



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, FIRST SESSION

Vol. 161

WASHINGTON, TUESDAY, NOVEMBER 3, 2015

No. 163

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. KELLY of Mississippi).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 3, 2015.

I hereby appoint the Honorable TRENT KELLY to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2015, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

ADA EDUCATION AND REFORM ACT OF 2015

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, Doughnuts to Go is a small, family-owned shop in California managed by Lee Ky. Like any small business, its success depends on the hard work and grit of the folks who own it.

Lee's success was threatened in 2012 when Doughnuts to Go was sued by ADA trolls for alleged violations of the Americans with Disabilities Act. The lawsuit alleged minute violations, in-

cluding—get this—a mislabeled table, door handles that were off by a few centimeters, and the trash can in the bathroom was in the wrong place.

Lee was surprised by this lawsuit, especially because she is disabled herself. Lee is confined to a wheelchair and runs her store that she believes is ADA compliant. Lee was targeted by a serial plaintiff who never set foot in the store and who also sued nearly 80 other businesses in the area.

Unfortunately, Lee's not alone. Mr. Speaker, there is a whole industry made up of people who prey on and strong-arm small businesses in order to make money off of ADA lawsuits. To these trolls, it is about making money, not helping the disabled get access to businesses.

In 1990, the Americans with Disabilities Act was signed into law. Now, after 25 years of progress and advancement, the integrity of this landmark legislation is being threatened by a handful of lawyers and plaintiffs.

The vast majority of businesses strive to serve their customers to the best of their ability, relying on the ADA as another tool to help ensure that customers with disabilities can enjoy the services they provide. Most of these businessowners believe they are compliant with the ADA. Their businesses have even passed local and State inspections. However, despite their best attempts, certain attorneys and their pool of serial plaintiffs look for minor, easily correctible ADA infractions so they can file a lawsuit and make some cash off, I believe, the disabled.

Faced with the threat of a lawsuit for minor infractions, small-business owners find themselves in a dilemma. They have few choices: settle out of court or spend time and money to go through the legal process. This becomes a lose-lose situation.

At face value, these drive-by lawsuits are an easy way for both greedy plain-

tiffs and attorneys to make a quick buck. In many cases, a single plaintiff signs onto multiple cases, alleging violations at businesses and properties where the plaintiff has never set foot. In California, for example, one serial plaintiff filed over 250 separate lawsuits. Another individual filed more than 800, and a third nearly 1,000. Some of these lawsuits are filed by plaintiffs that never have been in the business or even live in the State. The abuse is obvious.

Unfortunately, these lawsuits are on the rise nationwide. In 2014 alone, there was a 63 percent increase in ADA lawsuits for businesses open to the public, with more than 4,000 individual cases making their way to Federal courts.

What's more is that local and State courts across the country are finding themselves inundated by these drive-by lawsuits, and some have created special rules to deal with the sheer volume of these cases. Because of this, State legislatures have begun to take action.

The Texas State Legislature has already filed steps to curtail these practices. The ADA, however, is Federal law, and as such, Congress must remedy this harmful practice of drive-by lawsuits targeting small businesses.

This is why I am introducing the ADA Education and Reform Act of 2015, H.R. 3765. This legislation will provide businessowners with an opportunity to remedy the alleged ADA infractions before being saddled with legal fees. Businessowners will have a 120-day window when given notice by the plaintiff to make any necessary public accommodation corrections and update their business. If the businessowner fails to correct the infractions, the plaintiff retains all of their rights to pursue legal action under ADA. This legislation restores the purpose of the ADA, which is to provide access and accommodation to disabled Americans, not to fatten the wallets of ADA trolls.

So I recommend to the House of Representatives that they sign onto this

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H7393

legislation, because the goal of this legislation is to make all businesses comply with the ADA, Mr. Speaker, not to be a cash cow for litigants that have never set foot in a Doughnuts to Go.

And that is just the way it is.

TRANSPORTATION BILL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, I started last week in Dallas, Texas, working with people across the country, but especially from Texas, dealing with transportation needs and their requirements for balanced transportation by pedestrians, streetcar, and especially light rail. Dallas has the most extensive light-rail system in the country. I ended my week in New York City, in Brooklyn, where this vast sprawling economic engine, home to 20 million people in the metropolitan area, was dealing with their transportation needs.

Virtually all of these people, whether from Brooklyn, Texas, or around the country, are in agreement with what they need going forward, an important part of which is a renewal and strengthening of the Federal transportation partnership.

I was pleased to see that we are moving ahead with discussion of the basic framework produced by our friends on the Transportation and Infrastructure Committee. I commend Mr. SHUSTER and Mr. DEFAZIO for producing a bill that is quite strong under these difficult circumstances. It does preserve the basic framework and continue to make improvements not just around the edges. There are potential breakthrough provisions in technology in transportation that could truly be transformational.

It is disappointing, however, that the bill flatlines important bike and pedestrian funding, something that is vitally needed in Houston, Indianapolis, Seattle, here in our Nation's Capital, in suburban Maryland, and communities all across the country.

The lack of balance in this transportation funding is unfortunate. But I am hoping, through the amendment process and the work between the two Chambers, if it proceeds, that we will be able to correct it.

The basic problem is, of course, we continue to tiptoe around the obvious solution to our transportation funding crisis. Our transportation partnership is compromised with our State, local, and private sector partners because we pretend that we can meet 2015 transportation needs with 1993 dollars, the last time we raised the gas tax. The refusal to do what Ronald Reagan did in 1982 and the refusal to do what six red Republican States have already done this year—Idaho, Utah, Nebraska, Iowa, South Dakota, Georgia—raising the gas tax, creates unnecessary difficulties.

The majority of States have raised their revenues over the last 4 years for transportation, and a review of the politicians involved with making these decisions found that those who voted for the revenue increases were actually reelected at a higher percentage than those who voted "no."

This bill is a well-intended statement with good structure and innovation; but until we have meaningful, long-term, predictable funding, it is only a well-intended statement. We continue the uncertainty that bedevils people at the State and local levels; and the big projects—multistate, multimodal, multiyear projects—need certainty.

The minor cost increase of a few cents per day for families would be offset by the dramatic plunge in gasoline prices and offset even more through the cost to families for damage to their vehicles of over \$500 a year now because of poor road conditions and almost \$1,000 a year lost due to congestion. These are real costs that we are inflicting on American families every day unnecessarily.

Raising the gas tax and providing stable, meaningful funding for transportation will create millions of family-wage jobs all across the country while we get America unstuck and strengthen communities large and small.

Mr. Speaker, one of the positive elements in this bill that we are discussing is Vision Zero, which asks us to plan for a world where there are no traffic fatalities, a goal that is so important to strive for as we continue to kill 32,000 people a year on our highways and countless more who are injured.

Setting our goal high with Vision Zero is the sort of bold step we need, but we should not have a Vision Zero for new revenue. That is not bold. That is not courageous. That doesn't get the job done.

I look forward to this debate over the next couple of days. I look forward to having Members of Congress consider their alternatives. What are they going to do to make sure we can rebuild and renew this great country?

This used to be an area of tremendous bipartisan cooperation, leadership, and accomplishment for Congress. I hope it can be so again as we turn to transportation this week. The American public would welcome such a development, and certainly they deserve it.

WASTE OF TAXPAYER MONEY

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, I continue to be amazed and disappointed that the Republican Party wants to keep putting money in a black hole. The black hole is known as Afghanistan.

The story broke yesterday that the Pentagon spent \$43 million on a single

natural gas station in Afghanistan when it should have cost no more than \$300,000. The Pentagon spent over \$30 million in overhead costs to build this one gas station, and the gas station was set up to service a kind of car that a huge majority of Afghans cannot afford. The Pentagon also will not answer any questions about this ridiculous waste of money.

The \$43 million gas station is one of the hundreds of examples of the waste of the taxpayers' money in Afghanistan. John Sopko has repeatedly written about the waste in Afghanistan. I don't know why Congress has continued to fund the waste and fraud in Afghanistan.

Instead, last week, Congress passed a budget deal that increased defense spending over the next 2 years by over \$80 billion a year. I did not vote for this bill. We already have a national debt of over \$18 trillion, and I cannot, in good conscience, vote to add \$1.5 trillion to the debt.

The budget deal also puts \$59 million into the Overseas Contingency Operation fund, which is a slush fund for spending money in unauthorized wars in the Middle East. I am for rebuilding our military, but I am not in favor of the waste in Afghanistan.

Mr. Speaker, enough is enough. President Obama signed us up for 9 more years in Afghanistan when he signed the bilateral security agreement last year. On Friday, he announced that he is putting American troops on the ground in Syria in an open-ended mission. This is a waste of money and a waste of lives. It needs to stop, and Congress has the power to stop it; but we will not use our constitutional authority to even debate what he is doing in the Middle East.

Mr. Speaker, I bring with me posters from time to time. I look at the deaths of so many men and women in Iraq and Afghanistan who serve our Nation, and it breaks my heart.

So to make my point before I close, Mr. Speaker, we still have Americans dying in Afghanistan, but it doesn't make the papers anymore. We had a soldier from Fort Bragg—which is not in my district, but it is in North Carolina—who was killed in Iraq last week.

Mr. Speaker, I bring this poster today because it tells the story much better than my words could ever tell the story about war. It is a lady holding her little girl's hand. The little girl has her finger in her mouth, and she is wondering why her daddy is in a flag-draped coffin. I don't know what to tell that little girl. All I can tell that little girl is that Congress is indifferent to sending our young men and women to die in the Middle East.

It is time for Congress to meet its constitutional responsibility and have a debate and a vote on the floor of the House.