

learned the lesson of 7 years ago. We have taken precautions. We have prevented attacks from happening. We have evidence of all kinds of things—water systems that were going to be contaminated—and we think of the tragedy of 7 years ago today.

If we look at the potential tragedy of an incoming missile hitting a major city in America, we would be looking at maybe 300,000 people. That is what it is all about now: making sure nothing of this dimension or anything else will happen again.

This is a very special day, and it is one that is very meaningful to most of us—I think to all Americans. One thing we can do is remember, remember that terrorists are still out there. I was asked on a radio show this morning: There are so many people out there saying, why don't you just forget this thing? That was 7 years ago. Why keep bringing it up? Why keep stirring it up? Why can't we get beyond that?

My response was we cannot do that because of what happened to so many people. But more importantly than that is this is a constant reminder. Every year we need to be reminded that there are terrorists still out there. They hate everybody who is in this building, and they hate this building. You think about what could have happened 7 years ago if those very brave people in Pennsylvania hadn't stopped what was happening. This dome, most likely, would not be here. It was an easy target. That is the reminder.

The terrorists are still out there. They still want to kill us. They are still cowards. They still have no country and they have no cause, except to destroy us. So this reminder is here today, and I just, at this time, want to pay homage once again to the families of all those who lost their loved ones in the tragedy that took place.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009—Continued

Mr. AKAKA. Mr. President, I rise today to speak about the growing rate of suicide among Iraq and Afghanistan-era veterans. For all that is being done in this country to support our troops in battle, we must remember this truth: For many veterans, their battles do not end when they return from the war. Instead, war returns home with them and within them. That is a truth. Instead, they face an enemy that is hard to understand and harder to defeat. Their wounds and their enemy are unseen, but the reality and sometimes

the deadly consequences of these invisible wounds cannot be ignored.

I am deeply troubled by the latest information we have received from VA. The number of veterans lost to the enemy of suicide is rising. Suicide among Iraq and Afghanistan-era veterans is at an alltime high. The most recently recorded year—2006—saw 113 Iraq and Afghanistan-era veterans lost to suicide, almost as many as we lost in the years 2002 to 2005 combined. This is disturbing.

Iraq and Afghanistan veterans are not the only ones suffering from service-related mental health injuries. Indeed, the number of veterans found to have service-connected PTSD is not just rising, it is rising several times faster than service-connected disabilities overall. Nor are suicide and mental health only a matter of concern among discharged veterans. Recent news reports show that suicides among Active-Duty soldiers are positioned to reach an alltime high, exceeding last year's record number.

Much is being done to protect and heal veterans with mental health issues. VA has expanded mental health outreach. The Vet Centers, run largely for vets and by vets, offer a safe haven and readjustment counseling. For those in desperate need, VA now operates a 24-hour suicide hotline. In the 1 year it has been operating, they have received tens of thousands of calls and performed over a thousand rescues of veterans about to take their own lives.

Unfortunately, these efforts are not enough. Veterans are committing suicide at a higher rate than their civilian counterparts. A recent RAND study found that nearly three out of four veterans in need of mental health care receive inadequate care or no care at all. This cannot be acceptable to a nation intent on protecting those who wear its uniform. More must be done in the days ahead, and not just by VA.

This Congress took an important step by passing the Joshua Omvig Suicide Prevention Act. But in the final weeks of this session, comprehensive veterans mental health legislation is still waiting for a vote in the House. Through S. 2162, the Veterans' Mental Health Care Improvement Act, which passed the Senate with unanimous support, Congress can do more to prevent veteran suicide. Congress can strengthen veterans' mental health care, outreach, support the homeless, services for families, and leverage community resources. I hope this critical legislation will become law before this Congress ends.

PTSD and other service-related invisible wounds are real injuries. They are also an enemy to veterans, to the families who support them, and to all Americans. It is not enough to bring our troops home; we must support them when the battle follows them home. It is unacceptable that veterans who come home safely later lose their lives to the enemy of suicide. We must do more to support those who have served us.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5413

Mr. THUNE. Mr. President, I rise today to speak to amendment No. 5413. I hope at some point to be able to call up that amendment and perhaps have it either included as part of the managers' package or have it debated and voted upon. Let me explain a little bit about the history of this and why I think this is so important to our Nation's military.

The Defense Department authorization bill we have before us is a critical piece of legislation that we need as a Congress to deal with before Congress adjourns. We have done that for the past 42 years. It sets the policy and the framework and funding for matters that are important to our men and women in uniform and important to making America safe and secure as we head into the future. I believe this amendment fits right in with that overall objective. The amendment to which I speak today will advance innovative Air Force programs that are already positively affecting the critically important and complex issue of energy policy. As I said, that is a national security issue as well.

Furthermore, this amendment will expand these valuable programs to other Department of Defense services.

As we all know, the issue of fuel prices has significant implications not only for our economic security, but also for our military. In fact, the Department of Defense is the largest single consumer of fuel in the United States.

Consider this: In the last 4 years, the Air Force fuel bill has tripled. Furthermore, the Air Force spent over \$6 billion buying energy last year, even though they used 10 percent less than the year before. This is a substantial sum, and I can almost guarantee it will cost the Air Force more next year to buy the same amount of energy. As the lead paragraph in an article headlined "Worries of Rising Fuel Costs Extend to DoD's Budget" published in Defense News on May 19, 2008, noted:

The skyrocketing cost of fuel isn't just hitting U.S. drivers in the pocketbook—it's blowing a bit of a hole in the Pentagon's budget as well.

I ask unanimous consent that the entirety of this Defense News article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. THUNE. We are at a moment in our history when we must move toward more secure, domestic energy sources.

One need look no further than the embargos of the 1970s or the recent oil price spikes or the Russian-Georgian conflict to see the negative implications of relying on foreign sources for the preponderance of our energy needs. Additionally, continuing to fund unfriendly foreign regimes grows increasingly untenable by the day, and we should look to produce lower cost domestic alternatives that stop this capital flight.

It is well past time that we further the development of these lower cost domestic alternatives through responsible public policy.

Given this context, I am proud to report that the U.S. Air Force has already become a model for Government leadership in these areas. We should now expand these Air Force programs to the other Department of Defense services, as these valuable programs will undoubtedly pave the way for increased public-private cooperation.

One example of Air Force leadership in this area is evident in existing programs to find alternatives to increasingly expensive aviation fuel. Not only has the Air Force already flight tested the B-52, B-1, C-17, KC-135, F-15, and F-22s on a 50 percent synthetic fuel blend, it has plans to certify its entire inventory on this synthetic fuel blend by 2011. Moreover, the Air Force is dedicated to procuring at least half of its fuel needs from environmentally friendly, domestically produced, synthetic fuel blends by 2016.

We should now call for the other services to do the same. We should seek to understand how the Department of the Army and the Department of the Navy can also use these fuels and how the buying power of the entire Department of Defense can achieve efficiencies and decreased costs due to large economies of scale.

Because they are the largest user of fuel in the Department of Defense, this amendment specifies that the Air Force continue to be on the leading edge in finding lower cost, domestically produced alternatives to conventional aviation fuels. The amendment dictates that the Air Force continue to certify its entire fleet on a synthetic fuel blend and to press forward in its efforts to acquire half of its domestic fuel requirement by 2016 from a domestically sourced alternative fuel blend.

To protect the American taxpayer, it is important to note this acquisition would only occur if the price is less than or equal to the market prices for petroleum based fuels.

To protect the environment, the amendment specifies the fuel is "greener" than conventional petroleum based fuels. On this second point, it is important to note there has been recent uncertainty over section 526 of the Energy Independence and Security Act of 2007. The intent of this amendment is that the lifecycle emissions of these fuels will be lower than pending Department of Energy and Environmental Protection Agency baselines for conventional petroleum fuels.

A binding authorization for the Air Force to acquire this fuel will have a

dramatic effect on the domestic aviation and fuels industries. With the Air Force and the other services of the Department of Defense leading the way, it is likely commercial airlines and fuel producers will see the increasing viability of these fuels and wish to build on these efforts. To further civil-military cooperation, the amendment also encourages the services to partner with the commercial aviation industry to engage in further research and development.

To encourage feedstock diversity, the language in the amendment is not specific regarding fuel source, and producers could use anything from cellulosic ethanol to biodiesel.

Ultimately, this amendment positively impacts energy policies in this country at no additional cost to the American taxpayer. Simply put, if the alternative fuels cost more than conventional fuels, the Department of Defense doesn't have to buy them. In actuality, it is likely to actually lower the cost of these fuels by inducing market based competition among synthetic fuel producers.

Some may argue this amendment is a Government giveaway program or that it is specially tailored to benefit a specific industry. This is simply not true. This amendment does not specify a specific feedstock from which to make fuels, nor does it offer loan guarantees or tax incentives to any specific industry.

We are at the beginning of a long energy crisis which is already one of the defining issues of our time. If Government agencies are going to be part of the solution, we need sound, responsible public policy that allows them to partner with industry and solve these important problems. This amendment is exactly this type of policy.

I hope my colleagues will support it. I hope, before we complete action on the Defense authorization bill, that we will have an opportunity to call up some of these amendments, to have them debated, have them voted on or, at a minimum, to have them accepted as part of a managers' package. But, in one way or another, I hope this very important issue of energy security can be addressed in the Defense authorization bill through the acquisition of fuels our services use to supply their energy needs and addressed in a way that not only helps America's energy security with regard to lessening this addiction we have to foreign sources of energy, but I also believe it will make our country safer because I think this is a national security issue that forces us to rely upon countries around the world that are hostile to our interests.

I believe that becoming energy independent means we have to lead by example. Our Air Force has stepped up to that challenge. I hope the other services will follow.

As I said before, this amendment does not require any particular feedstock. It is neutral with regard to the whole issue of whether that comes from cellulosic or whether that comes from biodiesel or whether that comes from coal to liquids.

At the end of the day, we need to adopt this amendment. It will be a savings to our military services and a savings to the taxpayer. As I said before, there is a requirement in this amendment that, whatever that source is, it be greener than petroleum-based fuels used today.

It has already been tested on a number of aircraft. The Air Force intends to move in the year 2016 to 50 percent, and I hope the other services will follow. This amendment will see that happens. I hope my colleagues will adopt it.

EXHIBIT 1

[From Defense News, May 19, 2008]

WORRIES OF RISING FUEL COSTS EXTEND TO DoD's BUDGET

(By William H. McMichael and Rick Maze)

The skyrocketing cost of fuel isn't just hitting U.S. drivers in the pocketbook—it's blowing a bit of a hole in the Pentagon's budget as well.

DoD officials have asked Congress to appropriate another \$3.69 billion for all fuels—an increase of \$2.2 billion from their initial request—according to a revised request for supplemental war funding for fiscal 2009, submitted May 2.

That, of course, looks far ahead and could still prove to be inadequate. According to Pentagon budget documents, the request would support a crude oil price of \$97.19 per barrel—and also assumes the military's overall fuel costs will drop by 4.8 percent.

The current world price, however, has climbed to and is hovering around \$120 per barrel, and many analysts think rising global demand and other factors will keep prices high.

And 2009 isn't the only concern; the Pentagon needs more money for fuel to cover the remaining five months of this fiscal year.

This would come by way of the \$108 billion war supplemental appropriation request, which has yet to be approved.

The Pentagon has asked for a total of \$1.9 billion for fuel, an increase of \$281.4 million over its original supplemental request.

All told, that's an additional \$2.48 billion on top of the amounts included in the Pentagon's 2008 and 2009 base budgets—and Defense officials already acknowledge the 2009 supplemental request won't cover that entire fiscal year.

That would buy the Air Force another 19 F-22 fighters, or the Marine Corps 36 MV-22 Ospreys.

In the seven months ending in March, the Pentagon's average monthly cost for its most-used jet fuel, JP-8, rose 34 percent, from \$2.34 to \$3.13 per gallon, according to the Defense Logistics Agency (DLA).

The cost of JP-5, used primarily by Navy jets operating from the sea, increased from \$2.22 to \$2.94 per gallon.

Regular gasoline jumped from \$2 to \$2.79 per gallon, or 40 percent, over the same period. Only diesel fuel's rise was negligible, increasing just 5 cents per gallon.

The Pentagon's prices normally do not fluctuate much because DLA's Defense Energy Support Center (DESC) buys in bulk and sells fuel to the individual services at a "standard price" based on market projections for the ensuing year, according to DLA spokesman Jack Hooper.

In September 2007, for example, DESC set the standard price of JP-8 at \$2.31 per gallon.

In a less volatile market, that price might have been good for the next 12 months. But the market forced a change and in December, DESC raised its price for JP-8 to \$3.04 per gallon.

The House Armed Services subcommittee on readiness approved legislation May 8 to require the secretary of Defense "to consider the full burdened cost of fuel and energy efficiency in the requirements development and acquisition process," said Rep. Randy Forbes of Virginia, the panel's ranking Republican.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from North Carolina is recognized.

HONORING FALLEN SALISBURY, NORTH CAROLINA FIREFIGHTERS

Mrs. DOLE. Mr. President, it is with a heavy heart that I rise today, on this solemn anniversary, to pay my respects to all of the dedicated emergency responders who have made the ultimate sacrifice to protect our citizens. We all remember with great sadness the horrendous loss of life at the Twin Towers and the Pentagon on that fateful morning, including the tragic loss of so many firefighters, police officers, and other first responders who heroically rushed into danger, risking their own lives to save the lives of others.

Nationwide, the men and women of our emergency response forces, like the comrades in arms of those New York and Washington first responders, share a common sense of purpose and dedication to defending their communities in times of peril.

Today, I would also like to honor the memories of two brave firefighters from my hometown of Salisbury, NC who died in the line of duty this year.

In March, the Salisbury Fire Department lost two of its finest, Justin Monroe and Victor Isler, while they were battling a blaze that may have been the worst in our town's history. Both men left behind many heartbroken family members and friends—and a grieving community.

Our thoughts have also been with several other Salisbury firefighters who suffered burns and other injuries while trying to rescue their comrades and contain the fire. As they continue to heal from that tragic day, I hope they know that our thoughts and prayers are continuously with them.

As a young boy, Justin Monroe dreamed of fighting fires. While in high school, he enrolled in the Millers Ferry Volunteer Fire Department's junior firefighter program, and in June of 2007, he accepted his dream job at the Salisbury Fire Department. Justin was proud of his work and looked forward to each and every day at the department. He was even studying for his fire technology degree at a local community college.

Justin's mother Lisa was working at Salisbury's Rowan Regional Medical Center when she learned that at least one firefighter had perished and that several others had been injured fighting the fire at Salisbury Millwork, a manufacturer of custom woodwork. Her greatest fear as a parent was realized when the body of her 19-year-old son, who had been living with her at home, was brought into the hospital. One of Lisa's colleagues summed up the

emotion by saying, "It's devastating when one of your coworkers loses a family member, but losing a child at such a young age is really heart-breaking. Children are not supposed to die before their parents."

Justin's fallen comrade, Victor Isler, joined the Salisbury Fire Department a few days after Justin came on board. Victor moved to North Carolina from New York, where he served as a medic with the New York City Fire Department and helped save countless lives when our Nation was attacked on September 11. At age 40, Victor decided to head south and join the Salisbury department. A devoted husband to his wife Tracy and the proud parent of two teenagers, he quickly became a father figure to many of the department's younger firefighters.

Victor's childhood best friend, Chris Damato, also served in the Salisbury department. On the day after Victor gave his life, Chris' wife gave birth to a little boy, named Nicholas Victor as a tribute to their dear friend.

Our firefighters are always there in times of need. Very sadly, our communities sometimes lose some of their finest public servants like Justin Monroe and Victor Isler. Their sacrifice serves as a somber reminder of the dangers these men and women face each and every day. We owe all of our courageous firefighters and first responders a tremendous debt of gratitude for their selfless commitment to keeping us safe.

As we join together as a Nation to remember September 11, and the courage and sacrifice demonstrated by countless Americans on that day, my thoughts and prayers are also with Justin and Victor's loved ones and everyone who has been affected by these tragedies. I join with my neighbors and the entire Salisbury community in mourning their loss, and pray that they find solace in the knowledge that these men are remembered as heroes of the highest order, an inspiration to us all.

Mr. LIEBERMAN. Mr. President, in the fiscal year 2009 Defense Authorization Act, S. 3001 is section 256, Assessment of Standards for Mission Critical Semiconductors Procured by the Department of Defense.

The objective of this provision is to provide the DOD with assurance of dependable, continuous, long-term access to trusted, mission critical semiconductors from both foreign and domestic sources. In order to assure trust, the provision recommends the use of verification tools and techniques on commercially procured semiconductors.

The manufacture of semiconductors has continued to migrate to off-shore foundries, particularly to foundries in China. The few high end semiconductor manufacturers in the U.S. are driven by commercial interests and cannot be depended upon to supply the needs of the Department of Defense for the long term. The U.S. military now com-

prises only 1 percent of the overall market and therefore no longer drives that market.

The DOD is currently depending on a single company, IBM, for high end semiconductors through the DOD Trusted Foundry Program. This program was put in place in 2004 as a stop-gap measure. The February 2005 report by the Defense Science Board Task Force on High Performance Microchip Supply stated that the Trusted Foundry Program is an interim source of high performance ICs and a good start in addressing the immediate needs for trusted sources of IC supply. The Trusted Foundry Program does not address critical design software and design systems which are also subject to tampering. It is strongly recommended that the Trusted Foundry Program continue to be a key part of the overall strategy and the volume of parts that go through it increased. However, since that report was written, the trend of migration of semiconductor manufacturing overseas has continued, and it is now urgent to augment the Trusted Foundry by a more comprehensive approach for the procurement of trusted parts that includes acquisition of parts from "nontrusted" sources.

There are several issues which need to be addressed and they are the drivers for this legislative provision. First, the DOD must have assurance of dependable, continuous, long-term access to mission critical semiconductors from both foreign and domestic sources for its potentially vulnerable defense systems. Such access needs to be independent of the commercially driven decisions made by individual companies and foundries. DOD needs for integrated circuits include high end semiconductors, custom application specific integrated circuits, ASICs, and field programmable gate arrays, FPGAs. Second, there must be assurance of trust of the semiconductors installed on systems procured through Defense contractors and subcontractors from "nontrusted" sources. Assurance of trust means assurance that the semiconductor has not been tampered with or modified in any way, and performs the functions required—and no other functions. It also requires assurance that the design and design systems, fabrication, packaging, final assembly, and test of semiconductors are free from tampering. The legislative provision addresses each of the concerns stated above. It is recommended that the Department of Defense inventory and implement the best methods currently available for assuring trust. It needs to put in place an overall policy and direction, as well as a plan for the procurement of semiconductors that assures continuous access and trust as described above. It also needs to assure that there is sufficient oversight in implementation of the plan for the acquisition of critical semiconductors, employing new or improved techniques and approaches as they become available through technological advances.

Deliverables from the DARPA trusted circuits project, supplemented by procedures to assure trust in design, packaging and assembly need to be employed. It should also be recognized that a comprehensive strategy needs to include acquisition of mass-produced commercial parts which have low risk of sabotage.

The Under Secretary of Defense for Acquisition, Technology, and Logistics is requested to be available to brief Congress on its assessment of methods and standards no later than December 31, 2009. These need to be done in consultation with the intelligence community, private industry, and academia.

Mr. CORNYN. Mr. President, the right to vote is one of the most cherished civil rights, enshrined in the 15th, 17th, and 19th amendments of the Constitution. It is the cornerstone of democratic government, and it is what makes us a government "of the people, by the people, and for the people."

Throughout our history, whenever we have seen people deprived of this right, whether by law or by practice, brave Americans have stood up to fight for their right to vote. Today there is a significant portion of our population that has been disenfranchised.

Today, the very men and women who have joined the military to defend our right to vote have been effectively cut out of the democratic process. Make no mistake; this is one of the most important civil rights issues we face today, and we cannot afford to delay action to address it.

The Secretary of Defense has delegated the responsibility for safeguarding the voting rights of our troops to an office called the Federal Voting Assistance Program. Unfortunately, as our troops serve on far-away bases overseas and fight in foreign theaters of conflict, the Department of Defense's Federal Voting Assistance Program has failed to protect their most basic right as American citizens. This failure is twofold.

First, the DOD's voting office has failed to adequately educate our men and women in uniform about how to vote. Second, it has failed to take adequate steps to put in place a system that provides our troops a reasonable opportunity to vote—one which ensures their votes are counted.

Already, the DOD is required by law to provide troops with voting assistance, and information on how to get ballots, and how to cast their votes. But, its efforts have fallen woefully short. A recent survey found that less than 60 percent of troops knew where to obtain voting information on base.

Of our overseas troops who did ask for mail-in ballots, less than half of their completed ballots actually arrived at the local election office. What is worse, many of those arrived late, resulting in them being rejected and thus not counted at all.

It is absolutely shameful that so many of our troops and their families have been cut out of the democratic

process through bureaucratic inefficiency.

In order to prevent this disenfranchisement from happening again, I introduced the Military Voting Protection Act, or MVP Act, to require the DOD to collect our overseas troops' completed ballots and expedite their delivery through express shipping. Electronic tracking would be required as well, so our troops would have the peace of mind of knowing their ballots actually arrived at the election office. The MVP Act would markedly improve the current system and help protect our troops' right to vote.

But yesterday, when I asked to bring this important, time-critical legislation forward as an amendment to the DOD authorization bill, the majority objected, saying they needed to hear from the Rules Committee first. My legislation would apply only to military servicemembers. We are working on the DOD authorization bill, so I am not sure why members of the Armed Services Committee need to wait and see what the Rules Committee thinks of an amendment this important. I am left scratching my head.

Rather than even considering this legislation, and debating how best to fix our broken military voting system, Democrats cited weak excuses for blocking this amendment. With a national election looming, and a disgraceful track record over the past two election cycles of our widespread troop disenfranchisement, I am dumbfounded as to why my colleagues would put off this civil rights issue and effectively cheat our troops out of a better, more reliable system for voting from overseas.

Last night, the Rules Committee offered me a counterproposal, which seeks to make the implementation of these important improvements to our troops' voting system optional. In essence, by making the implementation of this program optional, the Democrats are saying to our troops that their civil rights are not guaranteed but an option. That is an outrage.

I am afraid this is going to be just another item on a long list of critical issues the majority has put off, despite calls for action from the American people. Another notable example is gas prices—we have been waiting for over 2 years to address gas prices, but still no meaningful action from the majority leadership. Democrats have stonewalled and delayed qualified judicial nominees and have yet to pass a single appropriations bill for the fiscal year that starts in less than 3 weeks.

The rights of our troops to vote cannot fall victim to politics. Our military men and women stand vigilant in the defense of freedom and help safeguard the personal liberties of their fellow Americans. Now, we must be every bit as vigilant in defense of their personal liberties and civil rights. They willingly step into harm's way to ensure the safety of their fellow Americans at home, and they deserve better than a

broken voting system and a refusal by their elected leaders to fix it.

Mr. President, I subject the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

ADA AMENDMENTS ACT OF 2008

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 927, S. 3406, a bill to restore the intent and protections of the Americans with Disabilities Act of 1990; that the bill be read three times, passed, and the motion to reconsider be laid upon the table, without intervening action or debate; that upon passage, Senator HATCH and I be recognized to speak for a period not to exceed 40 minutes total.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3406) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3406

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "ADA Amendments Act of 2008".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in enacting the Americans with Disabilities Act of 1990 (ADA), Congress intended that the Act "provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities" and provide broad coverage;

(2) in enacting the ADA, Congress recognized that physical and mental disabilities in no way diminish a person's right to fully participate in all aspects of society, but that people with physical or mental disabilities are frequently precluded from doing so because of prejudice, antiquated attitudes, or the failure to remove societal and institutional barriers;

(3) while Congress expected that the definition of disability under the ADA would be interpreted consistently with how courts had applied the definition of a handicapped individual under the Rehabilitation Act of 1973, that expectation has not been fulfilled;

(4) the holdings of the Supreme Court in *Sutton v. United Air Lines, Inc.*, 527 U.S. 471 (1999) and its companion cases have narrowed the broad scope of protection intended to be afforded by the ADA, thus eliminating protection for many individuals whom Congress intended to protect;

(5) the holding of the Supreme Court in *Toyota Motor Manufacturing, Kentucky, Inc. v. Williams*, 534 U.S. 184 (2002) further narrowed the broad scope of protection intended to be afforded by the ADA;

(6) as a result of these Supreme Court cases, lower courts have incorrectly found in individual cases that people with a range of substantially limiting impairments are not people with disabilities;