article.

We have to move a bill that the President will sign. We have to have a comprehensive policy that brings in all the above. I personally like coal. I personally like renewable fuels. I personally like nuclear power. I personally like oil shale, and I like oil sands. I like wind. I like solar.

If we do not have a comprehensive energy policy to stabilize and bring costs down, we can pass all the pieces of legislation we want to fund in the world but the disabled are still going to be harmed, especially in areas that I represent, which is rural southern Illinois, where to get a job, get health care, you have to drive a long distance.

Mr. GEORGE MILLER of California. I yield myself 30 seconds to say I think the House addressed many of the concerns, Mr. SHIMKUS, yesterday in the legislation, the comprehensive energy legislation that we passed that deals with the issues of lowering costs to consumers and taxpayers and increasing the energy resources of the United States.

I would also say if we don’t pass this piece of legislation, they won’t have any jobs to drive to because they continue to get discriminated against.

With that, I would like to yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS), a member of the committee.

Mr. ANDREWS. Mr. Speaker, I rise in strong support of this legislation. I would like to add my voice in congratulations to Mr. HOYER, Mr. SENSIBRENNER, Chairman MILLER, and Mr. MCKEON for their outstanding cooperation in this.

Today is Constitution Day. Over 200 years ago, the Constitution of our country was ratified. As majestic a document as it is, it has been an imperfect delivery and realization of that document because, over time, people have been left out of its benefits and privileges. Throughout our history, people with a disability have been among those left out of the many privileges of governments and economy in our country.

In 1990, the Congress, under the first President Bush, took a major step forward in remedying that injustice and discrimination. But sadly, since 1990, erroneous court decisions have stripped people with a disability of the rights that they thought they had under that 1990 law.

Today we are working together to remedy that problem and fix it. This is a victory for common sense and for merit over ignorance and obliviousness. More importantly, it’s a victory for human beings who will be very profoundly helped by this law.

There was a man who got a job with a major retail corporation in this country, and he’s diabetic. When he first started work, his supervisor understood that for this worker to be productive, he needed a special lunch break in the middle of his workday so he could deal with his blood sugar needs and stay healthy and be productive.

So the man gets a new supervisor. The new supervisor comes in and doesn’t permit the lunch break, and the man’s unable to do his work. So he files suit under the Americans with Disabilities Act, and the court says he doesn’t win the case because he’s not disabled. Disability is not enough; it’s the inability to remedy this person’s concern.

Now that’s just wrong. And the other body understands it, both parties in this body understand it, the American people understand it.

What we have done in this Act is to restore the commonsense, meaningful definition of what “disability” means, not so that people with disabilities get special privileges, but so they get the services and opportunities that everybody else is guaranteed in this country under the law.

Again, I congratulate Mr. HOYER and Mr. SENSIBRENNER, in particular, for working together and bringing together a broad coalition behind this bill. And on this Constitution Day, the House will set a mark in history and continue the progress so that people who work with a disability can achieve and thrive and succeed in our country and in our economy.

I would urge both Republicans and Democrats to vote “yes” on this very substantial piece of legislation.
Mr. MCKEON. Mr. Speaker, I reserve my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I now yield 3 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of S. 3406, the Senate-approved ADA Amendments Act of 2008. Passage of this bill will clear the way for the President's signature and finally renew our promise to the American people that discrimination in any form will never be tolerated.

I would like to thank my good friend, Majority Leader STENY HOYER, who has been a real leader and champion on behalf of the disabilities community. I would also like to express my appreciation to Chairman MILLER for his continued leadership on this critical issue, as well as Congressman JIM SENSENBRENNER. This has truly been a bipartisan effort.

The ADA was groundbreaking civil rights legislation. And as someone who has lived with the challenges of a disability both before and after the ADA's enactment in 1990, I have experienced firsthand the profound changes that this law has effected within our society.

The bill before us today reaffirms the protections of the ADA and upholds the ideals of equality and opportunity on which this country was founded. In July, we celebrated the 18th anniversary of the ADA. It was a day to reflect on our past accomplishments, our current challenges, and future opportunities. I can think of no better way to honor the spirit of this landmark bill and the spirit of all those who fought for its passage than by passing the ADA Amendments Act and restoring Congress' intent to ensure the ADA's broad protections.

Mr. Speaker, people with disabilities represent a tremendously valuable, and yet in many ways untapped, resource in this country. By fostering an environment of inclusion and empowerment, we can provide the means for every individual to fulfill his or her God-given potential.

The ADA Amendments Act will help us realize this important goal. I strongly urge Congress to support the passage of this bill and send it to the President for his signature. Again, I thank all those who were part of making this day possible, particularly, again, our majority leader, STENY HOYER, for his great leadership.

Mr. MCKEON. Mr. Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore. The gentleman from California has 11 minutes.

Mr. MCKEON. Mr. Speaker, I reserve the remainder of my time.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland, the majority leader, Mr. HOYER. And as he's talking the well, I just wanted to again acknowledge what all of our colleagues have acknowledged and so many people in the disabilities community have acknowledged and known for a long time, his championing of this act. And he has done it year after year. He has tended to it; he has watched over it; he has argued about it; and he has encouraged many of us to get involved in these amendments. And these are crucial amendments so that the original intent and the opportunities provided by this act are realized. He and Mr. SENSENBRENNER did a magnificent job of shepherding this.

Many people don't know this who haven't been involved, but the negotiations around this legislation were sort of 24-7 for the last year, with a very diverse group of people, all of whom wanted to see the act amended and improved, and finally came together under the leadership of Mr. HOYER. And I just want to say that's why we're here today. That's why the Senate and the House are going to pass this and we're going to have a ceremony with the President signing these amendments. Thank you very much, Mr. HOYER. I thank the chairman for his remarks. And I thank Mr. MCKEON for his leadership and willingness to work together on a difficult issue.

I certainly want to acknowledge and thank my friend JIM SENSENBRENNER, Congressman SENSENBRENNER, who has been chairman of the committee, the Judiciary Committee, who has been a leader in this Congress, and his wife, Cheryl. Cheryl, like the young man we just saw speak, Congressman JIM LANGEVIN, has shown great courage, but also shown that disability is not disabling; that we ought to look at what people can do, not what they can't do. All of us can't do certain things. I urge people to do, not what they can't do. All of us can't do certain things. I urge people to also has shown that disability is not disabling; that we ought to look at what people can do, not what they can't do. All of us can't do certain things. I urge people to do, not what they can't do. All of us can't do certain things. I urge people to look at what people can do. And that's what this bill was about in 1990. That's what this bill is about today.

And I am very pleased to be here to speak on behalf of this bill. I think this bill may well pass unanimously, and the public might conclude, therefore, that this was not contentious and difficult, it was both—not contentious in terms of enabling those with disabilities to be fully included in our society, but also to do that: how to do that in the context of making sure that the business community could live with this, that the disabilities community could live with this, and that we did, in fact, accomplish the objectives that we intended.

I want to thank as well the Chamber of Commerce, the National Association of Manufacturers and other business groups who came together with the disabilities community with a common objective. Randy Johnson worked on behalf of the Chamber of Commerce, and Randy Johnson, at a press conference that was held when the Senate passed this bill just a few days ago, said that he was a staffer here in 1988 and '89 and '90 when we passed the Americans with Disabilities Act. And he made the observation that—he sat on the floor, he worked with the leadership on the Republican side and the Democratic side, and particularly with my friend, Steve Bartlett, Congressman Steve Bartlett from Texas, who was intimately involved in fashioning and working out the compromises necessary to overwhelmingly pass the ADA in 1990. And he said it was clear then that the intent of Congress had been misconstrued by the Supreme Court—this is Randy Johnson, Republican staffer, leader now in the Chamber of Commerce of the United States who helped fashion this bill. And this bill really says, yes, we agree with that in a bipartisan way. The Supreme Court misinterpreted what our intent was. And our intent was to be inclusive.

Civil rights bills are intended to be interpreted broadly. Why? Because we want to make sure that every American has the benefits that America has to offer, the opportunities that America has to offer, and them to help America be a better country, to bring their talents and their skills and their motivation to bear in the public and private sectors.

I want to thank as well Nancy Zinkin, Randy Imperato, ma—my as I call him my lawyer, Chai Feldblum, who has worked so hard on this for now 20 plus years. It's been 18 years since we passed the ADA, but as Mr. MILLER knows, it's been 20 plus years—25 years really—that we've been working on getting to this point.

I also want to thank Mike Peterson of H.R. Policy and Jerry Gillespie of the National Association of Manufacturers.

There are so many people that I could spend the next 5 or 10 minutes mentioning just name after name after name who made this happen. I won't do that, not to diminish them in any way, but I want to say that this is the efforts of many—not of me, but of many; not of Mr. MILLER alone or the ranking member alone or Mr. SENSENBRENNER, but many dedicated to this cause.

We are here to build on the accomplishments of the landmark Disabilities Act of 1990. We wouldn't be here at all, however, without the hard work, frankly, of a very close friend of mine, former Member of Congress, Tony Coelho. Tony Coelho had a vision. Tony Coelho suffers from epilepsy. There is nobody who knows Tony Coelho that thinks he is not able to do anything, everything, and all things. Tony Coelho covered all of us to think larger, to understand how to bring about real change for those with disabilities.

Tony Coelho, an epileptic, was asked to leave the seminary because he had epilepsy because the church concluded he really couldn't do the job. It was the church's loss and our gain. He made a tremendous contribution to this institution. But much more importantly, in
the last some 20 years that he has not been a Member of this institution he continued to make an extraordinary contribution, not just to those with disabilities, but to our society, in expanding our consciousness and inclusion.

And I mention his name, but I also want to thank my friend, Steve Bartlett. Steve Bartlett, Congressman, then the Mayor of Dallas, now in the private sector, but engaged in the eighties and nineties and engaged in the passage of this bill today, was extraordinarily helpful to us. In 1990, the original ADA was the product of the vision of so many.

I also want to thank my former staffer, Melissa Schulman, who worked indefatigably as we passed the ADA in 1990.

When the first President Bush signed the Americans with Disabilities Act 18 years ago, America became the world's leader on this central test of human rights. The ADA was a project in keeping with our oldest principles and founding ideals. As President Bush the first, as I call him, put it at the signing ceremony, and I quote, "Today's legislation," he said, "brings us closer to that America that the framers of the Constitution had in mind, a nation where no one is denied the protection of the law due to an accident of birth or a disability.

Thanks to the ADA, that day became closer to July 26, 1990. Thanks to the passage of this bill today and the signatures Mr. MILLER indicated next week, and the expected signatures of the President, with hopefully the first President Bush present, tens of millions of Americans with disabilities will now enjoy even fuller rights, and the rights that we intended them to enjoy when we passed the ADA—the right to use the same streets, theaters, restrooms or offices, the right to prove themselves in the workplace, to succeed and drive success.

We've accomplished much in terms of public accommodations, in terms of reasonable accommodations. I was sitting there with Michele Stockwell, my policy director, as we watched Jim Langevin give his speech. What a wonderful accommodation he has in that chair that stands up. Weren't all of you impressed when he said, "I rise to support this legislation?" "I rise." And he does rise. Why? Because he has a reason.

accommodation which, notwithstanding the failure of his legs to work the way he would like them to work, his chair reasonably accommodates and has him rise to speak to this body as a testimony to the consciousness of having been raised to make sure that a person like JIM LANGEVIN—of great ability, of great ability, not disability, but of great ability—can come here, having been shot at the age of 16 inadvertently, by accident, disabled, graduated from high school, graduated from St. John's University, elected to Secretary of State of his State, and now a Member of this body. What a testimony to making sure that we made sure JIM LANGEVIN could get through the door; we made sure JIM LANGEVIN could get the kind of education he wanted and have access to that education. What a testimony to what this Congress has done, but more importantly, what so many people with disabilities have shown us all, that a disability is not disabling. It may rob us of a single or maybe even multiple ways that some people do things, but not of all things.

Sadly, as a result of the Supreme Court's decision, we have yet to live up to our promise fully. That's what we're trying to do today. We've made progress on access, we've made progress on listening devices, a lot of progress. One of the places we haven't made the progress we wanted to was employment. So many people want to work, want to be self-sufficient, want to be enterprising, want to have the self-respect of earning their own way, but have been shut out. And the Supreme Court didn't help us. That's what this bill is about.

Over the last 18 years, the Court has chipped away at that promise and at Congress' clear original intent. We said we wanted broad coverage for people with disabilities and people regarded as disabled. Important phrase, "regarded as disabled." What the Supreme Court really said, well, if you can make sure that your disability does not disable you. Tony Coelho takes medicine for his epilepsy, and so he functions. And if you saw him, you would say he's functioning fine. But if I saw, I won't hire you, Tony, because you have epilepsy, the Court said that was okay. Nobody on this floor believed that was the case. If he was discriminated against because he had a disability but could do the job, we said that's wrong.

The Court did not agree with us, and we're now changing that and making sure that our intent will be lived out. The Court did not help us. That's what this bill is about.

We never expected that the people with disabilities who work to mitigate their conditions would have their efforts held against them, but the courts did exactly that. Those narrow rulings, which will be changed by this legislation, have closed the door of opportunity for millions. We're here today to bring those millions of our fellow citizens back to where they belong—where we want them, where we need them, under the protection of the ADA.

By voting for final passage of the ADA Amendment Act, we ensure that the promise of the ADA and its protections will henceforth be construed broadly and fairly. We make it clear that those who manage to mitigate their disabilities can still be subject to discrimination; we know that intuitively and practically. This legislation says we know it legislatively.

We know that those who are regarded as having a disability are equally at risk and deserve to be equally protected.
I'm saddened by what happened yesterday. But as I said, I understand the process. I understand we're facing an election.

Having said that, seeing this body work at its best and I think at very, very far from its best, I do urge passage of the ADA Amendments Act. I yield back the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume.

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentleman is recognized for 1 minute.

Mr. GEORGE MILLER of California. I fully understand the deep disappointment on behalf of the Republican Members, not all, but those who did not vote for the legislation last night to create a comprehensive energy policy for the future of this Nation. They were intent upon killing it. They fell short. They fell short because it was a bipartisan bill. A number of their Members crossed the aisle to vote for the legislation because they recognize this was about taking us to a new energy future, a future that no longer continued year after year after year, as we have under Republican control, increased dependence upon international sources of energy, and hostile to us in so many ways, of nations who inflate our economy in so many ways.

This legislation will make available billions of barrels of oil that is from the Minerals Management leasing, the Outer Continental Shelf, more billions of barrels of oil in Alaska, in the National Petroleum Reserve that holds probably more oil than the OCS, that can be opened under legislation. And the royalties that are due this Nation will be put into a trust fund to create the research and the development of renewable and alternative energy resources that are so important if in fact we are going to break our dependence on foreign oil and on the Middle East. That is one of the key elements of the energy policy of this Nation. It is also going to stop the royalty holidays that oil companies who are making the largest record earnings in history are doing.

With that, I would like to return to the matter at hand and to thank the ranking member from across the aisle, Mr. McKeein, for all his work. I want to thank again Mr. HOYER and Mr. SENENBRENNER. I certainly want to thank the staffs of this committee, on the House Committee Reports and our Joint Statement introduced into the record.

The House of Representatives passed the ADA Amendments Act, H.R. 3195, on June 25, 2008, by an overwhelming vote. The purpose of this legislation was to restore the intent of Congress to cover a broad group of individuals with disabilities under the ADA and to eliminate the provisions that were focusing too heavily on whether individuals were covered by the law rather than on whether discrimination occurred.

That commitment has now been echoed by passage in the Senate of the ADA Amendments Act, S. 3406, by unanimous consent. The ADA Amendments Act to be passed today is the version of the ADA Amendments Act passed by the Senate, here in the chamber where it began its journey on July 26th, 2007.

This week, particularly with an alliance of business and disability representatives who came together to work with us on this bill and support its passage throughout both Houses of Congress, we personally encouraged these groups to work together to reach an agreement that would work well for both individuals with disabilities and for entities covered under the law. We are pleased that they have been able to do so throughout this bill's legislative process.

H.R. 3195, the ADA Amendments Act passed by the House, and S. 3406, the ADA Amendments Act passed by the Senate, are identical in most important respects. Both H.R. 3195 and S. 3406 contain identical language concerning mitigating measures, episodic conditions, major life activities including major bodily functions, treatment of claims under the regarded as' prong, ensuring regulatory authority over the definition of disability, and conforming Section 504 of the Rehabilitation Act to be consistent with the changes made by the ADAA.

Hence, the Report of the House Committee on Education and Labor and the Report of the Senate Committee on Labor, as well as our Joint Statement introduced into the CONGRESSIONAL RECORD on June 25, 2008, contain to accurate our intent with regard to the bill we are passing today. While the intent is the same, as discussed more fully below, S. 3406 takes a slightly different approach than H.R. 3195. Consequently, we want to make it clear that where the House Committee Reports and our joint statement used the term 'materially restricts' to establish points in various examples, those examples should be read to convey the same points, and the term 'materially restricts' should be understood to refer to the less demanding standard for the term 'substantially limits' prescribed by both H.R. 3195 and S. 3406.

For example, the statement in the House Labor Report that 'the Committee expects that a plaintiff such as Littleton could provide evidence of material restriction in the major life activity of communicating' should be understood to mean that the Committee expects that a plaintiff such as Littleton could provide evidence of the limitation in thinking, communicating and interacting with others. Should be understood to mean that the Committee expects that a plaintiff such as Littleton could provide evidence of limitation in thinking, communicating and interacting with others. (See Littleton v. Wal-Mart Stores, Inc., 231 Fed. Appx. 874 (11th Cir. 2007).

The key difference between the two bills is that S. 3406 uses a different means to achieve...
the same goal that we achieved with H.R. 3195. As we explain below, we are comfortable accepting this approach.

In H.R. 3195, we achieved this goal by redefining the term "substantially limits" to mean "materially restricts" in order to indicate to the courts that they had incorrectly interpreted the term "substantially limits" in Towards a New Cardi, V. Williams, and to convey to the courts our expectation that they would apply a less demanding standard of severity than had been applied by the Court.

Our colleagues in the Senate, however, were uncomfortable with creating a new term "substantially limits." Hence, they achieved the same goal through a different means.

Instead of redefining the term "substantially limits," S. 3406 states that such term "shall be interpreted consistently with the findings and purposes" of the ADA Amendments Act. This is a textual provision that will legally guide the agencies and courts in properly interpreting the term "substantially limits." With regard to the findings and purposes that the textual provision requires the agencies and court to use, S. 3406 incorporates and expands upon the findings and purposes of H.R. 3195, including statements that Congress intended for the ADA to provide broad coverage and that this legislation rejects the Supreme Court's interpretation that the scope of the disability experienced by the individual asserting coverage under the Act.

While we believe that the approach we adopted in H.R. 3195 would have been workable, we understand that Congress intended the definition of "substantially limits" in order to convey to courts our intention that they should apply a lower standard of severity than had been applied by the Senate. With these findings, the Senate added two purposes which directed the EEOC to amend its regulations to reflect the purposes of the ADA as amended by the ADAAA and the scope of protection of the ADA.

In our view, how we explained the definition of "substantially limits" to be interpreted, the Senate added findings which highlighted the fact that the Williams decision placed a too high threshold on the definition of substantially limits and that the EEOC's interpretive regulations were similarly drafted or interpreted to create a burden not contemplated by Congress. Consistent with these findings, the Senate added two purposes which directed the EEOC to amend its regulations to reflect the purposes of the ADA as amended by the ADAAA and which noted that the thrust of ADA inquiry should be directed to the compliance obligations of the covered entities rather than the scope of the disability experienced by the individual asserting coverage under the Act.

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We appreciate the personal leadership role displayed in these conversations, led by Professor Chai Feldblum and Jennifer Mathis, who provided wise counsel for the National Council on Independent Living (NCIL). In January 2008, we urged representatives from the disability community, including Camille A. Olson, Seyfarth Shaw; Randy Johnson and Michael Eastman, U.S. Department of Justice; Ada Williams, including former U.S. Representative John Dingell, Chair, and Congressman Joe Biden, former Senator Robert Dole, and former Attorney General Richard Thornburgh. We appreciated the intensive work done by the core legal team in these discussions, led by Professor Chai Feldblum and Jennifer Mathis, who provided wise counsel for the National Council on Independent Living (NCIL). We appreciate the intensive work done by the core legal team in these discussions, led by Professor Chai Feldblum and Jennifer Mathis, who provided wise counsel for the National Council on Independent Living (NCIL). We appreciate the personal leadership role displayed in these conversations, led by Professor Chai Feldblum and Jennifer Mathis, who provided wise counsel for the National Council on Independent Living (NCIL). We appreciate the personal leadership role displayed in these conversations, led by Professor Chai Feldblum and Jennifer Mathis, who provided wise counsel for the National Council on Independent Living (NCIL). We appreciate the personal leadership role displayed in these conversations, led by Professor Chai Feldblum and Jennifer Mathis, who provided wise counsel for the National Council on Independent Living (NCIL). We appreciate the personal leadership role displayed in these conversations, led by Professor Chai Feldblum and Jennifer Mathis, who provided wise counsel for the National Council on Independent Living (NCIL). We appreciate the personal leadership role displayed in these conversations, led by Professor Chai Feldblum and Jennifer Mathis, who provided wise counsel for the National Council on Independent Living (NCIL). We appreciate the personal leadership role displayed in these conversations, led by Professor Chai Feldblum and Jennifer Mathis, who provided wise counsel for the National Council on Independent Living (NCIL). We appreciate the personal leadership role displayed in these conversations, led by Professor Chai Feldblum and Jennifer Mathis, who provided wise counsel for the National Council on Independent Living (NCIL). We appreciate the personal leadership role displayed in these conversations, led by Professor Chai Feldblum and Jennifer Mathis, who provided wise counsel for the National Council on Independent Living (NCIL).
Barton, Ranking Member, Committee on Energy and Commerce; Congressman James Oberstar, Chair, and Congressman John Mica, Ranking Member, Committee on Transportation and Infrastructure; for bringing this bill successfully through their committees. We applaud our 400 colleagues who voted with us to pass the ADA Amendments Act last week.

And, of course, there is no way we could have done all the work that we did on this bill without the dedicated assistance of our staff and the staff of the committees. So, we would particularly like to thank Michele Stocke, Matthew Lachmann, Sharon Lewis, Heather Sawyer, Mark Zuckerman, Jim Paretti, Ed Gilroy, Brian Kennedy, Paul Taylor, David Lachmann, Alex, Nock, Tomas Webb, Jody Callemey, Tico Almeida, Chris Brown, and Ken Serafin.

What really matters, when all is said and done, is the work done by people with disabilities every day across this great nation. The passage of the ADA Amendments Act today is intended to ensure that they receive the simple, basic opportunity to participate fully in the life of society. We are grateful to have played a role in helping to make that happen.

Mr. VÁN HOLLEN. Madam Speaker, I rise in strong support of S. 3406, the ADA Amendments Act of 2008, a bipartisan legislation, which will restore the original intent of the Americans With Disabilities Act, ADA, is long overdue.

The passage of the ADA in 1990 helped millions of Americans with disabilities succeed in life and the workplace by making essential services that most Americans take for granted more accessible to individuals with disabilities. It was truly a landmark civil rights law to ensure that people with disabilities have protection from discrimination in the same manner as individuals are protected from discrimination on the basis of race, gender, national origin, religion, or age.

In recent years, the Federal courts have erroneously eroded the protections for individuals under the ADA, which has created a new set of barriers with disabilities. This bill rejects the courts’ narrow interpretation of the definition of disability, and makes it absolutely clear that the ADA is intended to provide broad coverage to protect anyone who faces discrimination on the basis of disability. It strikes a careful balance between the needs of individuals with disabilities and realities confronting employers.

Madam Speaker, the Congress is taking an important step towards restoring the original intent of the ADA. By doing so, we will help ensure that Americans with disabilities can lead independent and self-sufficient lives. I urge my colleagues to support this much-needed legislation.

Mr. COURTNEY. Madam Speaker, I rise in strong support of the Americans With Disabilities Act Amendments Act of 2008 (ADAAA), S. 3406. The Majority Whip, Mr. HOYER and Chairman Miller for moving this bill so quickly after Senate passage late last week.

As the Education and Labor Committee said in its report on H.R. 3195, this bill provides “an important step towards restoring the original intent of the ADA.” The scope of coverage under the ADA was intended to be broad and inclusive. Unfortunately, the courts have narrowed the interpretation of disability and found that a large number of people with substantially limiting impairments are not to be considered people with disabilities.

Unfortunately, the ADA has been misinterpreted by the courts resulting in a narrow view of those eligible to receive certain reasonable accommodations with learning disabilities. Historically, certain individuals with learning disabilities seeking accommodations in higher education—including high stakes exams—have seen their access to testing accommodations severely undercut by testing companies refusing to consider and support that learning disabilities are neurologically based, lifelong disabilities that may exist in students with high academic achievement because the individual has been able to cope and mitigate the negative impact while simultaneously being substantially limited in one or more major life activities.

Too many individuals with documented learning disabilities, including dyslexia, are denied access to easily administered and often low-cost accommodations that would make the critical difference in allowing them to demonstrate their academic and professional qualifications to the ADA do not provide any special treatment, but rather, ensure that each individual with a learning disability has every opportunity to apply for and receive a reasonable accommodation so he/she can move forward in his/her chosen educational and career paths.

This bill continues to reinforce what we stated in our bipartisan committee report, that “the determination of whether an impairment substantially limits a major life activity is to be made on an individualized basis.” There should be no attempt to discriminate against a class of individuals based on any one disability. For example, people with dyslexia are diagnosed based on an unexpected difficulty in reading. This requires a careful analysis of the method and manner in which this impairment substantially limits an individual’s ability to read, which may mean a difference in the duration, condition or manner of reading—for example, taking more time—but may not result in a less capable reader.

Together, we can ensure that the ADA is accurately interpreted to provide access to accommodations for those that have appropriately documented disabilities. By supporting and fostering the academic potential for these individuals, we reap the benefits when talented, ambitious and creative individuals are able to fulfill their education dreams and contribute in a meaningful way to our society.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of S. 3406, the “ADA Restoration Act of 2007.” I wholeheartedly support this bill and urge my colleagues to reject the narrow interpretation of the definition of disability as a means of excluding individuals with serious health conditions from protection, yet this is exactly what has happened. A legislative action is now needed to restore congressional intent and ensure broad protection against disability-based discrimination.

COURT RULINGS HAVE NARROWED ADA PROTECTION, RESULTING IN THE EXCLUSION OF INDIVIDUALS THAT CONGRESS CLEARLY INTENDED TO PROTECT.

Through a series of decisions interpreting the ADA’s definition of “disability,” however, the Supreme Court has narrowed the ADA in ways never intended by Congress. First, in three cases decided on the same day, the Supreme Court ruled that the definition of “substantially limiting” is a demanding standard for qualifying as a disability; and (2) by ruling that the elements of the definition must be interpreted “strictly to create a demanding standard for qualifying as disabled.” The Court’s treatment of the ADA is at odds with judicial treatment of other civil rights groups and the business community. That substitute restores Congressional intent by, among other things:

- Disallowing consideration of mitigating measures other than corrective lenses (ordinary eyeglasses or contacts) when determining whether an impairment is sufficiently limiting to qualify as a disability;
- Maintaining the requirement that an individual qualifying as disabled under the first of the three-prong definition of “disability” show that an impairment “substantially limits” a major life activity but defining “substantially limits” as a less burdensome “materially restricts”; and
- Clarifying that anyone who is discriminated against because of an impairment, whether or not the impairment limits the performance of a major life activity, is considered as “disabled” and is entitled to the ADA’s protection.

BACKGROUND ON LEGISLATION

Eighteen years ago, President George H.W. Bush, with overwhelming bipartisan support from the Congress, signed into law the ADA. This Act was intended to provide a “clear and comprehensive mandate,” with “strong, consistent, enforceable standards,” for eliminating disability-based discrimination. Through this broad mandate, Congress sought to protect anyone who is treated less favorably because of a current, past, or perceived disability. Congress did not intend for the courts to seize on the definition of disability as a means of excluding individuals with serious health conditions from protection, yet this is exactly what has happened. A legislative action is now needed to restore congressional intent and ensure broad protection against disability-based discrimination.
her employer discriminated against her by failing to accommodate her disabilities, which included carpal tunnel syndrome, myotendinitis, and thoracic outlet compression. While her employer previously had adjusted her job duties, making it possible for her to perform well despite her conditions, Williams was unable to resume her job duties when requested by Toyota and ultimately lost her job. She challenged the termination, also alleging that Toyota's refusal to continue accommodating her violated the ADA. Looking to the definition of "disability," the Court noted that an individual whose impairments were such that she has a physical or mental impairment, and then demonstrate that the impairment "substantially limits" a "major life activity." Identifying the critical questions to be whether a limitation is "substantial" and whether a life activity is "major," the Court stated that these terms need to be interpreted strictly to create a demanding standard for qualifying as disabled. The Court then concluded that "substantial" requires a showing that an individual has an impairment "that prevents or severely restricts the individual, and 'major' life activities required that the individual is restricted from performing tasks that are of central importance to most people's daily lives."

In the wake of these rulings, disabilities that had before been covered under the Rehabilitation Act and that Congress intended to include under the ADA—serious health conditions like epilepsy, diabetes, cancer, cerebral palsy, multiple sclerosis—have been excluded. Either, the courts say, the person is not impaired enough to substantially limit a major life activity, or the impairment substantially limits something—like liver function—that the courts do not consider a major life activity. Courts even deny protection when the employer admits that it took adverse action based on the individual's impairment, allowing employers to take the position that an employee is too disabled to do a job but not disabled enough to be protected by the law.

On October 4, 2007, the Subcommittee on the Constitution, Civil Rights, and Civil Liberties held a hearing on the ADA Restoration Act of 2007. Witnesses at the hearing included Majority Leader STENY H. HOYER (D–MD); Cheryl Sensenbrenner, Chair, American Association of People with Disabilities; Stephen C. Orr, pharmacist and plaintiff in Orr v. Wal-Mart Stores, Inc.; Michael C. Collins, Executive Director, National Council on Disability; Lawrence Z. Lorber, U.S. Chamber of Commerce; and Chai R. Feldblum, Professor, Georgetown University Law Center.

The hearing provided an opportunity for the Constitution Subcommittee to examine how the Supreme Court's decisions regarding the definition of "disability" have affected ADA protection for individuals with disabilities and to consider the need for legislative action. Representative HOYER, one of the lead sponsors of the original act and, along with Representative SENENSENBERGER, lead House co-sponsor of the ADA Restoration Act, explained the need to respond to court decisions "that have sharply restricted the class of people who can invoke protection under the law and [reinstated] the original congressional intent when the ADA passed." Explaining Congress's choice to adopt the definition of "disability" from the Rehabilitation Act because it had been interpreted generously by the courts, Representative HOYER testified that Congress had never anticipated or intended that the courts would interpret that definition so narrowly.

[W]e could not have fathomed that people with conditions like fibromyalgia, arthritis, cancer, mental illnesses and other disabilities would have their ADA claims denied because they would be considered too functional to meet the definition of disabled. Nor could we have fathomed a situation where the individual may be considered too disabled by an employer to get a job, but not disabled enough to be protected by the ADA from discrimination. What a contradictory position that would have been for Congress to take.

Representative HOYER, joined by all of the witnesses except Mr. Lorber, urged Congress to respond by passing H.R. 3195, the House substitute to the Constitution Subcommittee to examine how the need to respond to court decisions "that have sharply restricted the class of people who can invoke protection under the law and [reinstated] the original congressional intent when the ADA passed." Explaining Congress's choice to adopt the definition of "disability" from the Rehabilitation Act because it had been interpreted generously by the courts, Representative HOYER testified that Congress had never anticipated or intended that the courts would interpret that definition so narrowly.

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Resolved, That the bill from the House of Representatives (H.R. 2608) entitled "An Act to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide, in fiscal years 2008 through 2010, extensions of supplemental security income for refugees, asylees, and certain other humanitarian immigrants, and to amend the Internal Revenue Code to collect unemployment compensation debts resulting from fraud.", do pass with the following amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "SSI Extension for Elderly and Disabled Refugees Act".

SEC. 2. SSI EXTENSIONS FOR HUMANITARIAN IMMIGRANTS.

Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1621(a)(2)) is amended by adding at the end the following:

"(M) SSI EXTENSIONS THROUGH FISCAL YEAR 2011.

(1) TWO-YEAR EXTENSION FOR CERTAIN ALIENS AND VICTIMS OF TRAFFICKING.—

"(I) IN GENERAL.—Subject to clause (ii), with respect to eligibility for benefits under subparagraph (A) for the Federal program described in paragraph (3)(A) of qualified aliens (as defined in section 431(b) and victims of trafficking person (as defined in section 101(a)(15)(T)(C) of the Immigration and Nationality Act) of the Victims of Trafficking and Violence Protection Act of 1999 (Public Law 106–388) or as granted status under section 101(a)(15)(T)(ii) of the Immigration and Nationality Act (as determined by the Secretary of Homeland Security) that is effective on August 22, 1996, and ending on September 30, 2008, solely by reason of the termination of the 7-year period described in subparagraph (A) shall be entitled, during fiscal years 2008 through 2011, to an additional 2-year period in accordance with this clause.

"(II) ALIENS AND VICTIMS WHOSE BENEFITS CEASED IN PRIOR FISCAL YEARS.—Subject to clause (ii), beginning on the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Commissioner of Social Security shall develop criteria as needed, in consultation with the Secretary of Homeland Security, for consideration of such declarations.

"(III) PROVED NATURALIZATION APPLICATION.—With respect to eligibility for benefits for the specified Federal program described in paragraph (3)(A), paragraphs (1) and (2) shall apply during fiscal years 2006 through 2009 to an alien described in item (aa) as a condition of being eligible for the specified Federal program described in clause (II) shall be paid prospectively over the duration of the specified alien's or victim's renewed eligibility.

"(a) IN GENERAL.—With respect to eligibility for benefits for the specified Federal program described in paragraph (3)(A), paragraphs (1) and (2) shall not apply during fiscal years 2006 through 2009 to an alien described in clause (I) that is a qualified alien or victim rendered ineligible for the specified Federal program described in paragraphs (3)(A) of the Immigration and Nationality Act, or as granted status under section 101(a)(15)(T)(ii) of the Immigration and Nationality Act, if such alien or victim (including any such alien or victim rendered ineligible for the specified Federal program described in paragraph (3)(A) during the period before August 22, 1996, and ending on September 30, 2008, solely by reason of the termination of the 7-year period described in subparagraph (A) has filed an application for naturalization that is pending before the immigrant or non-immigrant status on the date of the final order of exclusion, deportation, or removal issued by the Secretary of Homeland Security, or the Commissioner of Social Security has verified, through procedures established in consultation with the Secretary of Homeland Security, that such application is pending or has been approved.

SEC. 3. COLLECTION OF UNEMPLOYMENT COMPENSATION DEBTS RESULTING FROM FRAUD.

(a) In General.—Section 602 of the Internal Revenue Code (relating to authority to make refunds or credits) is amended by redesignating subsection (b) as (c), and by inserting after subsection (c) the following new subsection:

"(b) has a subsequent application, within 4 years from the date the alien or victim began receiving supplemental security income benefits, to become a lawful permanent resident, the Secretary of Homeland Security, and the Commissioner of Social Security has verified, through procedures established in consultation with the Secretary of Homeland Security, that such application is pending;

"(cc) has been granted the status of Cuban or Haitian entrant, as defined in section 501(e) of the Refugees Education Act of 1980 (Public Law 96–422), for purposes of the specified Federal program described in paragraph (3)(A); and

"(dd) has had his or her deportation withheld by the Secretary of Homeland Security under section 241(h) of the Immigration and Nationality Act, in effect on the effective date of section 307 of division C of Public Law 104–296, or whose removal is withheld under section 241(b)(3) of such Act.

"(ee) has not attained age 18; or

"(ff) has attained age 70.

"(gg) EXCEPTION VICTIMS OF TRAFFICKING.—A qualified alien or victim of trafficking described in subparagraph (I) or (II) who has not attained age 18 shall not be required to furnish to the Commissioner of Social Security a declaration described in item (aa) as a condition of being eligible for the specified Federal program described in paragraph (3)(A) for an additional 2-year period in accordance with this clause.

"(hh) PAYMENT OF BENEFITS TO ALIENS WHOSE BENEFITS CEASED IN PRIOR FISCAL YEARS.—Benefits paid to a qualified alien or victim described in subsection (I) shall be paid prospectively over the duration of the specified alien's or victim's renewed eligibility.

"(ii) SPECIAL RULE IN CASE OF PENDING OR APPROVED NATURALIZATION APPLICATION.—With respect to eligibility for benefits for the specified Federal program described in paragraph (3)(A), paragraphs (1) and (2) shall not apply during fiscal years 2006 through 2009 to an alien described in subparagraph (A) or as a victim of trafficking in persons (as defined in section 101(b)(1)(C) of the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–388) or as granted status under section 101(a)(15)(T)(ii) of the Immigration and Nationality Act) that is a qualified alien or victim described in subparagraph (A) during the period beginning on August 22, 1996, and ending on September 30, 2008, solely by reason of the termination of the 7-year period described in subparagraph (A) has filed an application for naturalization that is pending before the Secretary of Homeland Security, or the Commissioner of Social Security has verified, through procedures established in consultation with the Secretary of Homeland Security, that such application is pending or has been approved.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

In the Senate of the United States, August 1, 2008.