

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 6275, ALTERNATIVE MINIMUM TAX RELIEF ACT OF 2008

Mr. WELCH of Vermont. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1297 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1297

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 6275) to amend the Internal Revenue Code of 1986 to provide individuals temporary relief from the alternative minimum tax, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 6275 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Vermont is recognized for 1 hour.

Mr. WELCH of Vermont. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. WELCH of Vermont. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. WELCH of Vermont. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 1297 provides for consideration of H.R. 6275, the Alternative Minimum Tax Relief Act of 2008, under a closed rule. The rule provides for 1 hour of debate, controlled by the Committee on Ways and Means.

As Americans know, the alternative minimum tax was enacted in 1969 with a very legitimate intent: to ensure fair-

ness in our tax system by avoiding the situation where very wealthy individuals don't pay taxes and to close loopholes. It is in the same spirit of fairness that we consider legislation today that will keep the middle class out of being hit by the alternative minimum tax when it was never intended that they would be caught up in its web and who have been because of inflation and because of no adjustments in the Tax Code.

The Alternative Minimum Tax Relief Act of 2008 will provide, one, 25 million Americans with over \$61 billion in tax relief. Two, it offers property tax relief to homeowners and expands the child and adoption credits to parents. Nearly 50,000 families in my own State of Vermont, Mr. Speaker, will see tax relief from this legislation.

However, in order for the tax relief to be fair, we have to ensure that the cost of the tax relief is not simply passed on, the credit card debt, to our children, and we have already saddled the next generation with \$9 trillion in debt, costing us \$1 billion a day in interest payments, money that could be spent on other, much more productive things. Enacting an AMT patch today when we don't pay for it would simply shift that \$62 billion burden from the middle class on to their children and their grandchildren. What we fail to pay today they will be forced to pay tomorrow with interest.

Furthermore, we do pay for this tax relief by improving the Tax Code. With the bill's offsets, we are closing two very large tax loopholes, one that has benefited very wealthy hedge fund managers at the expense of middle class taxpayers, and let me talk about that first.

The "carried-interest" loophole. It is a preferential rate of capital gains tax, a 15 percent rate that gets applied to income earned by many people who do financial work.

□ 1130

Right now, under current law, the income earned by many investment fund managers at a private equity firm, and hedge funds, are taxed at the lower capital gains tax rate. So you have this very unjustified situation where some of these folks who are making, in some cases, billions of dollars, pay a tax rate lower than the secretaries who work in their firms, and they do this when they don't actually put their capital at risk but manage the capital of others.

A second loophole that is closed in this bill stops major oil companies from receiving what is called a special domestic production subsidy through the Tax Code. As we all know, record gas prices, the record cost of a barrel of oil is resulting in oil company profits that are unparalleled in the history of this country, in some cases, as high as \$11 billion in a single 3-month period. So it's clear that those companies are doing very well and that they do not need continued taxpayer assistance.

I commend Chairman RANGEL and Chairman NEAL and the Committee on

Ways and Means for their excellent work on this legislation, and I encourage my colleagues to support the rule and the underlying legislation.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I want to thank my friend, the gentleman from Vermont, for not only yielding me this time to discuss the proposed rule for consideration of the alternative minimum tax, but I want to thank him for his friendship in the committee and the professional nature of the way he conducts himself.

Mr. Speaker, today we are going to debate a tax increase on America. No surprise. The American public has gotten used to this. The tax-and-spend Democrat Congress, the new Congress, the new way to run Washington, D.C. has resulted in not only economic failures here in this country the last 18 months but also higher gas prices, the inability that we have to control the flow in energy that comes into this country and has made us now more than ever to where we have to go get our energy overseas, send our money overseas, and not be able to be energy sufficient here in this country.

But now I find out that the excuse for raising taxes on Americans today is that there's a loophole in the tax law—a loophole—and unintended consequences. The bottom line is that it's the tax law, it was therefore reasoned, and the opportunity for us to grow our economy and build jobs and have job creation and to protect the American consumer is why these were parts of the tax law. It is not unintended consequences, it is not a loophole, it is the law, the tax law of the United States that I am very proud of, and I am disappointed to see that the Congress today will be debating new tax increases on the American people.

So I rise in strong opposition to this closed rule, yet another closed rule by this new majority that we have here, and to the underlying legislation, which takes the baffling approach, once again, of raising taxes on Americans and on the American economy during a downturn of our economy, rather than taking a way to prevent a tax increase on hardworking and unsuspecting middle class taxpayers, which sets the stage for even more job-killing tax increases in the very near future just to prevent the current low-tax policies that Republicans in Congress worked so hard to pass and to support on behalf of American taxpayers.

I think it's interesting, Mr. Speaker, that when Republicans bring tax bills to the floor of the House of Representatives, we are able to tout how many jobs our tax bill will create, how many jobs the economy will create. I have never, ever heard of a Democrat tax-and-spend bill that then touts how many jobs will be created, because they don't. They kill jobs. They kill jobs in America every time we do what we are doing today with the new Democrat majority to raise taxes on America.

Under the Democrats' flawed policy of pay-as-you-go logic used to defend this legislation, in just 2 short years—when a number of critically important tax policies like the \$1,000 Republican tax credit and the Republican lower tax rate on income and capital gains and dividends are set to expire, that created job growth—the new Democrat majority pay-as-you-go rules will require more than \$3.5 trillion in tax increases, and that is what they stand for today, increasing taxes on the American people, killing jobs all across the country, and yet they want to blame President Bush. Just incredible.

It makes no sense to me why we are hamstringing our economy and saddling working families with higher taxes when revenues aren't the problem. Washington is already collecting more taxes as a percentage of GDP than the historical average over the last 40 years.

We don't have a revenue problem. We have a spending problem. What Washington really has is a spending problem that this new Democrat majority can't fix and can't solve because they are all about taxing and spending. Federal spending is higher by nearly \$530 billion more than the Congressional Budget Office's 2000 projection for the year 2007. So going back to 2000, and they projected how much money we would need to spend, we are \$530 billion more this year, thanks to a new Democrat majority, making increased spending the main reason why 99 percent of our Nation's worsened budget picture over the last 7 years is occurring. We have got a downturn in the economy because we are raising taxes and spending to support a bloated government.

Mr. Speaker, the American people have known for a long time that Republican Members of Congress support an economically responsible solution to solving the alternative minimum tax problem. Just contrast this year's Republican budget proposal, which prevented expansion of the AMT for the next 3 years and achieved full repeal in 2013, with the Democrat budget. If you compare them, the Democrat budget, which jammed a \$70 billion tax increase into our economy to pay for simply a temporary 1-year fix, and did nothing about AMT for the next 5 years after that. A 1-year fix, raising taxes \$70 billion, rather than fixing the problem.

Mr. Speaker, taxpayers are already aware that last month, House Republicans unanimously supported a clean AMT patch without tax increases to prevent more than 25 million families—including 21 million families who didn't owe AMT in 2007—from paying an additional \$61.5 billion that's going to come due this next April, just like we did in December of last year and just like we will continue to do if Republicans once again become the majority party in Congress.

What taxpayers may not realize is that House Democrats used to be for the same thing—at least that was until

they won the majority. And with it came the opportunity to salivate, to get all this money, and to couple what used to be a bipartisan, commonsense tax prevention policy with massive, unnecessary tax hikes that burden this country, and for 18 months we have seen the promise of higher taxes, and it's killing our economy. As recently as last December, the House passed a "clean" AMT patch, without crippling the economy with tax increases, by an overwhelming majority of 352-64.

The only thing worse than House Democrats' tax-and-spend flip-flops on this issue is the fact that their comrades in the other body—including Finance Chairman MAX BAUCUS—have already recognized the reality that at the end of this day, the AMT patch will not be paid for, and that this cynical exercise meant to provide political cover is in fact dead-on-arrival the moment it passes this House. But let it be said: It's another opportunity for the new Democrat majority to show how much they want tax increases to ruin our economy.

The cost of this political gamesmanship is really quite simple: the exposure of millions of middle class taxpayers to an average tax increase of \$2,400, and the increased likelihood of a repeat of last year's mismanaged process in which the late enactment of the patch prevented the IRS from processing AMT-affected returns until about 4 weeks into the filing season. It was a disaster this year as a result of the new majority.

What is worse, Mr. Speaker, is how the Democrat Congress proposed to raise the additional \$61 billion of additional taxes just to prevent this tax increase. That's right. We are going to have a tax increase on the tax increase on middle class families who were never intended to pay this.

First, and rather unsurprisingly, this Democrat "Drill-Nothing" Congress helps repeal a tax deduction that helps American companies to produce energy for American consumers, but they are going to take that advantage away from consumers. It will only hurt energy exploration in this country, and now what we are going to see is that the American consumer will pay more at the pump.

While this proposal is laughable at best for everyone tuning in on C-SPAN across America today, it is about par for the course for the Democrat Party that also thinks that suing OPEC, not increasing the supply of American energy, will help bring down prices for consumers.

Second, this bill increases taxes on entrepreneurs that create jobs and improve failing companies, and raises the long-term capital gains rate on them from 15 to 35 percent, or even higher. So the people that are the "goose that are laying the golden egg" are once again slaughtered by this new Democrat proposal.

Once again, I know that most people around this country watching this de-

bate understand that raising taxes on job creators reduces jobs and hurts our economy. But don't worry. You can blame President Bush for that, for the actions of this Congress.

Unfortunately, this proposal is not a surprise, coming from a Democrat Congress that believes when real estate and credit markets are at their weakest, that is the optimal time to raise taxes and send our economy over the edge.

Finally, the bill goes back on America's word by increasing taxes on transactions with treaty countries by mandating a new reporting requirement on private companies so that the IRS can know directly how much is being paid to merchants every year, including the Social Security or tax identification numbers associated with those transactions.

Mr. Speaker, I have got to hand it to the new Democrat majority. Every single week, they find out a new way to assault the taxpayer, every single week they find a way to raise taxes, to increase spending, and more rules and regulations. They did it again this week. Congratulations to the new Democrat majority.

Mr. Speaker, I strongly oppose this tax increase, and I will tell you that I will continue to stand up on the side of taxpayers and middle class Americans who say enough is enough.

I reserve the balance of my time.

Mr. WELCH of Vermont. Mr. Speaker, I am the last speaker on our side. I will reserve the balance of my time until the gentleman from Texas has an opportunity to close.

Mr. SESSIONS. I thank the gentleman.

Mr. Speaker, I will tell you—you've already heard me say it—this massive tax increase, once again, not only on the economy, but on Americans, could be done a different way. It could be solved. It could be solved by following through on promises that were made by both parties to do something about the AMT.

We've got to do something. We continue to see middle class Americans caught in the crossfire. Today, we see it's not just a crossfire with inability to solve the problem, it's partially solved for 1 year by raising \$61 billion worth of new tax increases on Americans that they will have to pay this next April.

□ 1145

Mr. Speaker, since taking control of Congress in 2007, this Democrat Congress has totally neglected its responsibility to do anything constructive to address the domestic supply issues that have created skyrocketing gas, diesel and energy costs that American families are facing today. As a matter of fact, gas rose 10 cents a gallon across America just in the last few days.

So, today, I urge my colleagues once again to vote with me to defeat the previous question so this House can finally consider real solutions to the energy problems and the high costs that

we are facing. If the previous question is defeated, I will move to amend the rule to allow for consideration of H.R. 5656, which would repeal the ban on acquiring advanced alternative fuels, introduced by my good friend JEB HENSARLING of Texas back in March, almost 3 full months ago.

This legislation would reduce the price of gasoline by allowing the Federal Government to procure advanced alternative fuels derived from diverse sources like oil shale, tar sands and coal-to-liquid technology—in other words, marketplace answers—just by allowing the government to do that.

Section 526 of the Energy Independence and Security Act of 2007, which this Democrat Congress passed, places artificial and unnecessary restraints on the Department of Defense in getting its fuel from friendly sources, like coal-to-liquid, oil shale and tar sands resources that are all abundant in the United States and Canada. Needless to say, it raises grave national and economic security concerns.

Mr. Speaker, this new Democrat Congress wants us to spend hundreds of billions of dollars to go build another Dubai. They want consumers in this country to pay higher costs. By doing so, it is a national security issue. We must do something. Adding alternatives to the supply chain is what is important.

Mr. Speaker, Canada currently is the largest U.S. oil supplier. It sent 1.8 million barrels per day of crude oil and 500,000 barrels per day of refined products to the United States in 2006. According to the Canadian Government, about half of the Canadian crude is derived from oil sands, with the oil sands production forecast to reach about 3 million barrels a day in 2015. Section 526, passed by this Democrat House, choked this flow of fuel from one of our Nation's most reliable allies and economic partners, and it increased our military's reliance on fuels from unfriendly and unstable governments around the world.

Mr. Speaker, I ask unanimous consent to have the text of that amendment and the extraneous material inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Mr. Speaker, I urge my colleagues to vote for our military, for energy independence for Americans, and to help American consumers in this time of need and to support our economy by increasing the amount of oil we import and produce from friendly and reliable sources like Canada and from our own American, buy-American proven resources, these advanced alternative fuels, by voting to defeat the previous question.

Mr. Speaker, I yield back the balance of my time.

Mr. WELCH of Vermont. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my friend from Texas characterizes a bill that will provide tax relief to 25 million Americans as a tax increase, and it is just flat out wrong. There are 25 million Americans. These are folks who earn between \$40,000, \$50,000, \$60,000 a year, who, if we do not pass this legislation, will find themselves essentially being the target of legislation that was intended in 1969 to have millionaires pay their fair share.

We are talking about soldiers returning from Iraq and Afghanistan who get a job as a police officer or as a carpenter. We are talking about some of our school teachers all across the country. We are talking about sanitation workers who are struggling hard on \$40,000 or \$50,000 a year, oftentimes with two people in that family who are working, raising three or four kids. We are saying in this legislation that we are going to protect you, because we know you need to have that money to pay your bills.

We also have to level with the American people. This is going to be \$61 billion in tax relief for those incredibly hard-working Americans who are getting clobbered by these \$4-plus gas prices. They can't fill up their tank. They have got cars or SUVs or trucks that they have to drive, and they don't have the money to get something that is a little bit more fuel efficient. A lot of them have long commutes. This legislation is going to give them the opportunity to keep a little bit more money in their pocket so they can make it from one end of the week to the other and can pay their bills.

Now, the question is for this Congress, do we pay for it, or do we put it on the credit card? As to what my friend from Texas is characterizing as a tax increase, let me go through it, because I think Americans have a commitment to fairness, and I think Americans know a very commonsense proposition, and that is we have all got to bear the burden. We all have to pay our share of the load.

There are two very glaring situations in the Tax Code, and attention should be paid to them, and it is overdue. One is this hedge fund exemption, where folks who make an awful lot of money pay at a capital gains rate. What is unfair about it? If you are a financial advisor, if you or I ask someone to help us figure how to invest our money, we pay them a fee, and of whatever earnings they get, they pay a regular tax rate just like any other American. Whatever that rate is—15, 20, 35 percent—that is what they pay.

If you are a hedge fund executive and you make billions, because of this provision in the Tax Code, which I am calling a loophole, they get to pay at a 15 percent rate. That is costing the treasury billions of dollars, and it is also a glaring unfairness, because you literally have a situation where the hedge fund manager who is doing the same work as another financial advisor down the street pays one rate, 15 per-

cent, while the other person doing the same work, working just as hard but who is perhaps making less money, pays 35 percent.

You also have this bizarre situation where the person making this immense amount of money pays a much lower tax rate than the secretary, than the back office help in that very same firm. I think most Americans see a basic fairness, and let's have the income tax rate apply to earned income. That is what this provision does.

The second question is on the oil company exemption, and I am using the word "loophole." What is a "loophole"? I think, commonly, you know it when you see it. What a "loophole" is in this case is giving taxpayer benefit to very successful companies that do very well in what they do—explore for oil, sell it. We are taking money from the taxpayers of America to give it to major American and foreign oil companies. These are mature industries that are making hundreds of billions of dollars, and they don't need taxpayer help.

So this legislation provides 25 million Americans with tax relief, and it is the folks who need it. It asks other Americans, the hedge fund executives, to pay at the income tax rate, and it has oil companies foregoing what has been an incredibly good deal—tax credits that they get at the expense of the American taxpayer.

I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 1297 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 3. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 5656) to repeal a requirement with respect to the procurement and acquisition of alternative fuels. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking member of the Committee on House Oversight and Government Reform; and (2) an amendment in the nature of a substitute if offered by Representative Waxman, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WELCH of Vermont. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 3195, ADA AMENDMENTS ACT OF 2008

Ms. SUTTON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1299 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1299

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3195) to restore the intent and protections of the Americans with Disabilities Act of 1990. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 3195 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 1 hour.

Ms. SUTTON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SUTTON. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1299.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Ms. SUTTON. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1299 provides for consideration of H.R. 3195, the ADA Amendments Act of 2008. The rule makes in order as base text the bill as reported by the Committee on Education and Labor that was identical to the bill as reported by the Committee on the Judiciary. The bill provides for 1 hour of debate, with 40 minutes controlled by the Committee on Education and Labor and 20 minutes by the Committee on the Judiciary. The rule waives all points of order against consideration of the bill, except clauses 9 and 10 of rule XXI. Lastly, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, I rise today in strong support of House Resolution 1299 and

the underlying bill, H.R. 3195, the ADA Amendments Act. It was nearly 18 years ago that the Americans with Disabilities Act was signed into law. It sent a resounding message that discrimination against individuals with disabilities would not be tolerated, not in employment, not in transportation, not in housing, not in services, or in any other area of our daily lives. It was a law intended to tear down the barriers, preventing individuals with disabilities from reaching their full potential. It was a commitment from Congress that discrimination in any form would not be tolerated.

The Americans with Disabilities Act was an historic civil rights law, the most sweeping since the Civil Rights Act of 1964. Yet, despite the broad application of other civil rights statutes, a series of court decisions has dramatically narrowed the scope of the ADA. Unfortunately, this has denied millions of disabled Americans the protections Congress had originally intended for them.

Mr. Speaker, the intent of Congress was to allow individuals with disabilities to fully participate in society, free from the fear of discrimination. Yet Supreme Court interpretations have shifted the focus from whether an individual has experienced discrimination to whether an individual could even be considered "disabled enough" to qualify for the protections of the law.

In making this determination, the Court has implemented a standard that excludes many individuals originally intended to be covered by the ADA. They have held that the definition of "disability" must be applied "strictly to create a demanding standard for qualifying as disabled." In addition, the Court has found that mitigating measures that help address an impairment, such as medication, hearing aids or other treatments, must be considered in determining whether an impairment is disabling enough to qualify under the ADA.

□ 1200

And so millions of Americans with disabilities have found themselves in a Catch-22. They face employment discrimination because of their disabilities, yet they may be denied relief under the ADA because they are considered "too functional" to qualify for its protections. Mr. Speaker, this is completely at odds with the original intent of Congress and the original focus of the ADA.

Due to these narrow interpretations, individuals with serious conditions such as epilepsy, diabetes, cancer, cerebral palsy, multiple sclerosis, and developmental disabilities have found themselves excluded from the protections afforded by the ADA.

Basic equality under the law has been denied to millions of disabled Americans for too long. But today, after months of hard work on all sides of this issue, we seek to fulfill the