

I, my family, my friends, and my staff can all attest that this award is well deserved, and it is an honor to recognize the Hernandezes for their hard work and accomplishments.

CELEBRATING PENN STATE'S
THON

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, tomorrow marks one of the finest traditions on Penn State's campus, a 46-hour dance marathon called THON. THON is the grand finale of a year-long fundraising campaign that Penn State students undertake for the kids. Beginning at 5 p.m. on Friday, more than 700 recognized dancers will put their stamina to the test and dance for 46 hours, without sleep, at the Bryce Jordan Center.

But it is much more than that. THON is the largest student-run philanthropy in the world, and it raises money to fight pediatric cancer. The proceeds raised go directly to Four Diamonds, which benefits the Penn State Children's Hospital in Hershey. Four Diamonds ensures that families who are battling pediatric cancer are not faced with any costs, allowing them to fully focus on the needs of their child. THON 2017 raised more than \$10 million. Since its inception, THON has raised more than \$146 million.

Mr. Speaker, I am always in awe of the power of our Penn State students and their care and concern for others. I wish everyone participating the best of luck.

We are.

ADA EDUCATION AND REFORM
ACT OF 2017

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 620.

The SPEAKER pro tempore (Mr. NEWHOUSE). Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 736 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 620.

The Chair appoints the gentleman from Idaho (Mr. SIMPSON) to preside over the Committee of the Whole.

□ 0914

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 620) to amend the Americans with Disabilities

Act of 1990 to promote compliance through education, to clarify the requirements for demand letters, to provide for a notice and cure period before the commencement of a private civil action, and for other purposes, with Mr. SIMPSON in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary.

The gentleman from Virginia (Mr. GOODLATTE) and the gentleman from New York (Mr. NADLER) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

□ 0915

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

Private enforcement of title III of the Americans with Disabilities Act is a critical tool for disabled individuals to gain access to places like restaurants and shopping centers. Most businessowners, however, feel blindsided when they are sued for violations they were unaware of.

This has been the case even for disabled businessowners who have testified before the House Judiciary Committee. Lee Ky testified in 2016. She runs one of her family's doughnut shops that was sued for technical violations of the ADA because a restroom sign was in the shape of a triangle instead of a square.

A person who has never walked in her life, Ky testified that she is proud of this Nation's effort to improve accessibility by enacting the ADA, but she thinks that businesses should be given an opportunity to remove barriers before getting sued.

Donna and David Batelaan have also testified. They were co-owners of a store that sold accessibility devices in Florida. Despite employing two people who used wheelchairs, despite themselves using wheelchairs, and despite the fact that virtually their entire clientele was composed of customers who had mobility limitations, they were sued because they had not painted lines and posted a sign for a "handicapped" spot required by the ADA.

Indeed, according to their testimony, it was later found that they had been just one of many businesses targeted by an unscrupulous, out-of-state attorney. According to Mrs. Batelaan, it did not matter that their parking lot and store were totally accessible. It was greed that was driving these suits.

These examples are among many shared by businesses across the country. The ADA's private right of action, which was originally intended to be the primary enforcement mechanism to achieve greater access, has instead encouraged a cottage industry of costly and wasteful litigation that neither benefits the business nor disabled individuals seeking more accessibility.

A report aired on "60 Minutes" on December 4, 2016, for example, featured several small-business owners who were subject to what are known as "drive-by" lawsuits. In such lawsuits, commonly filed by opportunistic trial lawyers, the plaintiff need only drive by the property, not actually visit it, to file a lawsuit alleging an ADA violation. In other cases, plaintiffs can even use Google Earth to target alleged violations and, in turn, file lawsuits before even notifying a small-business owner of the problem.

The fact that these types of small businesses are ill-equipped to defend an ADA lawsuit is the reason why they are sued. Indeed, opportunistic attorneys are more often willing to settle for just less than it would cost those mom-and-pop businesses to defend themselves in court. According to a 2017 op-ed published in *The Hill*, a conservative estimate of the average settlement amount is \$7,500.

Given that plaintiff attorneys' motive is often to line their own pockets, there is little or no incentive to work with businesses to cure a violation before a lawsuit is filed. This results in wasted resources that could have been used to improve access.

H.R. 620 is a commonsense solution because it gives businesses a fair chance to cure title III violations before they are forced into a lawsuit, while still preserving the power of the threat of a lawsuit when businesses fail to make the required fixes in a timely manner.

H.R. 620 will create more access for more Americans more quickly because businesses would much rather fix an access problem quickly than face an unpredictable and expensive lawsuit that could hurt their ability to expand access in other ways.

Mr. Chairman, I urge my colleagues to support this commonsense reform, and I reserve the balance of my time.

Mr. NADLER. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, before we discuss the bill before us today, I want to address the horrible school shooting in Florida yesterday.

We mourn the deaths of those shot and killed, and we support those who were injured and the families of the victims. But we must also do more to prevent future shootings in our schools and on our streets.

There have been 18 school shootings in this country so far this year, and it is only February. According to a *Washington Post* analysis, over the last 19 years, more than 150,000 students attending at least 170 primary and secondary schools have experienced a shooting on campus. That does not include violence outside of the classroom.

We cannot allow this to continue. It is long past due for the House to consider legislation on this floor to help prevent gun violence. Our calls for hearings and for action on gun violence prevention legislation have been met