a reality. This is a bill that fulfills our goal of providing strong, balanced and workable protections to ensure that individuals with disabilities can participate more fully in the workforce and in our society.

Mr. Speaker, there are some other comments I would like to make at this time. I think this bill has been a marvelous example of how Congress can work together. It’s one that we’ve worked on now for a number of years. In the last Congress, Chairman Sensenbrenner introduced this bill. It was introduced in many committees. Many hearings were held. Markups were held. It carried over into this Congress. Under a change of leadership it moved forward. Again, hearings were held. Markups were held. It was passed through the body here in the House. It went to the other side. The other body took this bill up, passed it through regular order and improved the bill. And we find it now back before us in the concluding weeks of this Congress. All of us have worked together to make it a good product that will help the individuals with disabilities that it’s meant to help. And I think it makes me proud to be a part of this body to have been able to participate in this process.

Last night we participated in a process that made me not so proud of this body. I understand political process. I understand the need for compromise. I understand the need for not one, but two, to set before us the American people. But I do not understand--and I yield the balance of my time at this point--the process that we have taken to arrive at this point.

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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 Title I of the Americans with Disabilities Act. 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 construed 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 those 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 inappropriately narrowed the scope of protection of the ADA.

In our view, H.R. 3195, by expressly including the definition of ‘substantially limits’ to be interpreted, the Senate added findings which highlighted the fact that the Senate decision placed a too high threshold on the definition of substantially limits and that the EEOC’s interpretative regulations were similarly drafted or interpreted to create a burden on individuals who are disabled. Furthermore, in consistently 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 that the Senate’s construction, the definition of ‘substantially limits’ to be interpreted, the Senate added findings which highlighted the fact that the Senate decision placed a too high threshold on the definition of substantially limits and that the EEOC’s interpretative regulations were similarly drafted or interpreted to create a burden on individuals who are disabled. Furthermore, in consistently 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.

In January 2008, we urged representatives from the Administration and from both communities to sit down with the Senate that their approach achieves the considered judgment of our colleagues in the leadership role displayed in these conversations. We appreciate the intensive work done by the Leadership Conference on Independent Living and by others who have worked tirelessly to ensure that individuals with disabilities in every aspect of life. This includes work during various stages of the bill to bring it to a successful conclusion.

A large group of individuals worked closely with us as we developed the second ADA Restoration Act that was introduced on July 26, 2007.

Steve Bartlett, former U.S. Representative Tony Coelho, former Senator Robert Dole, and former Attorney General Richard Thornburgh. We appreciate the personal leadership role taken by Nancy Zirkin and Lisa Bornstein of the Leadership Conference in Civil Rights in making this a priority for the civil rights community.

Finally, at the risk of leaving out some individuals, we want to recognize some of the countless individuals who helped with educating Members of Congress, doing important coalition and media work, and providing legal input on the bill as it progressed through the first stages through the final vote today: Anne Sommers, AAPD; Angela Ostrom, Donna Meltzer, Hans Friedhoff, Ken Lowenberg, Cindy Smith, CHADD; Jim Ward, ADA Association of Manufacturers; Mike Aitken, Randy Johnson and Michael Eastman, U.S. Department of Education; Lewis Bossing, Bazel Center for Mental Health Law; Abby Bownas and Shereen Arent, American Diabetes Association; Andy Meadus, Sandy Hinman, Judy Scott, Kurland, Leadership Conference on Independent Living; Joan Magagna and Ron Hager, NDRN; Mistigue Cano, Maggie Kao and Robyn Kurland, Leadership Conference for Civil Rights; Peggy Hathaway and Jim Wiseman, United Spinal Association; Annie Acosta, The Arc/UCP Disability Policy Collaboration; Lewis Bossing, Bazel Center for Mental Health Law; John Kemp, U.S. Interagency Council on Developmental Disabilities; Lambda Legal Defense Fund; Robert Burgdorf, UDC law professor; Rosaline Crawford, National Association of the Deaf; Gary Bumgardner, American Psychiatric Association; Tony Coelho, Immediate Past Chair of the Epley Foundation and Former U.S. Representative; Cheryl Sensenbrenner, Board Chair of the American Association of People with Disabilities; Andy Imparato, AAPD; Sandy Finucane, Epley Foundation and her lawyers at the Georgetown Federal Legislative and Administrative Clinic: Heather Sawyer, Kevin Barry and Chai Feldblum; Jennifer Mathis, Bazel Center for Mental Health Law; Abby Bownas and Shereen Arent, American Diabetes Association; Andy Meadus, Sandy Hinman, Judy Scott, Kurland, Leadership Conference on Independent Living.

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Regardless of the work done by advocates, however, it is ultimately we in Congress who must get the job done. We applaud the work of Co-Chairs John Dingell, Chair, and Congressman Joe Courtney, Ranking Member, Committee on Education and Labor; Congressman Joe Courtney, Ranking Member, Committee on Education and Labor; and Congressman Joe Courtney, Ranking Member, Committee on Education and Labor.

We are grateful to the individuals and advocates who have worked tirelessly to ensure the civil rights and inclusion of people with disabilities in every aspect of life. This includes work during various stages of the bill to bring it to a successful conclusion.

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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 to the Senate. We applaud the Senate that unaniously passed 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 Stockwell, 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 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. This bipartisan legislation, which will restore the original intent of the Americans with Disabilities Act, is overdue.

The passage of the ADA in 1990 helped millions of Americans with disabilities succeed in life and in 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 standards 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 confronted by 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 ADA Restoration Act of 2007. I wholeheartedly support this bill and urge my colleagues to support it as well. The changes embodied by this bill, that restore theADA of 1990 ("ADA") to its original purpose, are long overdue. S. 3406, the "ADA Restoration Act of 2007," amends the definition of "disability" in the ADA in response to the Supreme Court's narrow interpretation of the definition, which has made it extremely difficult for individuals with serious health conditions—epilepsy, diabetes, cancer, muscular dystrophy, multiple sclerosis and severe intellectual impairments—to prove that they qualify for protection under the ADA. The scope of protection provided by the definition of disability was decided in two ways: 1) by ruling that mitigating measures that help control an impairment like medicine, hearing aids, or any other treatment must be considered in determining whether an impairment is disabling enough to qualify 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 statutes, which interpreted these broadly to achieve their remedial purposes. It is also inconsistent with Congress’s intent.

The Committee will consider a substitute that represents the consensus view of disability 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 qualifies 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 restricted"; 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 protected 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. The Act was intended to provide a "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.

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 "disability," as embodied by the Act, should not be interpreted in a "literal and inflexible manner." The Supreme Court said that "the term "disability" is a term of art that Congress clearly intended to have a broad and inclusive meaning." Second, in the Illinois ex rel. Hardison v. Jefferson County Board of Education, the Supreme Court held that ""disability" is defined in the Act in two ways: (1) by ruling that mitigating measures that help control an impairment like medicine, hearing aids, or any other treatment...