

1 NATIONAL CAPITOL CONTRACTING
2 RPTS AVERETT
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4 MARKUP OF H.R. 3229; H.R. 620; H. RES. 488
5 Thursday, September 7, 2017
6 House of Representatives,
7 Committee on the Judiciary,
8 Washington, D.C.

9 The committee met, pursuant to call, at 10:23 a.m., in
10 Room 2141, Rayburn House Office Building, Hon. Bob Goodlatte
11 [chairman of the committee] presiding.

12 Present: Representatives Goodlatte, Sensenbrenner,
13 Smith, Chabot, Issa, King, Franks, Gohmert, Jordan, Poe,
14 Marino, Gowdy, Labrador, Farenthold, Collins, Buck,
15 Ratcliffe, Gaetz, Johnson of Louisiana, Biggs, Rutherford,
16 Handel, Conyers, Nadler, Lofgren, Jackson Lee, Cohen,
17 Johnson of Georgia, Bass, Jeffries, Cicilline, Swalwell,
18 Lieu, Raskin, Jayapal, and Schneider.

19 Staff Present: Shelley Husband, Staff Director; Branden
20 Ritchie, Deputy Staff Director; Zach Somers, Parliamentarian

21 and General Counsel; Joe Keeley, Chief Counsel, Subcommittee
22 on Courts, Intellectual Property, and the Internet; John
23 Coleman, Counsel, Subcommittee on the Constitution and Civil
24 Justice; Meg Barr, Counsel, Subcommittee on Crime,
25 Terrorism, Homeland Security, and Investigations; Alley
26 Adcock, Clerk; James Park, Minority Chief Counsel; Jason
27 Everett, Minority Chief Intellectual Property & Courts
28 Counsel; Aaron Hiller, Minority Chief Oversight Counsel;
29 Susan Jensen, Minority Counsel; David Greengrass, Minority
30 Counsel; Monalisa Dugue, Minority Deputy Chief Counsel;
31 Matthew Morgan, Minority Counsel; Danielle Brown, Minority
32 Legislative Counsel and Parliamentarian; Veronica Eligan,
33 Minority Professional Staff Member; Elizabeth McElvein,
34 Professional Staff; Rachel Calanni, Professional Staff
35 Member; Arya Hariharan, Minority Counsel; Perry Apelbaum,
36 Minority Chief Counsel and Staff Director; and Wilsar
37 Johnson, Minority Digital Director.

38 Chairman Goodlatte. Good morning. The Judiciary
39 Committee will come to order, and without objection, the
40 chair is authorized to declare a recess at any time.
41 Pursuant to notice, I now call up H.R. 3229 for purposes of
42 markup and move that the committee report the bill favorably
43 to the House. The clerk will report the bill.

44 Ms. Adcock. H.R. 3229, to protect the safety of judges
45 by extending the authority of the Judicial Conference to
46 redact sensitive information contained in their financial
47 disclosure reports and for other purposes.

48 [The bill follows:]

49 ***** INSERT 1 *****

50 Chairman Goodlatte. Without objection, the bill is
51 considered as read and open for amendment at any time, and I
52 will begin by recognizing myself for an opening statement.
53 Security issues are a reality for the judicial branch.
54 Security of witnesses, family members, and the accused
55 requires specific procedures and even building designs.
56 These security needs are often able to be identified and
57 planned for in advance.

58 However, the most critical security issue, the security
59 of judges themselves, is one that has proven more
60 challenging. Although judges hear high-profile criminal
61 cases in which the defendant is an obvious security risk, it
62 is not always a criminal defendant who might pose a risk to
63 a judge.

64 A disgruntled litigant who has lost a civil case may be
65 even more of a threat to a judge than a known gang member
66 who is smart enough to know that threats on a Federal judge,
67 never mind actual efforts toward that end, are a guaranteed
68 way to extend one's sentence for decades.

69 Thus, the work of protecting Federal judges is a
70 challenging mission. Congress has allocated resources to
71 provide protection of judges by the Marshals Service, which
72 seeks to minimize risks to judges. Public availability of
73 the home address or other locations associated with a judge
74 or a family member is an undue risk.

75 In response to these concerns, Congress, in 1998,
76 authorized Federal judges to request that certain
77 information be redacted from their financial disclosure
78 forms subject to the input of the Marshals Service and
79 approval by a review committee of the judicial branch. This
80 authority was extended in 2005 to cover the information of
81 family members who are, unfortunately, also at risk of
82 disgruntled litigants. Several Federal judges and family
83 members have been assassinated in recent years.

84 The legislation before the committee today would extend
85 the existing redaction authority that is about to expire at
86 the end of this calendar year by 10 years to December 31,
87 2027. I have joined Mr. Jeffries, Chairman Issa, and
88 Ranking Member Conyers as cosponsor of this important
89 legislation, and I thank Congressman Jeffries for his
90 leadership on this issue.

91 I urge my colleagues to support this important judicial
92 security legislation. It is now my pleasure to recognize
93 the ranking member of the committee, the gentleman from
94 Michigan, Mr. Conyers, for his opening statement.

95 [The opening statement of Chairman Goodlatte follows:]

96 ***** COMMITTEE INSERT *****

97 Mr. Conyers. Thank you, Chairman Goodlatte. Members
98 of the committee, H.R. 3229 is a bipartisan, commonsense
99 measure intended to protect the safety of Federal judges and
100 judicial employees. The bill accomplishes this goal by
101 extending the authority of the Judicial Conference to redact
102 sensitive information contained in the financial disclosure
103 reports filed by these individuals pursuant to the Ethics in
104 Government Act of 1978. Specifically, H.R. 3229 would
105 extend this authority for 10 years; that is, until December
106 31, 2027.

107 As an original cosponsor and strong supporter of this
108 bill, I have several reasons to share with you. To begin
109 with, absent a further extension of this authority, the
110 Judicial Conference's ability to redact sensitive personal
111 information from the financial disclosure statements filed
112 by judges and judicial employees would cease and thereby
113 create potential serious security risks to these
114 individuals.

115 Judges and judicial employees are often the subject of
116 threats, harassment, and sometimes violence. Like probation
117 officers, these individuals routinely interact with
118 disgruntled litigants and convicted criminals who may hold
119 grudges against them. A disgruntled litigant seeking to
120 take revenge for a judicial decision can learn of a Federal
121 judge's home address, his or her spouse's place of

122 employment, or a child's school, among other sensitive
123 information by requesting a copy of the judge's financial
124 disclosure report.

125 During 2016, for instance, a Federal judge was shot in
126 front of his home, a murder-for-hire plot against a Federal
127 judge was uncovered, and threatening letters were sent to
128 other judges. Fortunately, section 105 of the Ethics in
129 Government Act grants the Judicial Conference the authority
130 to redact certain limited information from financial
131 disclosure reports when the release of such information
132 could endanger a judge, a judicial employee, or a member of
133 their family. Congress has extended this redaction
134 authority on five previous occasions, most recently on
135 January 3, 2012.

136 And finally, another reason I support this measure is
137 that the Judicial Conference has exercised its redaction
138 authority with demonstrated restraint. As required by the
139 Ethics in Government Act, the Conference has promulgated
140 regulations requiring a clear nexus between a security risk
141 and the need to redact sensitive information.

142 In addition, the Act requires the Judicial Conference
143 to report annually to Congress on the number and nature of
144 redactions, as well as the reasons for them. Based on a
145 review of these reports, it is clear that only a small
146 percentage of the financial disclosure reports filed contain

147 an approved redaction of some information in the report.
148 For example, over the past 5 years, an average of only 2.7
149 percent of financial reports contained an approved redaction
150 of some information.

151 Finally, the need to extend this redaction authority,
152 which will expire in just over 3 months, is a time-sensitive
153 security measure that requires prompt consideration of H.R.
154 3229. Extending this redaction authority is needed to avoid
155 life-threatening consequences to those public servants who
156 serve in the Federal judicial branch.

157 Accordingly, I urge all of my colleagues here on this
158 committee to support H.R. 3229, which will simply extend the
159 Judicial Conference's current redaction authority for an
160 additional 10 years.

161 In closing, I want to add my commendations to
162 Congressman Hakeem Jeffries for his leadership on this
163 important legislation. And I yield back the balance of my
164 time and thank the chairman.

165 [The opening statement of Mr. Conyers follows:]

166 ***** COMMITTEE INSERT *****

167 Chairman Goodlatte. Thank you, Mr. Conyers. I would
168 now like to recognize the chairman of the Courts
169 Subcommittee and one of the sponsors of this legislation,
170 the gentleman from California, Mr. Issa, for his opening
171 statement.

172 Mr. Issa. Thank you, Mr. Chairman, and I ask unanimous
173 consent my entire statement be placed in the record.

174 Chairman Goodlatte. Without objection, it will be.

175 [The prepared statement of Mr. Issa follows:]

176 ***** COMMITTEE INSERT *****

177 Mr. Issa. Thank you. And I will summarize. Both you
178 and the ranking member have said very well why we have a
179 need for judges to have limited redaction for security
180 purposes.

181 I would like to just add to that that during the August
182 recess, I met with representatives of each of the areas of
183 the ninth circuit. And there were so many issues that would
184 face them, including the ninth circuit judges from Guam, who
185 look to North Korea, and yet the number one issue and
186 concern they had was for their families.

187 In our own Southern California, San Diego district,
188 recently, this committee was able to authorize the -- sorry
189 for the echo -- was able to authorize additional security
190 capability for the children in daycare of Federal workers.

191 The bigger issue is not just what we will do today.
192 The bigger issue is, in this environment, how do we make
193 sure that the judiciary remains independent? One critical
194 element of their independence is their personal security
195 when making tough decisions -- decisions that are, in fact,
196 including life or death of criminals and gang members.

197 So in addition to what the chairman and ranking member
198 said, I think it is so important that we take every step to
199 ensure that these article three judges, their families, and
200 their key employees find themselves without fear for their
201 life when they make some of the toughest decisions anyone

202 could make in both criminal and, at times, in large-scale
203 civil actions.

204 So Mr. Chairman, thank you for moving this in a timely
205 fashion. I know that it will be appreciated by each and
206 every member of the Federal court system. And with that, I
207 yield back the balance of my time.

208 Chairman Goodlatte. The chair thanks the gentleman,
209 and I would now like to recognize the chief sponsor of the
210 legislation, the gentleman from New York, Mr. Jeffries, for
211 his opening statement.

212 Mr. Jeffries. Thank you, Mr. Chairman. I ask
213 unanimous consent to enter into the record a letter in
214 support of H.R. 3229 from the Judicial Conference.

215 Chairman Goodlatte. Without objection, it will be made
216 a part of the record.

217 [The information follows:]

218 ***** COMMITTEE INSERT *****

219 Mr. Jeffries. Thank you Chairman Goodlatte, Ranking
220 Member Conyers, and Congressman Issa for your leadership in
221 working to advance this time-sensitive legislation. H.R.
222 3229 will extend for 10 years the soon-expiring authority
223 for Federal judges and high-ranking judicial officers to
224 redact from financial disclosure statements sensitive
225 personal information that, if revealed, could compromise
226 their safety and security or that of their family members.

227 An independent judiciary that is free of coercion is
228 fundamental to our constitutional democracy, fundamental to
229 the principles of liberty and justice for all, and
230 fundamental to the principle of equal protection under the
231 law. Unfortunately, there are some bad actors who seek to
232 compromise the integrity of the judicial branch through
233 threats, harm, and harassment.

234 According to the U.S. Marshals Service, in fiscal year
235 2017, there has been an increase in every major recorded
236 statistical category regarding inappropriate communications,
237 security risks, and the targeting of members of the Federal
238 bench and high-level employees of the judiciary. The need
239 to extend redaction authority is therefore a time-sensitive
240 security matter. Failure to extend this authority will
241 create severe security risks to judges, judiciary employees,
242 and their families.

243 Federal judges and other employees of the article three

244 independent judiciary branch, like probation officers,
245 routinely interact with disgruntled litigants, convicted
246 criminals, and others who may seek to do harm to them. For
247 that reason, I urge my colleagues to support this bipartisan
248 bill, legislation that will support the continued prudent,
249 restrained use of the Judicial Conference's redaction
250 authority, which, as has been stated before, has been used
251 carefully and reasonably.

252 In fact, as has been mentioned, each year, only a very
253 small percentage of the financial disclosure reports filed
254 contained an approved redaction of some information in the
255 report based on a clear nexus between a security risk and
256 the information for which redaction is sought.

257 Again, I thank all of my colleagues for their support,
258 in particular, Chairman Goodlatte, Ranking Member Conyers,
259 and Mr. Issa, for their leadership, and look forward to
260 working together to advance this measure on the House floor.
261 And I yield back.

262 [The opening statement of Mr. Jeffries follows:]

263 ***** COMMITTEE INSERT *****

264 Chairman Goodlatte. The chair thanks the gentleman.
265 Are there any amendments to H.R. 3229? A reporting quorum
266 being present, the question is on the motion to report the
267 bill H.R. 3229 favorably to the House.

268 Those in favor will say aye.

269 Those opposed, no.

270 The ayes have it, and the bill is ordered reported
271 favorably. Members will have 2 days to submit views.

272 Pursuant to notice, I now call up H.R. 620 for purposes
273 of markup and move that the committee report the bill
274 favorably to the House. The clerk will report the bill.

275 Ms. Adcock. H.R. 620, to amend the Americans with
276 Disabilities Act of 1990 to promote compliance through
277 education, to clarify the requirements for demand letters,
278 to provide for a notice and cure period before the
279 commencement of a private civil action, and for other
280 purposes.

281 [The bill follows:]

282 ***** INSERT 2 *****

283 Chairman Goodlatte. Without objection, the bill is
284 considered as read and open for amendment at any time, and I
285 will begin by recognizing myself for an opening statement.

286 H.R. 620, the ADA Education and Reform Act of 2017,
287 improves the public accommodations provisions under Title
288 III of the Americans with Disabilities Act, which was signed
289 into law by President George H.W. Bush in 1990.

290 Title III provides individuals with disabilities the
291 full and equal enjoyment of goods, services, facilities,
292 privileges, advantages, or accommodations of any place of
293 public accommodation, which means places open to the public
294 like retail stores, hotels, theaters, restaurants, and
295 healthcare facilities.

296 This law is a critical tool for disabled individuals to
297 gain access to public accommodations. In addition to
298 providing a right of action to the Attorney General to
299 enforce the law, the ADA authorizes a private right of
300 action for any aggrieved party to seek injunctive relief as
301 well as attorneys' fees and costs.

302 Unfortunately, private sector enforcement of the ADA
303 has led to the abuse of our legal system in many cases.
304 Some plaintiffs' attorneys in ADA public accommodation cases
305 have received deservedly unfavorable press coverage in
306 papers across the country. Rather than putting their
307 clients' interests in better access first, some appear to be

308 more interested in securing a quick payday.

309 One common tactic used by opportunistic attorneys is to
310 file mass claims against small businesses and then settle
311 for just less than it would cost those mom-and-pop
312 businesses to defend themselves in court. This tactic was
313 highlighted by David Weiss, who testified on behalf of the
314 International Council of Shopping Centers at this
315 committee's hearing on May 19, 2016.

316 Mr. Weiss stated, "The problem that the private sector
317 faces is an increasing number of lawsuits typically brought
318 by a few plaintiffs in various jurisdictions and often by
319 the same lawyers for very technical and usually minor
320 violations. It has become all too common for property
321 owners to settle these cases as it is less expensive to
322 settle them than to defend them, even if the property owner
323 is compliant. Is it often too costly to prove that a
324 property owner is doing what is right or required.
325 Therefore, the property owner makes a rational business
326 decision, commonly resulting in settlement."

327 Given that plaintiffs' attorneys' motives are often
328 monetary, there is little or no incentive to work with
329 businesses to cure a violation before a lawsuit is filed.
330 This unintended result wastes resources on attorneys' fees
331 that could have been used to improve access sooner. This
332 delays justice.

333 H.R. 620 remedies these problems by allowing businesses
334 a finite period of time before a private enforcement lawsuit
335 can be filed to fix defects on their premises once they are
336 notified that their premises do not comply with the ADA.
337 This will reduce abuses of the law by opportunistic lawyers
338 and will result in more access for the disabled because it
339 encourages businesses to cure their access issues now in
340 order to avoid costly litigation later.

341 Moreover, we have met with members of the business
342 community and disability community together and individually
343 regarding this bill, and we are eager to continue the
344 conversation about how to improve accessibility.
345 Consideration of today's bill is a step closer to ensuring
346 that every man, woman, and child is given equal access to
347 public accommodations as well as improving the enforcement
348 practices of private parties under Title III.

349 I urge my colleagues to support this legislation. It
350 is now my pleasure to recognize the ranking member of the
351 committee, the gentleman from Michigan, for his opening
352 statement.

353 [The opening statement of Chairman Goodlatte follows:]

354 ***** COMMITTEE INSERT *****

355 Mr. Conyers. Thank you, Chairman Goodlatte. Members
356 of Judiciary Committee, H.R. 620, the so-called ADA
357 Education and Reform Act, would institute a notice and cure
358 requirement under Title III of the Americans with Disability
359 Act of 1990. Specifically, the bill would prohibit a
360 lawsuit from being commenced unless the plaintiff first gave
361 the business owner specific notice of an alleged violation
362 and an opportunity to fix or make substantial progress
363 toward remedying such violation.

364 Now, let me be clear. I am adamantly opposed to any
365 effort to weaken the ability of individuals to enforce their
366 rights under Title III's public accommodation provisions.
367 The Leadership Conference on Civil and Human Rights joins
368 with me and those opposing H.R. 620 because it would remove
369 incentives for businesses to comply with the law unless
370 people with disabilities are denied access, which "would
371 lead to the continued exclusion of people with disabilities
372 from the mainstream of society and would turn back the clock
373 on disability rights in America."

374 Now, to begin with, H.R. 620's notice and cure
375 requirement will generate numerous litigation traps for the
376 unwary and ultimately dissuade many individuals from
377 pursuing even legitimate claims. For example, the bill does
378 not require that a business actually comply with the law,
379 and only requires that it makes substantial progress towards

380 compliance without defining that obviously vague term. Nor
381 does the bill make clear who determines when an aggrieved
382 party or a business owner has met any of the bill's
383 procedural requirements.

384 As a result, courts will have to struggle to determine
385 what these inherently vague terms mean, thereby creating an
386 open invitation for well-financed business interests to
387 engage in endless litigation that would drain the typically
388 limited resources of a plaintiff, potentially deny that
389 person their day in court, and dissuading future plaintiffs
390 from even filing suit.

391 Now, in addition, H.R. 620 would undermine a key
392 enforcement mechanism of the Americans with Disabilities Act
393 and other civil rights laws. The credible threat of a
394 lawsuit is a powerful inducement for businesses to
395 proactively take care to comply with the Act's requirements.
396 Yet a pre-notification requirement would create a
397 disincentive -- a disincentive -- to engage in voluntary
398 compliance, as many businesses would simply wait until
399 receiving a demand letter before complying with the law.

400 This requirement would also discourage attorneys from
401 representing individuals with claims under Title III because
402 attorneys' fees may only be recovered if litigation ensues.
403 Thus, an individual with a Title III claim would not be
404 entitled to recover such fees if the extent of the

405 attorney's representation was effectively limited to
406 drafting the demand letter. Pre-suit notification would
407 make it even more difficult for those with a valid Title III
408 claim or claims to obtain legal representation to enforce
409 their rights.

410 And finally, Title III, by its terms, is already
411 designed to make compliance easy for businesses. For
412 instance, Title III defines discrimination with some
413 deference to business entrance. It requires owners to
414 remove barriers to access only if doing so is "easily
415 accomplishable and able to be carried out without much
416 difficulty or expense." In addition, businesses are
417 provided tax benefits to encourage compliance and can obtain
418 free technical assistance from the Justice Department to
419 assist with compliance.

420 Voluntary compliance is key to Title III's success, but
421 this measure, H.R. 620, threatens to erode such compliance.
422 And therefore, I have no other alternative but to oppose
423 H.R. 620 and urge that the members of this committee do the
424 same. I thank the chairman and yield back.

425 [The opening statement of Mr. Conyers follows:]

426 ***** COMMITTEE INSERT *****

427 Chairman Goodlatte. I thank the gentleman, and it is
428 now my pleasure to recognize the chief sponsor of the
429 legislation, the gentleman from Texas, Mr. Poe, for his
430 opening statement.

431 Mr. Poe. I thank the chairman. I want to make this
432 comment about the ranking member's statement, who I have
433 great respect for. The gentleman knows that I admire him
434 for a lot of reasons, and I admire what you have to say on
435 everything. We see this piece of legislation different,
436 however, and so I respectfully disagree with the ranking
437 member's position on this.

438 The ADA is a real good piece of legislation that was
439 written in 1990. And the purpose of the legislation is to
440 make sure that all folks have access to all businesses. And
441 businesses need to comply with the law so that, generally,
442 people can have access to that business. But since 1990,
443 this piece of legislation, which I think is great -- I got
444 two parents that are in their 90s, and this bill helps them
445 -- the 1990 bill. But legislation has been abused, and it
446 has been abused by people who really, I think, are taking
447 advantage of the bill, of the law, to their own personal
448 favor.

449 It has nothing to do with access. It has everything to
450 do with shakedown, that businesses are getting shakedown
451 letters from lawyers who represent people who may or may not

452 have ever been on that piece of property alleging a very
453 vague violation of the ADA. And rather than submit to the
454 lawsuit that the lawyer with a plaintiff threatens in this
455 vague letter, they pay the money. Unfortunately, our legal
456 system works that way. It is cheaper to settle even a
457 frivolous lawsuit in these cases than it is to go to court
458 and defend the lawsuit.

459 And we have had testimony. We had testimony last year,
460 and that is why this piece of legislation, H.R. 620, is
461 bipartisan legislation. It is not a Republican deal. It is
462 a bipartisan legislation, because many of my fellow
463 Democrats have seen in their area these same shakedowns by
464 different lawyers, and people sometimes who do not even live
465 in the state where the violation has been alleged to occur.
466 And so, they settle.

467 And all this legislation does is say if the goal is to
468 fix the problem, then this legislation helps fix the
469 problem. If the goal is to get money from businesses for
470 lawyers and maybe plaintiffs, then we leave the system the
471 way it is, because that is what is happening in some cases.

472 So, let's move to the direction of fix these problems.
473 We want them fixed because we want folks to be able to go to
474 all businesses. And therefore, let the business know of the
475 problem, and be specific enough so they know what the
476 problem is. Then the business has the responsibility to fix

477 the problem. They got 120 days to fix the problem or show
478 that they are fixing the problem. And if the business does
479 not do that, then the litigants, the lawyers, have at it.
480 Sue them. Sue the business for noncompliance. Even the
481 Federal Government can sue the business. But all it is
482 doing is put the business on notice, give them a chance to
483 fix it, and if they do not, you still have your remedy to
484 lawsuit.

485 And these lawsuits have been such that out-of-towners
486 have been saying, "Well, there needs to be a lift on your
487 pool, swimming pool at a motel." Well, this particular
488 motel that got this demand letter does not even have a
489 swimming pool at that location. But yet it is cheaper for
490 them to go ahead and settle than it is to go to court.

491 So some of these violations have been not real
492 violations at all. They have been very vague, enough just
493 to get a shakedown. And they send out multiple, multiple
494 letters, and then some businesses pay the money. So, rather
495 than read my opening statement, which I ask unanimous
496 consent to be entered into the record.

497 Chairman Goodlatte. Without objection, it will be made
498 a part of the record.

499 [The opening statement of Mr. Poe follows:]

500 ***** COMMITTEE INSERT *****

501 Mr. Poe. And I would ask that the letter to the
502 chairman and other members of the committee from 24
503 different associations supporting this legislation be
504 admitted as well.

505 Chairman Goodlatte. If the gentleman would yield?

506 Mr. Poe. Yes, sir.

507 Chairman Goodlatte. I will join in that unanimous
508 consent request with nine letters of support from a broad
509 coalition of organizations: the American Hotel and Lodging
510 Association, the Asian-American Hotel Owners Association,
511 the Building Owners and Managers Association, the
512 International Council of Shopping Centers, the National
513 Association of Realtors, the National Association of
514 Residential Property Managers, the National Association of
515 Theater Owners, and the National Restaurant Association.

516 I would ask unanimous consent that the letters referred
517 to by the gentleman from Texas and these letters be made a
518 part of the record. And without objection, they will be
519 made a part of the record.

520 [The information follows:]

521 ***** COMMITTEE INSERT *****

522 Mr. Poe. And I yield back to the chairman.

523 Chairman Goodlatte. I thank the gentleman, and the
524 chair now recognizes the ranking member of the Subcommittee
525 on Constitution and Civil Justice, Mr. Cohen of Tennessee,
526 for his opening statement.

527 Mr. Cohen. Thank you, Mr. Chair. As Mr. Poe prefaced
528 his remarks in his regard for Mr. Conyers, I have a regard
529 for Judge Poe. We had great mutual friends in Houston going
530 back in history, and we have similar thoughts on different
531 issues concerning some of our foreign aid and other issues.
532 We work together.

533 But on this particular piece of legislation, I think it
534 shows the difficulty in why people say members of Congress
535 cannot work together. Since we have had this, I have tried
536 to come up with a solution that is in the middle, and what
537 it has done is basically taken a lot of groups that I highly
538 respect, Mr. Conyers respects, that are opposed to this
539 legislation, to be against what I want to do. But I think
540 it is the right thing to do, and to find a middle ground,
541 and we have not been able to find it.

542 This bill -- and I find it kind of hard to fathom that
543 the company with the swimming pool, the motel, was cheaper
544 to settle than to go into court and go, "We do not have a
545 swimming pool." I mean, you could do that pro se. But
546 regardless of that, this bill would require pre-suit

547 notification to a business in violation of the public
548 accommodations sections. Gives you 180 days to cure.
549 Lawsuits by private parties are essential to enforcement of
550 Federal law, and especially civil rights laws. And the
551 civil rights law makes private attorney generals an
552 essential part of this legislation, because that is who
553 enforces it: attorneys who bring actions. They are private
554 attorney generals.

555 I detest the lawyers who may be doing the drive-by
556 window, windshield, whatever-type cases, and I would like to
557 find a way to not continue to give them encouragement to
558 cause havoc on hotels and motels and motion picture folks
559 and others who are just trying to do right and whose signs
560 might be a half inch off or a foot off or not have a
561 swimming pool or whatever. And there is a way to do it, and
562 the way to do it is to amend this bill and to say that if a
563 person, a company gets notice and they do not try to cure or
564 show substantial efforts to cure, then there is some type of
565 damages against them for not trying to cure the problem.

566 If -- and I do not doubt Judge Poe and others' interest
567 in this -- but if their interest is seeing that bad guys get
568 punished and good guys do not, if you have a case where you
569 get a letter that you have got a defect and a violation and
570 you do not cure it within a reasonable time, then you are a
571 bad guy. And why should this legislation help bad guys?

572 And what my amendment that I am going to offer, and I
573 tried to get put into the legislation, would say that the
574 bad guy gets punished in some way with some amount of
575 damages. That if they do not cure, then they are hurting
576 the whole system, and they should pay. And they should.
577 Otherwise, they do not have an incentive, really, to cure
578 any sooner than they do, and they are jeopardizing those
579 people and hurting those people who are truly trying to
580 correct the technical violations that may exist at their
581 properties and use this law to their benefit as they should.

582 I say this as a person who has a disability, as a
583 person who sponsored the Tennessee State disability law and
584 passed it in the 1990s, and as a trial lawyer in a previous
585 life who respects attorneys and what they do to protect the
586 system and to bring people's actions forward.

587 So, I think there is a way to work this to where this
588 law can work, but I think you have to find a way to punish
589 the bad actor. Give a stick to the court to see that the
590 bad guys are punished and the good guys are able to cure and
591 not have to have a suit brought against them.

592 The proponents of this notice and cure legislation, I
593 believe they are sincere in trying to help businesses
594 comply. But it will, as Mr. Conyers says, probably deter
595 some lawyers' -- legitimate lawyers' -- good intentions of
596 bringing actions. But if notice and cure provisions are not

597 to become simply means for businesses to engage in dilatory
598 litigation tactics on their side, there must be
599 consequences, and there are not consequences in the bill.

600 Provisions should be added that sanction those business
601 owners given up to 6 months to cure an alleged violation, if
602 they fail to do so. If businesses want to have notice and
603 cure provisions added to the ADA, they must accept some very
604 real disincentives to use the notice and cure simply to
605 delay or avoid compliance with the law. And my amendment
606 which I will propose would address this concern.

607 I may not get any support on this side of the aisle
608 because so many fine groups are against the bill. And I may
609 not get any support on that side of the aisle because they
610 think what they are doing is right. I think this middle
611 ground makes sense.

612 My staff discouraged me from bringing it, but I felt
613 like when you think you got something that is a better mouse
614 trap, you ought to bring it forward. So, I am bringing it
615 forward, hope that it will get serious consideration and
616 passage and continue to give the ADA strength, legs so to
617 speak, but at the same time discourage these attorneys who I
618 think are questionable from having a reason to go after
619 businesses that are not really in violation but just
620 technical violation.

621 Hopefully, we can find that, and find a middle ground.

622 Mr. Conyers? Can I yield to Mr. Conyers? Do you have a
623 list of groups against this legislation?

624 Mr. Conyers. Yes. Thank you for yielding. I sure do.

625 Mr. Cohen. Would you like to introduce them in the
626 record, and --

627 Mr. Conyers. I am going to put them in the record as
628 soon as you finish, and I begin my own amendment.

629 Mr. Cohen. Okay, well, then, maybe they may not hate
630 me as much for having put their statements in the record. I
631 yield back the balance of my time.

632 [The opening statement of Mr. Cohen follows:]

633 ***** COMMITTEE INSERT *****

634 Chairman Goodlatte. The gentleman's time has expired.
635 For what purpose does the gentleman from Michigan seek
636 recognition?

637 Mr. Conyers. I have an amendment at the desk, Mr.
638 Chairman.

639 Chairman Goodlatte. Well, since amendments are in
640 order, the clerk will report the amendment.

641 Mr. Conyers. Thank you.

642 Ms. Adcock. Amendment to H.R. 620, offered by Mr.
643 Conyers of Michigan. Page four --

644 [The amendment of Mr. Conyers follows:]

645 ***** COMMITTEE INSERT *****

646 Chairman Goodlatte. Without objection, the amendment
647 will be considered as read, and the gentleman is recognized
648 for 5 minutes on his amendment.

649 Mr. Conyers. Mr. Chairman and members of the
650 committee, this amendment would allow potential plaintiffs
651 alleging a violation of the Americans with Disabilities Act
652 public accommodation provisions to recover compensatory and
653 punitive damages.

654 As the Act was drafted, the disability rights community
655 struck a bargain with the business community by giving up
656 the ability to recover damages for failure to comply with
657 the Act's public accommodations provisions in order to
658 provide some flexibility for businesses in their attempts to
659 comply with the law. As a result, the Act only allows a
660 disabled person to obtain injunctive relief and attorneys'
661 fees for violations of its public accommodations provisions.

662 In a sense, the lack of availability of damages is
663 itself a barrier to the enforcement of the civil rights of
664 disabled persons. This is because the lack of damages erode
665 the ability of the potential plaintiffs to obtain legal
666 representation, given that few attorneys would take on
667 matters without the possibility of meaningful compensation.

668 And unfortunately, the negative effect of the
669 compromise made in 1990 is proven by the fact that even
670 though the Act has been in effect for 27 years, there

671 continues to be many businesses that have yet to comply with
672 the Act's public accommodation requirements. H.R. 620 would
673 only exacerbate this problem by forcing aggrieved disabled
674 persons to wait for up to 6 months before filing suit. And
675 even then, such individuals may be prohibited from filing
676 suit if one or more of the bill's notice and cure provisions
677 is not met.

678 It is difficult enough as it is for disabled persons to
679 obtain legal representation to enforce their rights when
680 businesses violate them. H.R. 620 would make such a
681 difficult situation even worse.

682 Given that the bill would delay the ability of a
683 disabled person to vindicate his or her rights in court,
684 there must be some countervailing provision that would
685 ensure that their ability to pursue a lawsuit is not further
686 diminished by the bill's notice and cure provisions.
687 Allowing a plaintiff to recover damages, as my amendment
688 does, would provide such balance by compensating somewhat
689 for the further barrier to justice for disabled persons that
690 the bill creates.

691 If the bill's proponents insist on upending the bargain
692 struck 27 years ago between the disability rights and
693 business communities, then it is only fair that disabled
694 persons now be given the opportunity to recover damages.
695 And so, I urge my colleagues to support my amendment. I

696 thank the chairman and yield back the balance of my time. I
697 yield back.

698 Chairman Goodlatte. For what purpose does the
699 gentleman from Texas seek recognition?

700 Mr. Poe. I move to strike the last word.

701 Chairman Goodlatte. The gentleman is recognized for 5
702 minutes.

703 Mr. Poe. Thank you, Mr. Chairman. The original
704 purpose of the bill is not changed because of this
705 legislation. The original purpose of the bill, to fix these
706 problems, is strengthened by this legislation, not
707 diminished. The legislation has always allowed for a
708 lawsuit. The lawsuit then gives attorneys' fees, some
709 injunctive relief. Federal Government can administer civil
710 penalties against businesses that do not comply.

711 And so, I oppose the amendment because it goes against
712 the bill's original purpose, which is to resolve access
713 issues under Title III without the need for litigation. The
714 private enforcement provisions provided in Title III of the
715 ADA are already a powerful tool to achieve greater
716 accessibility through injunctive relief and through attorney
717 fees and costs. Any remedies beyond what Title III provides
718 would undermine the original purpose, which is to get
719 problems fixed.

720 The gentleman has mentioned fines. California, the

721 State law, my understanding is that it allows for some
722 punitive fines. California is the primary state where these
723 abusive lawsuits are being filed, so that remedy has not
724 stopped the lawsuits and has not fixed the problem. Go back
725 to the original purpose of the 1990 bill was to get access
726 to businesses by people who are disabled.

727 And all due respect, I oppose the gentleman's amendment
728 for that purpose. It changes the original purpose of the
729 legislation. And I yield back the remainder of my time.

730 Chairman Goodlatte. The chair thanks the gentleman.
731 For what purpose does the gentleman from Georgia seek
732 recognition?

733 Mr. Johnson of Georgia. Move to strike the last word.

734 Chairman Goodlatte. The gentleman is recognized for 5
735 minutes.

736 Mr. Johnson of Georgia. I rise in support of the
737 Conyers amendment. You know, the ADA has been on the books
738 for 27 years, since 1990. And so, therefore, business
739 owners of existing properties, properties existing at that
740 time, have had 27 years to bring their property into
741 compliance with the ADA.

742 The ADA is worthy in that it promotes access to public
743 accommodations for the disabled. They are people just like
744 we are. They pay taxes just like we do. They deserve to
745 enjoy public accommodations just like nondisabled persons

746 can. And so, the business community has had 27 years to
747 bring itself into compliance with the ADA. And some
748 properties have failed to do so for whatever reason, and
749 those businesses find themselves subject to the ability of
750 the disabled to force them to comply by filing a lawsuit and
751 going through the judicial process.

752 Now, it is unfortunate that many property owners have a
753 history of being out of compliance, getting demand letters,
754 paying off the demand letters and still being out of
755 compliance and never remedying the situation because it is
756 too costly. Meanwhile, the property might change hands a
757 couple of times, and an unsophisticated buyer of the
758 property may end up with a property that is non-ADA
759 compliant. Well, that is a matter of conducting your due
760 diligence prior to the sale of the property.

761 So, you know, there can be a lot of reasons why
762 properties are not in compliance with ADA standards. But
763 the bottom line is when the issue is brought to their
764 attention by a demand letter, by a lawyer, I mean, the
765 property owner has a couple of choices at that point.

766 You can ignore the letter to your detriment; you can
767 comply with the ADA, go through the cost of doing that as
768 the law requires; or you can pay off the demand letter and
769 let things lay as they have been. And then, you put the
770 property up for sale, sell the property, and the next

771 unsuspecting purchaser then has to go through the same thing
772 that you just went through. But the bottom line is all of
773 this is bringing properties into ADA compliance, and that is
774 what the purpose of the ADA Act, passed 27 years ago, was.

775 I assume that most properties that are coming online
776 now are fully ADA compliant and do not have the problem of
777 being out of compliance and subject to what some call
778 frivolous lawsuits. But I do not refer to these lawsuits as
779 being frivolous, and if they were, they would be subject to
780 fees to the opposing party based on provisions of law that
781 allow injured parties to recover for frivolous lawsuits
782 filed against them.

783 So, I am opposed to putting more barriers, giving folks
784 an additional 120 days to comply after they have had 27
785 years to comply. It just seems to me to create more burdens
786 for the disabled. And for that reason, I support the
787 amendment. I oppose the legislation, I yield back.

788 Mr. Chabot. [Presiding.] Thank you. Gentleman's time
789 is expired. For what purpose does the gentlelady from
790 Georgia seek recognition?

791 Ms. Handel. Mr. Chairman, move to strike the last
792 word.

793 Mr. Chabot. The gentlelady is recognized for 5
794 minutes.

795 Ms. Handel. Thank you very much. First of all, I

796 would like to say that, you know, individuals with
797 disabilities have really fought very diligently to make sure
798 that we have a level playing field and equal access to
799 especially properties. And I, for one, am not going to
800 support anything that would ever undermine that.

801 However, with respect to my colleague with the
802 amendment, I will oppose the amendment and support this bill
803 for this reason: because I do not see it as any way a
804 barrier to what we are trying to accomplish and what was put
805 in place with the initial intent with ADA.

806 What it is doing is striving to find a way to give
807 everyone the opportunity to achieve the access that we all
808 want without having to do this in a courtroom. And that is
809 to everyone's benefit, because at the end of the day, I
810 would like to believe that every individual with or without
811 a disability wants to make sure that we have access and that
812 it is not about lawsuits and settlements.

813 The other very positive thing about this particular
814 piece of legislation is that it does have within it a
815 requirement to work with State and local governments and
816 property owners to develop education programs so that we can
817 all do a much better job, better job than what is even
818 happening, to ensure that we have access for those with
819 disabilities.

820 So, I will oppose the amendment, but support the bill.

821 And know that I believe it is everyone's intention to make
822 sure that we are strengthening ADA, not limiting it or
823 putting in place any barriers. Thank you. I yield, Mr.
824 Chairman.

825 Mr. Chabot. The gentlelady yields back. Does any
826 other member seek recognition? If not, the question is on
827 the amendment.

828 Those in favor, say aye.

829 Those opposed, say no.

830 In the opinion of the chair, the noes have it.

831 Mr. Conyers. May I have a record vote, sir?

832 Mr. Chabot. Record vote has been requested.

833 The clerk will call the roll.

834 Ms. Adcock. Mr. Goodlatte?

835 [No response.]

836 Mr. Sensenbrenner?

837 [No response.]

838 Mr. Smith?

839 [No response.]

840 Mr. Chabot?

841 Mr. Chabot. No.

842 Ms. Adcock. Mr. Chabot votes no.

843 Mr. Issa?

844 [No response.]

845 Mr. King?

846 Mr. King. No.

847 Ms. Adcock. Mr. King votes no.

848 Mr. Franks?

849 Mr. Franks. No.

850 Ms. Adcock. Mr. Franks votes no.

851 Mr. Gohmert?

852 Mr. Gohmert. No.

853 Ms. Adcock. Mr. Gohmert votes no.

854 Mr. Jordan?

855 Mr. Jordan. No.

856 Ms. Adcock. Mr. Jordan votes no.

857 Mr. Poe?

858 Mr. Poe. No.

859 Ms. Adcock. Mr. Poe votes no.

860 Mr. Marino?

861 Mr. Marino. No.

862 Ms. Adcock. Mr. Marino votes no.

863 Mr. Gowdy?

864 Mr. Gowdy. No.

865 Ms. Adcock. Mr. Gowdy votes no.

866 Mr. Labrador?

867 Mr. Labrador. No.

868 Ms. Adcock. Mr. Labrador votes no.

869 Mr. Farenthold?

870 [No response.]

871 Mr. Collins?
872 Mr. Collins. No.
873 Ms. Adcock. Mr. Collins votes no.
874 Mr. DeSantis?
875 [No response.]
876 Mr. Buck?
877 [No response.]
878 Mr. Ratcliffe?
879 Mr. Ratcliffe. No.
880 Ms. Adcock. Mr. Ratcliffe votes no.
881 Ms. Roby?
882 [No response.]
883 Mr. Gaetz?
884 [No response.]
885 Mr. Johnson of Louisiana?
886 [No response.]
887 Mr. Biggs?
888 Mr. Biggs. No.
889 Ms. Adcock. Mr. Biggs votes no.
890 Mr. Rutherford?
891 Mr. Rutherford. No.
892 Ms. Adcock. Mr. Rutherford votes no.
893 Ms. Handel?
894 Ms. Handel. No.
895 Ms. Adcock. Ms. Handel votes no.

896 Mr. Conyers?
897 Mr. Conyers. Aye.
898 Ms. Adcock. Mr. Conyers votes aye.
899 Mr. Nadler?
900 Mr. Nadler. Aye.
901 Ms. Adcock. Mr. Nadler votes aye.
902 Ms. Lofgren?
903 [No response.]
904 Ms. Jackson Lee?
905 [No response.]
906 Mr. Cohen?
907 Mr. Cohen. Aye.
908 Ms. Adcock. Mr. Cohen votes aye.
909 Mr. Johnson of Georgia?
910 Mr. Johnson of Georgia. Aye.
911 Ms. Adcock. Mr. Johnson votes aye.
912 Mr. Deutch?
913 [No response.]
914 Mr. Gutierrez?
915 [No response.]
916 Ms. Bass?
917 Ms. Bass. Aye.
918 Ms. Adcock. Ms. Bass votes aye.
919 Mr. Richmond?
920 [No response.]

921 Mr. Jeffries?
922 [No response.]
923 Mr. Cicilline?
924 Mr. Cicilline. Aye.
925 Ms. Adcock. Mr. Cicilline votes aye.
926 Mr. Swalwell?
927 [No response.]
928 Mr. Lieu?
929 [No response.]
930 Mr. Raskin?
931 Mr. Raskin. Aye.
932 Ms. Adcock. Mr. Raskin votes aye.
933 Ms. Jayapal?
934 Ms. Jayapal. Aye.
935 Ms. Adcock. Ms. Jayapal votes aye.
936 Mr. Schneider?
937 Mr. Schneider. Aye.
938 Ms. Adcock. Mr. Schneider votes aye.
939 Mr. Chabot. The gentleman from Virginia?
940 Chairman Goodlatte. No.
941 Ms. Adcock. Mr. Goodlatte votes no.
942 Mr. Chabot. The gentleman from Texas?
943 Mr. Smith. No.
944 Ms. Adcock. Mr. Smith votes no.
945 Mr. Chabot. The gentleman from Texas?

946 Mr. Farenthold. No.

947 Ms. Adcock. Mr. Farenthold votes no.

948 Mr. Chabot. The gentleman from Florida?

949 Mr. Gaetz. No.

950 Ms. Adcock. Mr. Gaetz votes no.

951 Mr. Chabot. If there are no further members, the clerk
952 will report. The gentleman from California?

953 Mr. Issa. No.

954 Ms. Adcock. Mr. Issa votes no. Mr. Chairman, 9
955 members voted aye; 19 members voted no.

956 Mr. Chabot. And the amendment is not agreed to. Are
957 there further amendments?

958 Mr. Conyers. Mr. Chairman, may I ask permission to put
959 the letters for the record on this measure?

960 Mr. Chabot. Without objection, so ordered. The
961 letters will be in the record.

962 Mr. Conyers. Thank you.

963 [The information follows:]

964 ***** COMMITTEE INSERT *****

965 Mr. Chabot. The gentleman from Tennessee?

966 Mr. Cohen. I have an amendment at the desk.

967 Mr. Chabot. The clerk will report the amendment.

968 Ms. Adcock. Amendment to H.R. 620, offered by Mr.

969 Cohen of Tennessee. Page four, lines six and seven, strike

970 "or to make substantial progress in removing the barrier."

971 Page 4, line 21, strike the --

972 [The amendment of Mr. Cohen follows:]

973 ***** COMMITTEE INSERT *****

974 Mr. Chabot. Without objection, the amendment will be
975 considered as read. The gentleman is recognized for the
976 purpose of his amendment for 5 minutes.

977 Mr. Cohen. Thank you, Mr. Chair. And I am not wedded
978 to this language. I expressed in my opening statement, I
979 expressed to Mr. Poe when I expressed when we discussed this
980 -- I think it was maybe 2 years ago. It has been a while
981 this bill has been around.

982 But in cases where a business owner has been given the
983 full 180-day period under this bill, H.R. 620, to respond to
984 a notice of an alleged ADA violation and to cure such
985 violation, and where that party has failed to do so in that
986 timeframe, this amendment would allow a plaintiff in a
987 subsequent lawsuit to recover liquidated damages amounting
988 to \$1,000 a day for every day the owner has failed to cure
989 the violation. That \$1,000 is intended to make sure they
990 fix, or attempt, at least, to fix the defect, that they
991 cure. And if you do not have that \$1,000 a day, there is
992 not a hammer. You need a hammer.

993 During the hearing before the Subcommittee on the
994 Constitution and Civil Justice on this legislation in the
995 114th Congress, all the witnesses appeared to agree that
996 Congress' ultimate goal should be to promote businesses'
997 compliance with the ADA. At that time, I noted that abuses
998 can happen in any situation, and that nuisance litigation

999 may be a problem including those of demand letters to harass
1000 and intimidate small business owners.

1001 At the same time, I took seriously the concerns raised
1002 by some that bills like H.R. 620 might be used by ill-
1003 intentioned business owners solely as a way of dragging out
1004 litigation. Such tactics are intended to simply make
1005 litigation potentially cost-prohibitive for plaintiffs and
1006 dissuade those with meritorious claims from even pursuing
1007 suits.

1008 Looking for a way to address the concerns expressed by
1009 both sides in light of what appeared to be a common
1010 agreement that we should encourage voluntary compliance with
1011 the ADA, this amendment is designed to address the very real
1012 concern about business owners who act in bad faith in
1013 refusing compliance even after being given up to 6 months to
1014 do so, while not harming in any way business owners who act
1015 expeditiously and in good faith to comply with the law.

1016 We should protect the good guys and use a hammer to
1017 punish the bad guys. Because the bad guys are impeding
1018 people with disabilities from having equal access, which is
1019 the goal of the ADA.

1020 My amendment is designed to narrowly target only those
1021 true bad actors while leaving untouched the bill's generous
1022 notice and cure provisions for those businesses that cure
1023 violations once they have been given notice. The amendment

1024 also ensures that violations are in fact cured within the
1025 bill's 120-day cure period by striking the language allowing
1026 a business to avoid liability simply by demonstrating
1027 substantial progress, as that provision appears to leave too
1028 much wiggle room to avoid compliance.

1029 But as I said, I am not wedded to taking out the
1030 substantial progress. If we want to have that in and define
1031 it, that would be fine too, but give the court the hammer to
1032 punish the bad actors that do not make substantial progress.

1033 I am sincere in my hope that we can all agree that
1034 purely bad actors should face some sort of penalty for
1035 abusing H.R. 620's provisions simply to avoid compliance
1036 with the law. Right now, there is nothing to make them act
1037 without going through court later on and having some
1038 dilatory time.

1039 I want to make it clear that I am not wedded to the
1040 particulars of the amendment which I have, and it could be
1041 different damages or some other provision. But the stick is
1042 necessary and should be more than simply the filing of a
1043 lawsuit, something an aggrieved person is already entitled
1044 to do currently without having to wait for a notice and cure
1045 period to expire.

1046 If you object to the details of the amendment, but
1047 agree with the intent, which I hope you would. And as the
1048 lady from Georgia said, she wants to strengthen the ADA,

1049 this would strengthen the ADA. By not giving the court some
1050 hammer, some penalty, you do not strengthen the ADA. You
1051 weaken it. And I would welcome suggestions how to have a
1052 stick. We had it before. I would ask people to work with
1053 me.

1054 With that in mind, I urge the committee to adopt the
1055 amendment or to amend the amendment to see to it that bad
1056 actors are punished, good guys are not, and that we have a
1057 better bill. With that, I yield back.

1058 Mr. Chabot. The gentleman yields back. The gentleman
1059 from Texas is recognized for 5 minutes.

1060 Mr. Poe. I thank the gentleman. As Mr. Cohen has
1061 said, we have talked about this for a long time. And all
1062 due respect, I oppose the gentleman's amendment.
1063 Substantial progress; that is a determination that is made
1064 by the court. The court will decide if a person has made
1065 substantial progress, or a business has made substantial
1066 progress, in compliance with ADA.

1067 As the gentleman knows, my congressional district in
1068 southeast Texas was hammered by Hurricane Harvey.
1069 Businesses are trying to come back online; some of them may
1070 not be getting complete compliance with ADA as they rebuild
1071 their businesses. I can see that as an issue. Whether they
1072 are substantially compliant or not is not a determination
1073 for us. That is a determination for the court, if it gets

1074 to the court.

1075 As the gentlelady from Georgia has mentioned, the whole
1076 purpose of the ADA is to keep these types of situations out
1077 of court and resolve the problem of a business not complying
1078 with the ADA. The law allows for attorneys' fees and that
1079 is where all the money is going anyway, to attorneys, if it
1080 gets that far. So, substantial compliance; that is the
1081 responsibility of the finder of fact. That is the judge.
1082 And I think that we should leave that as a judicial issue.

1083 And as the gentleman knows, if businesses are not going
1084 to comply there is an administrative penalty that can be
1085 imposed by the Federal Government administratively of civil
1086 fees of up to, I think, \$200,000 or \$250,000 on a business.
1087 So, there is a punishment for the bad guys if they continue
1088 to be the bad guys.

1089 Personally, I think most businesses want to comply with
1090 the ADA for purely economic reasons. Those that do not,
1091 there is a remedy. We need to keep out the bad actors, the
1092 attorneys who file these drive-by lawsuit letters to
1093 businesses who do not have the money to even go to court.
1094 So, I oppose the gentleman's --

1095 Mr. Cohen. Would the gentleman yield?

1096 Mr. Poe. Yeah, I will yield to the gentleman from
1097 Tennessee.

1098 Mr. Cohen. Thank you, sir. This is about the notice

1099 and cure provision. It is not about the ADA, per se, this
1100 amendment, and we do not need to keep the substantial
1101 compliance. I would say if they fail to comply, or if they
1102 fail to make substantial compliance, the court can decide.
1103 Then, in that 120-day period, the court should have a lever.
1104 And it is the court; it is not some Federal, you know,
1105 entity out there that is going to enforce this law. And you
1106 could even give the monies to an eleemosynary group that
1107 works with people with disabilities, and so it is not going
1108 to attorneys.

1109 But do you not agree that it would be helpful to have a
1110 stick to make people do something in good faith during the
1111 120-day period and not just take that time to sit back and
1112 continue life?

1113 Mr. Poe. Reclaiming my time, I understand the
1114 gentleman's position. The court has the ability, if a
1115 business fails to comply, under current law of adjunctive
1116 relief, and failure to abide by injunction can be imposed
1117 with contempt by the court. So, there is a remedy for the
1118 court to punish bad businesses if it ever gets that far.
1119 And as I pointed earlier, some States that have the fine,
1120 like California, that is the State probably with most of
1121 these drive-by lawsuits. So, I oppose the gentleman's
1122 amendment and I yield back my time.

1123 Mr. Chabot. The gentleman yields back. Does any other

1124 member seek recognition? Seeing no other member seeking
1125 recognition, the question is on the amendment offered by the
1126 gentleman from Tennessee, Mr. Cohen.

1127 All those in favor, say aye.

1128 Those oppose, say no.

1129 In the opinion of the chair, the noes have it.

1130 The noes have it and the amendment is not agreed to.

1131 The gentleman asked for a recorded vote. The clerk
1132 will call the roll.

1133 Ms. Adcock. Mr. Goodlatte?

1134 [No response.]

1135 Mr. Sensenbrenner?

1136 [No response.]

1137 Mr. Smith?

1138 [No response.]

1139 Mr. Chabot?

1140 Mr. Chabot. No.

1141 Ms. Adcock. Mr. Chabot votes no.

1142 Mr. Issa?

1143 [No response.]

1144 Mr. King?

1145 Mr. King. No.

1146 Ms. Adcock. Mr. King votes no.

1147 Mr. Franks?

1148 Mr. Franks. No.

1149 Ms. Adcock. Mr. Franks votes no.
1150 Mr. Gohmert?
1151 Mr. Gohmert. No.
1152 Ms. Adcock. Mr. Gohmert votes no.
1153 Mr. Jordan?
1154 [No response.]
1155 Mr. Poe?
1156 Mr. Poe. No.
1157 Ms. Adcock. Mr. Poe votes no.
1158 Mr. Marino?
1159 Mr. Marino. No.
1160 Ms. Adcock. Mr. Marino votes no.
1161 Mr. Gowdy?
1162 Mr. Gowdy. No.
1163 Ms. Adcock. Mr. Gowdy votes no.
1164 Mr. Labrador?
1165 Mr. Labrador. No.
1166 Ms. Adcock. Mr. Labrador votes no.
1167 Mr. Farenthold?
1168 [No response.]
1169 Mr. Collins?
1170 Mr. Collins. No.
1171 Ms. Adcock. Mr. Collins votes no.
1172 Mr. DeSantis?
1173 [No response.]

1174 Mr. Buck?

1175 Mr. Buck. No.

1176 Ms. Adcock. Mr. Buck votes no.

1177 Mr. Ratcliffe?

1178 [No response.]

1179 Mrs. Roby?

1180 [No response.]

1181 Mr. Gaetz?

1182 [No response.]

1183 Mr. Johnson of Louisiana?

1184 [No response.]

1185 Mr. Biggs?

1186 [No response.]

1187 Mr. Rutherford?

1188 Mr. Rutherford: No.

1189 Ms. Adcock. Mr. Rutherford votes no.

1190 Mrs. Handel?

1191 Mrs. Handel. No.

1192 Ms. Adcock. Mrs. Handel votes no.

1193 Mr. Conyers?

1194 [No response.]

1195 Mr. Nadler?

1196 Mr. Nadler. Aye.

1197 Ms. Adcock. Mr. Nadler votes aye.

1198 Ms. Lofgren?

1199 [No response.]
1200 Ms. Jackson Lee?
1201 [No response.]
1202 Mr. Cohen?
1203 Mr. Cohen. Aye.
1204 Ms. Adcock. Mr. Cohen votes aye.
1205 Mr. Johnson of Georgia?
1206 Mr. Johnson of Georgia. Aye.
1207 Ms. Adcock. Mr. Johnson votes aye.
1208 Mr. Deutch?
1209 [No response.]
1210 Mr. Gutierrez?
1211 [No response.]
1212 Ms. Bass?
1213 Ms. Bass. Aye.
1214 Ms. Adcock. Ms. Bass votes aye.
1215 Mr. Richmond?
1216 [No response.]
1217 Mr. Jeffries?
1218 [No response.]
1219 Mr. Cicilline?
1220 Mr. Cicilline. Aye.
1221 Ms. Adcock. Mr. Cicilline votes aye.
1222 Mr. Swalwell?
1223 [No response.]

1224 Mr. Lieu?

1225 [No response.]

1226 Mr. Raskin?

1227 Mr. Raskin. Aye.

1228 Ms. Adcock. Mr. Raskin votes aye.

1229 Ms. Jayapal?

1230 Ms. Jayapal. Aye.

1231 Ms. Adcock. Ms. Jayapal votes aye.

1232 Mr. Schneider?

1233 Mr. Schneider. Aye.

1234 Ms. Adcock. Mr. Schneider votes aye.

1235 Chairman Goodlatte. The gentleman from Michigan?

1236 Mr. Conyers. Aye vote.

1237 Ms. Adcock. Mr. Conyers votes aye.

1238 Chairman Goodlatte. The chair votes no.

1239 Ms. Adcock. Mr. Goodlatte votes no.

1240 Chairman Goodlatte. The gentleman from Texas?

1241 Mr. Ratcliffe. No.

1242 Ms. Adcock. Mr. Ratcliffe votes no.

1243 Chairman Goodlatte. The gentleman from Florida?

1244 Mr. DeSantis. No.

1245 Chairman Goodlatte. The gentleman from Ohio?

1246 Mr. Jordan. No.

1247 Chairman Goodlatte. Has every member voted who wishes

1248 to vote? The clerk will report. The clerk will suspend.

1249 The gentleman from Arizona?

1250 Mr. Biggs. No.

1251 Ms. Adcock. Mr. Biggs votes no.

1252 Chairman Goodlatte. The clerk will report.

1253 Ms. Adcock. Mr. Chairman, 9 members voted aye; 17

1254 members voted no.

1255 Chairman Goodlatte. And the amendment is not agreed

1256 to. Are there further amendments to H.R. 620?

1257 Mr. Cicilline. Mr. Chairman?

1258 Chairman Goodlatte. For what purpose does the

1259 gentleman from Rhode Island seek recognition?

1260 Mr. Cicilline. Mr. Chairman, I have an amendment at

1261 the desk.

1262 Chairman Goodlatte. The clerk will report the

1263 amendment.

1264 Ms. Adcock. Amendment to H.R. 620, offered by Mr.

1265 Cicilline. Page 2, strike lines 14 through 17 and insert

1266 the following: "Section -- "

1267 [The amendment of Mr. Cicilline follows:]

1268 ***** COMMITTEE INSERT *****

1269 Chairman Goodlatte. Without objection, the amendment
1270 is considered as read and the gentleman is recognized for 5
1271 minutes on his amendment.

1272 Mr. Cicilline. Thank you, Mr. Chairman. My amendment
1273 would add a provision to H.R. 620 specifying that the
1274 modifications to the Americans with Disabilities Act made by
1275 this bill would only apply to businesses with five or fewer
1276 employees.

1277 For 27 years, the Americans with Disabilities Act has
1278 worked well and provided consistent and strong standards to
1279 ensure the presence of public accommodations for disabled
1280 persons. H.R. 620 would very unwisely amend the ADA to
1281 shift the burden of ensuring that businesses are ADA-
1282 compliant onto the shoulders of disabled persons. The
1283 notice and cure provisions in this bill would effectively
1284 remove the requirement that businesses proactively know and
1285 comply with Title III of the Americans with Disabilities
1286 Act.

1287 In addition to giving businesses time to respond to a
1288 notice of noncompliance, H.R. 620 also imposes a lengthy
1289 waiting period in which a plaintiff must allow a business
1290 the opportunity to remedy violations. This waiting period
1291 would allow businesses to continue to exclude people with
1292 disabilities for months before the plaintiff is allowed to
1293 seek legal enforcement of Title III. Legislation meant to

1294 increase compliance with the ADA should not create more of
1295 the discrimination that disabled persons already experience
1296 every day, including a lack of accessibility and exclusion
1297 and isolation from public places.

1298 This legislation has been presented as a means of
1299 giving businesses more time to achieve compliance with the
1300 ADA because it may be onerous or difficult, particularly for
1301 smaller businesses, to understand their obligations under
1302 Title III.

1303 Small businesses form the backbone of the American
1304 economy and it is vital that Congress does all that it can
1305 to support them. And while I understand the importance of
1306 making sure that these businesses have the assistance and
1307 resources they need to thrive and survive, it is nonetheless
1308 the obligation of small businesses to comply with the ADA.
1309 The Federal Government also has provided extensive outreach
1310 efforts and free technical assistance resources to help
1311 businesses comply with the ADA.

1312 Among other things, since 1991 the Federal Government
1313 has funded 10 regional ADA centers to provide ADA training,
1314 technical assistance, and ADA-related materials to entities
1315 with responsibilities under the ADA. That is why by
1316 limiting this legislation to businesses with five or fewer
1317 employees, my amendment would target businesses that are
1318 most likely to have minimal resources and access to

1319 education about their legal obligations under the ADA.

1320 To the extent that any business lacks the information
1321 they need to comply with Title III of the ADA, efforts to
1322 address that problem should focus on making information more
1323 available rather than preventing people with disabilities
1324 from effectively exercising their rights under the ADA. For
1325 example, Congress could fund a grants program for outreach
1326 specialists that focus on helping small businesses meet the
1327 ADA compliance standards.

1328 So, you know, some of the suggestions that my
1329 colleagues made earlier about the ADA, and everyone wants to
1330 comply: we should remember the history that led our country
1331 to adopt the Americans with Disabilities Act. Pervasive
1332 discrimination for individuals with disabilities in this
1333 country, and despite the fact that we wished it were not the
1334 case and we hoped people would understand the moral
1335 imperative of responding, the fact was it just was not
1336 happening, and that is why Congress passed the ADA to force
1337 compliance so that individuals with disabilities would no
1338 longer face discrimination in important access to areas of
1339 public life such as jobs, schools, transportation, and
1340 public places.

1341 So, this sort of nostalgic view of "if we just wish it
1342 to happen, it will happen," we know history has taught us
1343 that is not the case. When we needed the ADA, it has worked

1344 well; it has worked effectively. This underlying bill, I
1345 think, really undermines that, but I hope that my amendment
1346 at least can mitigate or reduce the potential damage of this
1347 proposal, and I urge my colleagues --

1348 Mr. Conyers. Would the gentleman yield?

1349 Mr. Cicilline. I would be honored to yield to Mr.
1350 Conyers.

1351 Mr. Conyers. The gentleman from Rhode Island has a
1352 good amendment here that makes something that we do not like
1353 about this bill -- at least appropriately limit the bill's
1354 scope to benefit only the businesses that might have a
1355 credible claim to lacking resources, and I thank the
1356 gentleman for his amendment. I will support it.

1357 Chairman Goodlatte. The chair thanks the gentleman.
1358 For what purpose does the gentleman from Texas seek
1359 recognition?

1360 Mr. Poe. I move to strike the last word.

1361 Chairman Goodlatte. The gentleman is recognized for 5
1362 minutes.

1363 Mr. Poe. Mr. Chairman, the legislation that we have
1364 proposed today applies to everybody and I think setting an
1365 arbitrary number, based upon I do not know what evidence,
1366 but just picking a number out of the sky and applying it to
1367 just certain businesses is inappropriate. It ought to apply
1368 to all situations, any business.

1369 I do want to mention that the legislation does do
1370 something to promote more access to the ADA by setting up a
1371 mediation process to see if mediation is a good way to
1372 resolve some of these disputes. That is the last section of
1373 the legislation, to allow people to have mediation to
1374 resolve disputes as to whether or not a business is in
1375 compliance or not in compliance, and let the two sides get
1376 together long before there is ever a lawsuit filed.

1377 It does not require mediation; it just requires a
1378 process to study mediation as an answer, getting all parties
1379 involved in that. So, I do want to point that out in the
1380 legislation, that it does move that communication between
1381 the two sides down the road.

1382 I thank the gentleman for his amendment, but I do think
1383 it ought to apply to everybody. And I yield back.

1384 Chairman Goodlatte. For what purpose does the
1385 gentleman from Georgia seek recognition?

1386 Mr. Johnson of Georgia. I move to strike the last
1387 word.

1388 Chairman Goodlatte. The gentleman is recognized for 5
1389 minutes.

1390 Mr. Johnson of Georgia. I rise in support of the very
1391 reasonable Cicilline amendment which would in some ways help
1392 small business people, very small business people, to be
1393 able to bring their properties into compliance with the ADA,

1394 while offering no protection to the real winners under this
1395 legislation, which are the large businesses that pay the
1396 large law firm lawyers \$500 an hour to defend their cases.

1397 And this legislation will give those defense lawyers,
1398 those high-priced defense lawyers, a lot more ammunition to
1399 be able to defeat a just plaintiff's claim for technical
1400 reasons by not fully complying with the notice and cure
1401 provisions in terms of the specificity required in terms of
1402 identifying the alleged defect.

1403 And so, this opens up a lot of opportunity for these
1404 high-powered defense lawyers to protect their high-powered,
1405 very successful large businesses to evade compliance with
1406 the provisions of the ADA.

1407 Something that I am very worried about also is that
1408 this Congress has basically on the Senate side done a lot to
1409 put free-market-thinking judges on the Federal bench, people
1410 who are more attuned to corporate needs than the needs of
1411 people.

1412 And so, what section 5 of this bill would do would be
1413 to set up a model program to bring alternative dispute
1414 resolution processes into the ADA compliance mechanism. It
1415 would require the judicial conference -- the judges -- to
1416 put together a model program. And this section 5 talks
1417 about mediation a couple of times, but really, what they
1418 intend for the judicial conference to come up with is a

1419 vehicle to force plaintiffs, ADA plaintiffs, into
1420 arbitration. That is what they really want to do. And so,
1421 this section 5 is a precursor; it is kind of like driving in
1422 a Trojan horse into the process, requiring the judges to
1423 come up with something with some alternative dispute
1424 mechanism, resolution mechanism.

1425 And we talk about mediation, but you and I know, and
1426 the American people know, that arbitration is what they are
1427 trying to get into this mix here. And while they are doing
1428 that, they are also curtailing the ability to conduct
1429 discovery by plaintiffs. And they really want to curtail
1430 discovery; they want to create more delay for plaintiffs,
1431 which adds to plaintiffs' expenses.

1432 Disabled people do not have \$500 an hour to be paying
1433 an attorney and attorneys do not make that kind of money
1434 representing aggrieved plaintiffs. But they will be put to
1435 more expense in terms of representing these aggrieved
1436 plaintiffs due to section 5 of this legislation.

1437 And also, should the legislation pass, the technical
1438 requirements of the notice that has to be given to property
1439 owners that provides these defense lawyers with grounds to
1440 be able to defeat a plaintiff's claims in the ends.

1441 So, it all boils down to protecting the rich and
1442 powerful at the expense of the little guy. That is what the
1443 people of this country are so angry about, because they are

1444 not getting a good deal, and we need a better deal to help
1445 people across the board, the little people of this country.
1446 And with that, I yield back.

1447 Mr. Collins. Mr. Chairman?

1448 Chairman Goodlatte. For what purpose does the
1449 gentleman from Georgia seek recognition?

1450 Mr. Collins. I move to strike the last word.

1451 Chairman Goodlatte. The gentleman is recognized for 5
1452 minutes.

1453 Mr. Collins. You know, Mr. Chairman, we have been
1454 through this a lot, and Mr. Cohen especially. We have
1455 talked about it, and there are a lot of things here that
1456 need to be addressed. And it is just amazing to me,
1457 especially over the last little bit and especially in the
1458 last few minutes, looking at this issue of substantial
1459 progress, getting stuff done, at the end of the day, this is
1460 about fixing a problem, if one exists, with a business and
1461 making sure that that business fixes the problem.

1462 It is not about lawsuits. It seems to be that is what
1463 this is becoming, is about "can we file a lawsuit? Can we
1464 get into discovery?" You either have an ADA issue, you do
1465 not have an ADA issue. I am not sure why you are going on a
1466 fishing trip on a discovery issue here. You have either got
1467 a problem or you do not have a problem. It is pretty set
1468 forth in this.

1469 I think the interesting thing here is, even for my
1470 friend from Georgia -- and we can disagree on this, about
1471 the usefulness and not -- but I mean, even just a few
1472 moments ago, he made the statement that many times, if they
1473 get a letter, they will either pay the letter or they will
1474 sell the business; they will never fix the problem.

1475 So in the end of the day, there is a clear choice
1476 becoming here. As you continue to protect the legal system,
1477 you can protect the plaintiff wanting to sue and do that, or
1478 fix the problem.

1479 Now, when it comes to little people and big people, and
1480 big business and small business, and those who are hurting
1481 and those who are not hurting, at the end of the day, as I
1482 have said from this platform before, this is very -- this is
1483 not about a plaintiff to me. This is about my daughter.
1484 And when you understand what folks go through, and my
1485 daughter, who has been in a wheelchair all her life, and we
1486 deal with these issues all the time. I said this last time
1487 that we were going through this event.

1488 Also, if you have bad business actors, and they will
1489 not fit a profile or they will not fix things, then the best
1490 thing for them to do is go out of business. If they do not
1491 want to serve a part of their community, that is going to
1492 get around. It is going to be understood. There needs to
1493 be access and ADA has been a wonderful tool to do that. But

1494 it is not a wonderful tool to abuse. It is not a wonderful
1495 tool for what reports I have heard -- I know Mr. Poe has
1496 heard -- where you drive around, you take a picture of a
1497 shopping center, and you send a demand letter to a business.
1498 My daughter and every disabled person is not a business
1499 model.

1500 I am tired of us going to this process and claiming
1501 some great court solution when we are just simply saying,
1502 "Let's get it fixed." I do not disagree with my friend from
1503 Memphis, Mr. Cohen. There needs to be some hammer in there.
1504 I am not sure how we get there. We have struggled with
1505 that, and he and I honestly have struggled with that. But
1506 let's do not get into this "we are protecting rights
1507 remediation."

1508 At the end of the day, I do not care if it is
1509 mediation, somebody sending a letter, or somebody picketing
1510 out front of a business that is not ADA-compliant. Get it
1511 fixed. And if you do not want to get it fixed, sell the
1512 business; let somebody else get it fixed. But let's do not
1513 bring in the wealthy defense attorneys or the wealthy
1514 plaintiff attorneys. Let's get back to who this is about:
1515 the ADA, the helping those with disabilities, helping those
1516 access a business. Let's quit where we are headed here.

1517 We can parse this all we want, but at the end of the
1518 day, it is not about who wins a lawsuit, who loses a

1519 lawsuit. It is about "can we have access for those who need
1520 the access?" So, you can describe it any way you want to.
1521 You can say that we need more plaintiffs to be able to do
1522 this, we do not want to protect the wealthy defense and big
1523 business.

1524 By the way, most big businesses, if they are
1525 successful, get there because they actually cater to the
1526 communities. They are not going to turn away business. And
1527 the disabled community is a wonderful, vibrant community
1528 that buys things, purchases things, goes to see things, and
1529 is participating in their community. Why would a big
1530 wealthy business say, "Oh, I am not going to help those who
1531 are disabled?" That is crazy.

1532 I just sat here all I could sit here. This bill has
1533 always showed; I appreciate Mr. Poe for bringing it. I
1534 understand the concerns of those business owners who do not
1535 do it, and those people who have a business who will not
1536 allow accessibility to those with disabilities, they need to
1537 have a job that goes out. But to simply come into here and
1538 make the arguments for the lawyers in the room on both sides
1539 is very frustrating.

1540 It is about fixing it. Fix a ramp, fix a door, fix the
1541 access, fix the bathrooms. Does not matter at the end of
1542 the day. But we can parse this to death. We can find
1543 liquidate damage. We can protect here, protect small

1544 business. It ought to apply to everybody. And at the end
1545 of the day, frivolous lawsuits, yes, I agree, there are
1546 supposedly penalties and stuff. Most of these are never
1547 getting to trial. They are just being put out there for
1548 somebody to pay or go forward, and it is the cost of doing
1549 business.

1550 Again, I just say to every person who is disabled,
1551 every person who has to deal with this, and especially in my
1552 family, my business there is access and opportunity for
1553 everyone of disability. And my daughter and anybody else
1554 who has disabilities that need the ADA's protection is not a
1555 business model. And with that, I yield back.

1556 Chairman Goodlatte. The chair thanks the gentleman.
1557 The question occurs on the amendment offered by the
1558 gentleman from Rhode Island. For what purpose does the
1559 gentlewoman from California seek recognition?

1560 Ms. Bass. Mr. Chair, I would like to strike the last
1561 word.

1562 Chairman Goodlatte. The gentlewoman is recognized for
1563 5 minutes.

1564 Ms. Bass. I would like to yield to my colleague, Mr.
1565 Hank Johnson.

1566 Mr. Johnson of Georgia. I thank the gentlelady. Gosh,
1567 I appreciate the passion that this hearing has evoked, but
1568 all I can think about are the cries, the silent cries, of

1569 the disabled who, not knowing that they have a right to
1570 equal access to public accommodations, ride by someplace;
1571 they drive by and they look out of the windshield and they
1572 see that there is no ADA compliance.

1573 As they drive, they see that "I will never be able to
1574 get to that shop because there is no ramp." They will see
1575 defects that we cannot see. Well, we can see them, but we
1576 are just not sensitive to what they see and what they need.
1577 And because we are not sensitive, we just ride by and we do
1578 not see it, but they see it. It denies them access and they
1579 have to suck it up and just move on.

1580 Mr. Collins. Will the gentleman yield?

1581 Mr. Johnson of Georgia. Not as of yet. They have to
1582 suck it up and move on. So many have to cry tears silently
1583 because they are being treated unequally and no one ever
1584 knows because they never go to an attorney to seek help.
1585 And so, it is the passion of those people whose voices
1586 resonate in my ear today with this debate. And with that, I
1587 will yield back to the gentlelady who controls the time.

1588 Mr. Cicilline. Will the gentlelady yield?

1589 Ms. Bass. Yes, I yield to Representative Cicilline.

1590 Mr. Cicilline. I thank the gentlelady for yielding. I
1591 just think it is really important to recall the history of
1592 the experiences of the disability community. We have a
1593 system of civil justice in this country that works on the

1594 premise that once we establish a principle, that you cannot
1595 discriminate based on race or gender or disability, that it
1596 does not automatically change the conduct and behavior of
1597 the entire country overnight. And that we have a system of
1598 laws that provide for enforcement to compel some people who
1599 otherwise will not comply with the law. That is the way our
1600 system works.

1601 It would be wonderful if we simply passed the ADA and
1602 every single business and every single entity covered by it
1603 voluntarily complied. In fact, it would be better if
1604 everyone recognized the moral imperative of doing that
1605 before we passed the ADA. That is not the way the world
1606 works. There are some businesses that quickly did it; there
1607 were some businesses that did before the ADA became law.

1608 But the reality is we have to have a system, a
1609 structure, in place to compel compliance, to make it costly
1610 not to comply with what we have established as an absolute
1611 right to be free from discrimination based on your
1612 disability in this country. We should be proud of that. We
1613 should demand compliance with it and we should make sure
1614 that this system provides for penalties, effective
1615 enforcement, so that we vindicate the principle we have
1616 established under the ADA.

1617 And so, the notion of just wanting everyone to fix it,
1618 of course, we do. The question is, how do we do that

1619 effectively? We pass laws and then we pass provisions that
1620 make sure those laws are effectively implemented. We can
1621 disagree about kind of which way, you know, what those
1622 implementation structures should be like, but the notion
1623 that we do not have to have a legal process and a system in
1624 place to compel compliance when we know there are businesses
1625 all across America that, despite the ADA being enacted 27
1626 years ago, still are not in compliance. That is a fact.

1627 And so, I would just urge my colleagues to recognize
1628 that this amendment is intended to at least respond to the
1629 concern that has been raised about small business, and not
1630 to give this huge what I consider a loophole now to the ADA
1631 that the bill provides, to at least limits the damage it
1632 will impose to very small businesses. And with that, I
1633 thank the gentlelady for yielding and yield back.

1634 Chairman Goodlatte. For what purpose does the
1635 gentleman from Texas seek recognition?

1636 Mr. Ratcliffe. I move to strike the last word.

1637 Chairman Goodlatte. The gentleman is recognized for 5
1638 minutes.

1639 Mr. Ratcliffe. I yield to the gentleman from Georgia,
1640 Mr. Collins.

1641 Mr. Collins. I thank the gentleman from Texas. Look,
1642 understand something. Again, I think the last just few
1643 minutes just went back to proving what I have been saying.

1644 We did not go back to the understanding of "fix it." Nobody
1645 is attacking the ADA. No one is taking away the ADA. No
1646 one is saying the ADA does not exist. No one is saying
1647 there are not enforcement mechanisms there. No one in this
1648 place is.

1649 We are simply dealing with an issue in which people are
1650 abusing the system that was put in place. I mean, effective
1651 implementation is what we are asking for. I agree with the
1652 gentleman from Rhode Island. But it is effective
1653 implementation; it is not drive-by lawsuits. It is not
1654 drive-by, you know, making something happen to people.

1655 The other issue here, and this one is -- I do not quite
1656 get this one and I understand -- the silent voice. The
1657 disabled community is one of the most effective advocates
1658 and have become over the years through the ADA and other
1659 processes of advocating for what they need. And believe me,
1660 from my community and my daughter and her friends and all,
1661 if they see a place that is not compliant, they are going to
1662 say something about it.

1663 I am just going to say I do not think this was the
1664 gentleman's intention, but to imply that the disabled are
1665 just going to cower in the corner because they are disabled,
1666 disabilities would not let them go to a business, and sit
1667 silently in pity and remorse that they cannot go
1668 participate? They do not know the disabled community. The

1669 disabled community will bypass you and hope your business
1670 goes out of business, and they will go to somebody who does.
1671 It is not the silent voice here. This is the effective
1672 implementation.

1673 Again, we have sidetracked on trying to fix a problem
1674 into discussion of legal tactics. That is the problem that
1675 I have with this. And Mr. Chairman and the gentleman, I
1676 yield back to the gentleman.

1677 Mr. Ratcliffe. I yield back.

1678 Chairman Goodlatte. The question occurs on the
1679 amendment offered by the gentleman from Rhode Island.

1680 All those in favor, respond by saying aye.

1681 Those opposed, no.

1682 In the opinion of the chair, the noes have it.

1683 The amendment is not agreed to.

1684 Mr. Cicilline. Mr. Chairman, I ask for a recorded
1685 vote.

1686 Chairman Goodlatte. A recorded vote is requested and
1687 the clerk will call the roll.

1688 Ms. Adcock. Mr. Goodlatte?

1689 Chairman Goodlatte. No.

1690 Ms. Adcock. Mr. Goodlatte votes no.

1691 Mr. Sensenbrenner?

1692 [No response.]

1693 Mr. Smith?

1694 [No response.]
1695 Mr. Chabot?
1696 Mr. Chabot. No.
1697 Ms. Adcock. Mr. Chabot votes no.
1698 Mr. Issa?
1699 [No response.]
1700 Mr. King?
1701 Mr. King. No.
1702 Ms. Adcock. Mr. King votes no.
1703 Mr. Franks?
1704 [No response.]
1705 Mr. Gohmert?
1706 Mr. Gohmert. No.
1707 Ms. Adcock. Mr. Gohmert votes no.
1708 Mr. Jordan?
1709 [No response.]
1710 Mr. Poe?
1711 Mr. Poe. No.
1712 Ms. Adcock. Mr. Poe votes no.
1713 Mr. Marino?
1714 Mr. Marino. No.
1715 Ms. Adcock. Mr. Marino votes no.
1716 Mr. Gowdy?
1717 Mr. Gowdy. No.
1718 Ms. Adcock. Mr. Gowdy votes no.

1719 Mr. Labrador?
1720 Mr. Labrador. No.
1721 Ms. Adcock. Mr. Labrador votes no.
1722 Mr. Farenthold?
1723 [No response.]
1724 Mr. Collins?
1725 Mr. Collins. No.
1726 Ms. Adcock. Mr. Collins votes no.
1727 Mr. DeSantis?
1728 [No response.]
1729 Mr. Buck?
1730 Mr. Buck. No.
1731 Ms. Adcock. Mr. Buck votes no.
1732 Mr. Ratcliffe?
1733 Mr. Ratcliffe. No.
1734 Ms. Adcock. Mr. Ratcliffe votes no.
1735 Mrs. Roby?
1736 [No response.]
1737 Mr. Gaetz?
1738 Mr. Gaetz. No.
1739 Ms. Adcock. Mr. Gaetz votes no.
1740 Mr. Johnson of Louisiana?
1741 [No response.]
1742 Mr. Biggs?
1743 [No response.]

1744 Mr. Rutherford?
1745 Mr. Rutherford. No.
1746 Ms. Adcock. Mr. Rutherford votes no.
1747 Mrs. Handel?
1748 Mrs. Handel. No.
1749 Ms. Adcock. Mrs. Handel votes no.
1750 Mr. Conyers?
1751 Mr. Conyers. Aye.
1752 Ms. Adcock. Mr. Conyers votes aye.
1753 Mr. Nadler?
1754 [No response.]
1755 Ms. Lofgren?
1756 [No response.]
1757 Ms. Jackson Lee?
1758 [No response.]
1759 Mr. Cohen?
1760 [No response.]
1761 Mr. Johnson of Georgia?
1762 Mr. Johnson of Georgia. Aye.
1763 Ms. Adcock. Mr. Johnson votes aye.
1764 Mr. Deutch?
1765 [No response.]
1766 Mr. Gutierrez?
1767 [No response.]
1768 Ms. Bass?

1769 Ms. Bass. Aye.

1770 Ms. Adcock. Ms. Bass votes aye.

1771 Mr. Richmond?

1772 [No response.]

1773 Mr. Jeffries?

1774 [No response.]

1775 Mr. Cicilline?

1776 Mr. Cicilline. Aye.

1777 Ms. Adcock. Mr. Cicilline votes aye.

1778 Mr. Swalwell?

1779 Mr. Swalwell. Aye.

1780 Ms. Adcock. Mr. Swalwell votes aye.

1781 Mr. Lieu?

1782 [No response.]

1783 Mr. Raskin?

1784 Mr. Raskin. Aye.

1785 Ms. Adcock. Mr. Raskin votes aye.

1786 Ms. Jayapal?

1787 Ms. Jayapal. Aye.

1788 Ms. Adcock. Ms. Jayapal votes aye.

1789 Mr. Schneider?

1790 Mr. Schneider. Aye.

1791 Ms. Adcock. Mr. Schneider votes aye.

1792 Chairman Goodlatte. The gentleman from Ohio?

1793 Mr. Jordan. No.

1794 Ms. Adcock. Mr. Jordan votes no.

1795 Chairman Goodlatte. The gentleman from Arizona?

1796 Mr. Biggs. No.

1797 Ms. Adcock. Mr. Biggs votes no.

1798 Chairman Goodlatte. The gentleman from Texas.

1799 Mr. Farenthold. No.

1800 Ms. Adcock. Mr. Farenthold votes no.

1801 Chairman Goodlatte. Has every member voted who wishes

1802 to vote?

1803 Mr. Franks. How am I recorded?

1804 Ms. Adcock. Not recorded.

1805 Mr. Franks. No.

1806 Ms. Adcock. Mr. Franks votes no.

1807 Chairman Goodlatte. The clerk will report. The clerk

1808 will suspend. The gentleman from Louisiana?

1809 Mr. Johnson of Louisiana. No.

1810 Ms. Adcock. Mr. Johnson votes no.

1811 Chairman Goodlatte. The clerk will report.

1812 Ms. Adcock. Mr. Chairman, 8 members voted aye; 19

1813 members voted no.

1814 Chairman Goodlatte. And the amendment is not agreed

1815 to. The committee will stand in recess for lunch until

1816 1:15.

1817 [Recess.]

1818 Chairman Goodlatte. The committee will reconvene.

1819 When the committee recessed for votes, we were considering
1820 amendments to H.R. 620. Are there further amendments to
1821 H.R. 620?

1822 Mr. Swalwell. Mr. Chairman, I have an amendment at the
1823 desk.

1824 Chairman Goodlatte. The clerk will report the
1825 amendment.

1826 Mr. Swalwell. And I ask unanimous consent to dispense
1827 with the reading.

1828 Chairman Goodlatte. Without objection, the amendment's
1829 reading will be dispensed with. And the clerk will
1830 distribute the amendment.

1831 Mr. Swalwell. Thank you, Mr. Chairman. In my
1832 amendment --

1833 Chairman Goodlatte. Well, we wait until we get this
1834 out and then we will -- all right. The gentleman from
1835 California is recognized for 5 minutes on his amendment.

1836 Mr. Swalwell. Thank you, Mr. Chairman. Appreciate you
1837 holding this hearing and I appreciate both sides and
1838 perspectives, including Mr. Collins. And he and I, I think,
1839 both want to be problem solvers in this area.

1840 My amendment would provide a better way of dealing with
1841 certain problematic ADA lawsuits than H.R. 620. Before I
1842 discuss my amendment though, Mr. Chairman, I do want to say
1843 I, with my colleagues, strongly object to the President's

1844 cruel decision to terminate the Deferred Action for
1845 Childhood Arrivals. I believe this is the committee where
1846 we could most effectively address that immediately and
1847 provide a pathway for these people who are part of us and a
1848 part of our country.

1849 Taking them out of our country is like taking a color
1850 out of our flag, and I believe we must do all we can to keep
1851 them here. The Judiciary Committee has the jurisdiction on
1852 immigration, and again, I hope that is taken up soon, Mr.
1853 Chairman.

1854 But with respect to H.R. 620, it alters a critical
1855 civil rights law, the Americans with Disabilities Act,
1856 enacted over 25 years ago; the ADA has fundamentally changed
1857 for the better our Nation. It has helped bring down
1858 barriers which previously have kept the disabled locked out
1859 of our society. Any modifications made to it should be done
1860 with great care.

1861 However like any law, bad actors have decided to abuse
1862 the principles of the ADA. Some businesses, I understand,
1863 as a former city council member and now in this position,
1864 have been targeted by nefarious actors who have sued
1865 hundreds of businesses for what they consider minor
1866 violations in order to extract legal settlements or
1867 otherwise get monetary awards.

1868 For example, one Californian was sanctioned by a

1869 Federal district court for, among other findings, it found
1870 that it was not credible that he had actually experienced,
1871 essentially, the same injury at 13 separate places as he
1872 alleged in 13 separate lawsuits he filed over a 5-day
1873 period. I understand the desire to dissuade people from
1874 filing civil actions like this one.

1875 Unfortunately, the so-called notice and cure aspect is
1876 overbroad. It targets not just the allegedly abusive cases
1877 but would force all disabled Americans to wait 6 months,
1878 perhaps even longer for access to public accommodations. It
1879 flips the ADA on its head. Putting the burden on the
1880 disabled to make businesses accessible and as opposed to the
1881 burden being on the businesses themselves.

1882 It is also important to note that locations in which
1883 these allegedly improper lawsuits are being filed are in
1884 States which through State law allow monetary damages for
1885 violations of the Federal ADA. The Federal ADA does not
1886 provide for monetary damages. And so even if H.R. 620 were
1887 enacted, this financial incentive would not change.

1888 My amendment is an attempt, Mr. Chairman, at a
1889 compromise. It seeks to target the small number of bad
1890 actors while preserving the heart of the ADA and not making
1891 it more difficult for the vast majority of ADA claims. My
1892 amendment strikes the notice and cure provision and provides
1893 an alternative way to dismiss problematic ADA claims.

1894 A plaintiff's attorney who has filed 5 or more
1895 architectural barrier cases in the prior 30 days would have
1896 to so state on their complaints so defendants would be on
1897 notice of frequent lawsuits. In such cases defendants will
1898 have a unique way to ask courts to dismiss the case.

1899 If the plaintiff or the attorney filing is a nuisance
1900 or making duplicative claims or there is no evidence of an
1901 expectation of prevailing in the case and the defendant had
1902 no notice that they were in violation of ADA.

1903 We did attempt to negotiate a compromise to solve the
1904 concerns of the proponents of H.R. 620. Unfortunately, we
1905 were not able to reach a resolution prior to today but I
1906 still have hope, Mr. Chairman, that just as Mr. Collins is
1907 interested in being a problem solver on this, that other
1908 colleagues would seek to work with me on this as well.

1909 I hope today members will take a fresh look and that we
1910 can find common ground. I doubt that for every problem
1911 there is only one solution. I believe we have a legitimate,
1912 reasonable approach that would help businesses without
1913 negatively affecting the ADA. I ask all members to support
1914 my amendment and I yield back the balance of my time.

1915 Chairman Goodlatte. For what purposes does the
1916 gentleman from Texas seek recognition?

1917 Mr. Poe. I move to strike the last word.

1918 Chairman Goodlatte. Gentleman recognized for 5

1919 minutes.

1920 Mr. Poe. Mr. Chairman, I want to make some comments
1921 about the gentleman's amendment. First of all, we have
1922 worked with numerous groups on this legislation. The
1923 gentleman recalls 2 years ago this bill passed out of
1924 committee and never got any further than that. And since
1925 that time we have talked to people on both sides about the
1926 legislation. So it is really not a situation where we have
1927 not tried to figure out the best way forward.

1928 The goal of the legislation is to fix problems. The
1929 goal of the legislation is not to punish bad lawyers. That
1930 is already happening. Lawyers that have abused the law have
1931 been sanctioned in some States. In some States they have
1932 disbarred lawyers from practicing law because of the abuse
1933 that they have had under this law, the ADA law. But the
1934 goal is not to go after lawyers.

1935 The goal is to solve the problem. Get these problems
1936 fixed small or big, in between. Make businesses accessible
1937 to all peoples. And the gentleman's -- I know the amendment
1938 is well thought out but it just puts it back in the court's
1939 hands.

1940 We do not want people in court. We want people to
1941 solve this issue without getting to court and put businesses
1942 on notice. I am willing to work on the notice and cure. I
1943 still think maybe there is some room for that in the

1944 legislation. But people need to be on notice what they are
1945 doing wrong so they can fix it and they need time to fix it
1946 so it is accessible to people who cannot get in the front
1947 door.

1948 So I would oppose this legislation. Lawyers are, some
1949 are getting punished by sanctions, and some are getting
1950 punished by disbarment. And I am glad they are. But let's
1951 not punish lawyers. That is not the goal here. Let the
1952 courts do that. Let's fix the problems and I will yield
1953 back my time.

1954 Mr. Swalwell. Actually, would the gentleman yield
1955 briefly?

1956 Mr. Poe. Yes, I will.

1957 Mr. Swalwell. Thank you, and I appreciate your
1958 willingness to work on the notice and cure and I will follow
1959 up with you on that if this is reported out. Thank you and
1960 I yield back to the gentlemen.

1961 Mr. Poe. And I yield to the chairman.

1962 Chairman Goodlatte. Why does the gentleman from
1963 Georgia seek recognition?

1964 Mr. Johnson of Georgia. I move to strike the last
1965 word.

1966 Chairman Goodlatte. Gentlemen is recognized for 5
1967 minutes.

1968 Mr. Johnson of Georgia. I rise in opposition to this

1969 legislation. I am puzzled. Well I am undecided on the
1970 amendment. But I will say that what is the problem that we
1971 are seeking to address with this legislation? Is it to
1972 force ADA compliance or is it to protect corporate culprit's
1973 from liability by those who would assert that they have been
1974 denied access to public accommodations because of their
1975 disability? That is the real question.

1976 And another big question that I want to ask that has
1977 not been answered so far today is why after almost one-third
1978 of a century that the ADA has been the rule of law in this
1979 country, why is there such profound nonconformance to the
1980 provisions of ADA that would compel my colleagues on the
1981 other side of the aisle to be so insistent on passing
1982 legislation that would clip the wings of those who seek to
1983 use the law to compel compliance? We have not had any
1984 answers to that basic fundamental question.

1985 And so I will note that our dear President came to
1986 power attacking President Obama for being a Muslim from
1987 Africa. He then went on a tirade against the Latino's being
1988 rapists and drug dealers. He has gone after the Muslims.
1989 He went after women in his history with those Access tapes.
1990 And he went after a disabled reporter during the campaign.
1991 Mocked them.

1992 And so now here we have this legislation which is
1993 seeking to keep our disabled brothers and sisters from being

1994 able to enjoy public accommodations just like everyone else.

1995 You know, it is said that if you want to understand how
1996 someone else feels then maybe put on their shoes, walk in
1997 their shoes. Well I would say to maybe put a blindfold on
1998 and walk in that way, or maybe take a seat in a wheelchair
1999 and try to ambulate, and try to enjoy what other citizens
2000 enjoy. And when we do that we might catch a glimpse of how
2001 life is like by someone driving by.

2002 We have had a lot of talk about drive-by this, drive-by
2003 lawsuits, but what about a person who is disabled who is
2004 driving by looking out of the windshield of their vehicle
2005 trying to hunt down an access ramp at a shopping center and
2006 there is none? What about railings for those who are
2007 disabled who need railings and they see from the windshield
2008 of their car that there is inaccessibility, the conditions.

2009 And so it is been said during this hearing earlier
2010 that, well the disability lobby is very powerful and so no
2011 disabled person would just cry to themselves and move on.
2012 There would be some kind of complaint about it and the
2013 property owner would do the right thing. Well, they have
2014 not done the right thing in 30 years and they are not going
2015 to do the right thing now.

2016 You know it saddens me to know that there are people
2017 who still to this day cannot -- do not have access to the
2018 facilities that we have access to. And it pains me to know

2019 that we are taking steps to try to cut their ability to gain
2020 access when the only way you can do that is to get into
2021 somebody's pocket, get into a corporate wrongdoers pocket by
2022 taking them to court.

2023 And what is so tragic about it is a lot of them just do
2024 not even worry -- they just pay the nuisance value of the
2025 suit and the condition remains. And so then they are
2026 subject to being hounded by lawyers with drive-by clients
2027 representing real people who are handicapped and trying to
2028 get relief not just for themselves but for others. And we
2029 want to clip the wings of the lawyers; we are blaming the
2030 lawyers for bringing lawsuits. This is not a good deal for
2031 the American people.

2032 This is a bad deal. And we have had bad dealing in
2033 government and it has affected the people of this country to
2034 the point where people are now distrustful of their
2035 government.

2036 Why? Because government does not work for them it
2037 works for the rich and the powerful, but it does not work
2038 for them. This is another one of those pieces of
2039 legislation that will do just that. I cannot support it.

2040 I cannot, in good conscience, allow my voice to not be
2041 heard when it comes to standing up for the rights of the
2042 disabled people in this country who need a voice. I will
2043 not get any corporate contributions for taking the stand,

2044 but I will feel good tonight going to bed knowing that I
2045 stood up for the little guy against the big guy. And with
2046 that, I yield back.

2047 Chairman Goodlatte. What purposes does the gentlewoman
2048 from Alabama seek recognition?

2049 Mrs. Roby. Move to strike the last word.

2050 Chairman Goodlatte. The gentlewoman is recognized for
2051 5 minutes.

2052 Mrs. Roby. Mr. Chairman, I want to speak briefly to
2053 why I am a cosponsor and support the underlying bill H.R.
2054 620, the ADA Education Reform Act. First, I want to thank
2055 you, Mr. Chairman, and Representative Poe for bringing this
2056 very important bill before our committee today.

2057 Small business owners are the backbone and the
2058 lifeblood of our economy especially in rural areas like my
2059 district in central and southeast Alabama. And it is the
2060 customers and clients of these businesses that make them
2061 thrive. It is essential for companies to maintain safe in
2062 ADA compliant places of business and be properly corrected
2063 when they are not. This bill finds that correct balance in
2064 the compliance process with ADA regulations and with actual
2065 harm to individuals.

2066 I want to tell the story of someone I met from
2067 Tallahassee, Alabama, who is a local grocery store owner.
2068 He was served with one of these demand letters due to a bar

2069 in one bathroom being off by one inch. He was so fearful of
2070 a lawsuit and losing his business due to expensive
2071 litigation that he agreed to settle and write a check for
2072 thousands of dollars. That was only one story, but I could
2073 keep going as this type of action has taken place throughout
2074 my district and across Alabama, from an auto parts store in
2075 Greenville to a locally-owned hotel in Tuscaloosa County.

2076 Under this bill, once a business is served a notice of
2077 an ADA violation the business must perform corrective action
2078 in a certain timeframe. If this action is not performed and
2079 the violation is not corrected, legal action can still be
2080 taken. Instead of coercing small businesses into settlement
2081 checks, pointing out and having a timeline to fix a problem
2082 takes these types of issues out of court and corrected in a
2083 more expedited fashion. We need commonsense solutions in
2084 practice, and this bill does exactly that. Thank you, Mr.
2085 Chairman. I yield back.

2086 Chairman Goodlatte. A question occurs on the amendment
2087 offered by the gentlewoman from California.

2088 All those in favor, respond by saying aye.

2089 Those opposed no.

2090 The noes have it. The amendment is not agreed to. Are
2091 there further amendments to H.R. 620?

2092 Mr. Raskin. Mr. Chairman.

2093 Chairman Goodlatte. For what purpose does the

2094 gentleman from Maryland seeks recognition?

2095 Mr. Raskin. I have an amendment at the desk.

2096 Chairman Goodlatte. The clerk will report the
2097 amendment. We do not have the amendment.

2098 Mr. Raskin. Let's see. I thought it was here.

2099 Ms. Adcock. An amendment to H.R. 620, offered by Mr.
2100 Raskin. Page 4 --

2101 [The amendment of Mr. Raskin follows:]

2102 ***** COMMITTEE INSERT *****

2103 Chairman Goodlatte. Without objection, the amendment
2104 is considered as read, and the gentleman is recognized for 5
2105 minutes on his amendment.

2106 Mr. Raskin. Thank you kindly, Mr. Chairman. I was
2107 happy to hear Congressman Poe refocus the committee's
2108 attention on fixing the problem and not diverting the
2109 attention of the committee to questions of lawyers and
2110 litigation.

2111 And I was similarly moved by Congressman Collins'
2112 statements earlier today about how his focus is on fixing
2113 the problem. Like him, I have disabled people in my family,
2114 and all of us want to make sure that the Americans With
2115 Disabilities Act, which was a tremendous legislative
2116 breakthrough for disabled people in America is actually
2117 concretized on the ground. So, that disabled Americans have
2118 full and complete access to all of the establishments;
2119 restaurants, hotels, motels, department stores, office
2120 buildings that everybody else has access to. So, I think we
2121 are all agreed. I agree with my colleague from Alabama. We
2122 all favor and want to support small business, and we all
2123 favor and want to support disabled Americans.

2124 And I have got an amendment which I think should pass
2125 and it should meet with everybody's support. It does deal
2126 with the notice and cure period, and if you will follow
2127 along with me on page three under the notice and cure period

2128 section, you will see why I am offering this amendment. If
2129 you look at line 10 it begins that "a civil action under the
2130 ADA may not be commenced by a person aggrieved by such
2131 failure unless that person has provided to the owner or
2132 operator of the accommodation a written notice specific
2133 enough to allow such owner or operator to identify the
2134 barrier." That is what I think Mr. Collins was referring to
2135 before when he said if the bathroom is not accessible, or
2136 the elevator is not working, that that would put the owner
2137 or the operator of the establishment on notice.

2138 But then if you turn the page to Page 4, a whole new
2139 section was added, C, specification of details of alleged
2140 violation. And here it says, "the written notice required
2141 under subparagraph B must also specify in detail the
2142 circumstances under which an individual was actually denied
2143 access to a public accommodation," which is fine, including
2144 the address of the property, which is fine. But then, it
2145 adds "the specific sections of the Americans With
2146 Disabilities Act alleged to have been violated, whether a
2147 request for assistance in removing an architectural barrier
2148 to access was made, and whether the barrier to access was a
2149 permanent or temporary or barrier."

2150 Now, my amendment would simplify it by simply saying
2151 "the written notice required under subparagraph B must
2152 include the address of the property and a description of the

2153 barrier or circumstances under which a person was denied
2154 access to a public accommodation." For example, there was
2155 no bathroom that was accessible. There was no elevator we
2156 could use. There was no ramp. But by adding this laundry
2157 list of other things what we do is precisely incentivize
2158 people to go to lawyers. It requires that lawyers get
2159 involved. How many ordinary citizens who are not lawyers
2160 are going to be able to identify the specific sections of
2161 the Americans With Disabilities Act that are alleged to have
2162 been violated?

2163 So, in other words, in order to simply write a note
2164 saying, "you do not have an accessible bathroom in your
2165 restaurant, your office has no way for me to get to the
2166 third floor," I have got to go out and find a lawyer. It
2167 creates precisely the incentive which I thought was the
2168 whole purpose of the bill to remove. Similarly, whether a
2169 request for assistance in removing an architectural barrier
2170 to access was made: that, I thought, was the whole purpose
2171 of this process, is to notify them, but now this invites a
2172 swearing contest, he said, she said. They either asked
2173 before or they did not ask before or it was not sufficient
2174 or they talked to the person at the counter, but they did
2175 not go to the manager. They went to the deputy manager. I
2176 mean, it just does not make any sense to put that in, and
2177 whether the barrier to access was a permanent or temporary

2178 barrier: if that is too complicated for the business to
2179 figure out, how is the ordinary person who is trying to
2180 enjoy the benefits of the Americans with Disabilities Act
2181 supposed to do that?

2182 So, again, I do not think that this departs in any way
2183 from the spirit or the purpose of what you are trying to do
2184 with this legislation. But I think we need to get rid of
2185 all of the extra baggage in this section which invites and
2186 demands and requires lawyers to be involved. So, I would
2187 simply say it should be enough to be able to identify the
2188 establishment, address what the problem is that the person
2189 suffered. And that should be enough to put them on notice
2190 so you can, as you said, Mr. Poe, fix the problem, get to
2191 the problem, as opposed to begin a kind of pre-litigation
2192 process with all of these other factors. With that, Mr.
2193 Chairman, I will yield.

2194 Chairman Goodlatte. The chair thanks the gentleman.
2195 For what purpose gentleman from Texas to seek recognition?

2196 Mr. Poe. I move to strike the last word. I assume I
2197 am recognized. Professor, I appreciate your amendment. You
2198 are right about the whole purpose is to keep the lawyers out
2199 of this, and we want a citizen that believes that they have
2200 been denied access to a business to be able to put the
2201 business on notice in the easiest way, whether that is
2202 writing a handwritten note, sending it in the mail; whatever

2203 it takes. But we do not want them to go to a lawyer, to
2204 have to get a lawyer, to write them a letter that is
2205 legalese to put them on notice. Your suggestions are very
2206 well taken. If you are willing to withdraw your amendment,
2207 I will be glad to work with you on a final draft on this
2208 language to make it simpler, instead of more complicated.

2209 Mr. Raskin. Mr. Poe, I am delighted to work with you
2210 on it of course. You do have some problem with the language
2211 that I painstakingly drafted last night and submitted to
2212 committee --

2213 Mr. Poe. For class today. Is that what you mean?

2214 Mr. Raskin. I did my homework.

2215 Mr. Poe. Immediately, I do not have a problem with it.
2216 But I would like to talk to you more about it. Maybe we can
2217 work on some of the other issues that have been brought up
2218 as well to make the bill better, to seek the goal that we
2219 are talking about.

2220 Chairman Goodlatte. And if the gentleman would yield -
2221 -

2222 Mr. Poe. Yes, sir, I will yield to the chairman.

2223 Chairman Goodlatte. The committee and the committee's
2224 staff on the majority side would be happy to work with you
2225 and assure you that we will allow time for that, and we will
2226 not go to the floor before we have.

2227 Mr. Raskin. Okay, with that understanding, I am happy

2228 to withdraw the amendment. Thank you.

2229 Mr. Poe. I yield back my time.

2230 Chairman Goodlatte. Without objection, the amendment
2231 is withdrawn. Are there any other amendments to H.R. 620?

2232 A reporting quorum being present, the question is on the

2233 motion to report the bill H.R. 620 favorably to the house.

2234 Those in favor will say aye.

2235 Those opposed, no.

2236 The ayes have it, and the bill is ordered reported
2237 favorably.

2238 Mr. Conyers. A recorded vote.

2239 Chairman Goodlatte. A recorded vote has been
2240 requested. The clerk will call the roll.

2241 Ms. Adcock. Mr. Goodlatte?

2242 Chairman Goodlatte. Aye.

2243 Ms. Adcock. Mr. Goodlatte votes aye.

2244 Mr. Sensenbrenner?

2245 [No response.]

2246 Mr. Smith?

2247 [No response.]

2248 Mr. Chabot?

2249 Mr. Chabot. Aye.

2250 Ms. Adcock. Mr. Chabot votes aye.

2251 Mr. Issa?

2252 [No response.]

2253 Mr. King?
2254 [No response.]
2255 Mr. Franks?
2256 [No response.]
2257 Mr. Gohmert?
2258 Mr. Gohmert. Yes.
2259 Ms. Adcock. Mr. Gohmert votes yes.
2260 Mr. Jordan?
2261 [No response.]
2262 Mr. Poe?
2263 Mr. Poe. Yes.
2264 Ms. Adcock. Mr. Poe votes yes.
2265 Mr. Marino?
2266 Mr. Marino. Yes.
2267 Ms. Adcock. Mr. Marino votes yes.
2268 Mr. Gowdy?
2269 [No response.]
2270 Mr. Labrador?
2271 Mr. Labrador. Yes.
2272 Ms. Adcock. Mr. Labrador votes yes.
2273 Mr. Farenthold?
2274 [No response.]
2275 Mr. Collins?
2276 [No response.]
2277 Mr. DeSantis?

2278 [No response.]
2279 Mr. Buck?
2280 [No response.]
2281 Mr. Ratcliffe?
2282 [No response.]
2283 Mrs. Roby?
2284 Mrs. Roby. Aye.
2285 Ms. Adcock. Ms. Roby votes aye.
2286 Mr. Gaetz?
2287 Mr. Gaetz. Aye.
2288 Ms. Adcock. Mr. Gaetz votes aye.
2289 Mr. Johnson of Louisiana?
2290 Mr. Johnson of Louisiana. Aye.
2291 Ms. Adcock. Mr. Johnson votes aye.
2292 Mr. Biggs?
2293 [No response.]
2294 Mr. Rutherford?
2295 [No response.]
2296 Mrs. Handel?
2297 Mrs. Handel. Aye.
2298 Ms. Adcock. Mrs. Handel votes aye.
2299 Mr. Conyers?
2300 Mr. Conyers. No.
2301 Ms. Adcock. Mr. Conyers votes no.
2302 Mr. Nadler?

2303 [No response.]

2304 Ms. Lofgren?

2305 [No response.]

2306 Ms. Jackson Lee?

2307 [No response.]

2308 Mr. Cohen?

2309 Mr. Cohen. No.

2310 Ms. Adcock. Mr. Cohen votes no.

2311 Mr. Johnson of Georgia?

2312 Mr. Johnson of Georgia. No.

2313 Ms. Adcock. Mr. Johnson votes no.

2314 Mr. Deutch?

2315 [No response.]

2316 Mr. Gutierrez?

2317 [No response.]

2318 Ms. Bass?

2319 [No response.]

2320 Mr. Richmond?

2321 [No response.]

2322 Mr. Jeffries?

2323 [No response.]

2324 Mr. Cicilline?

2325 Mr. Cicilline. No.

2326 Ms. Adcock. Mr. Cicilline votes no.

2327 Mr. Swalwell?

2328 Mr. Swalwell. No.

2329 Ms. Adcock. Mr. Swalwell votes no.

2330 Mr. Lieu?

2331 Mr. Lieu. No.

2332 Ms. Adcock. Mr. Lieu votes no.

2333 Mr. Raskin?

2334 Mr. Raskin. No.

2335 Ms. Adcock. Mr. Raskin votes no.

2336 Ms. Jayapal?

2337 [No response.]

2338 Mr. Schneider?

2339 [No response.]

2340 Chairman Goodlatte. The gentleman from Ohio.

2341 Ms. Adcock. Mr. Jordan votes yes.

2342 Chairman Goodlatte. The gentleman from Arizona.

2343 Mr. Franks. Aye.

2344 Ms. Adcock. Mr. Franks says aye.

2345 Chairman Goodlatte. The gentleman from South Carolina.

2346 Mr. Gowdy. Yes.

2347 Ms. Adcock. Mr. Gowdy votes yes.

2348 Chairman Goodlatte. The gentleman from California.

2349 Ms. Adcock. Mr. Issa votes yes.

2350 Chairman Goodlatte. The gentleman from Florida.

2351 Mr. Rutherford. Yes.

2352 Ms. Adcock. Mr. Rutherford votes yes.

2353 Chairman Goodlatte. The gentlewoman from Washington.
2354 Ms. Jayapal. No.
2355 Chairman Goodlatte. The gentleman from Illinois.
2356 Mr. Schneider. No.
2357 Ms. Adcock. Mr. Schneider votes no. Ms. Jayapal votes
2358 no.
2359 Mr. Johnson of Georgia. Mr. Chairman.
2360 Chairman Goodlatte. What purpose does the gentleman
2361 from Georgia seek recognition?
2362 Mr. Johnson of Georgia. How am I recorded?
2363 Chairman Goodlatte. I believe you were recorded as a
2364 no.
2365 Mr. Johnson of Georgia. Is that correct?
2366 Ms. Adcock. Yes.
2367 Chairman Goodlatte. The clerk will report.
2368 Ms. Adcock. Mr. Chairman, 15 members voted aye, 9
2369 members voted no.
2370 Chairman Goodlatte. The ayes have it, and the bill is
2371 ordered reported favorably to the house. Members will have
2372 2 days to submit views. Pursuant to notice, I now call up
2373 House Resolution 488 for purposes of markup, and move that
2374 the committee report the resolution unfavorably to the
2375 House. The clerk will report the resolution.
2376 Ms. Adcock. H. Res. 488: of inquiry requesting the
2377 President and directing the Attorney General to transmit

2378 respectively certain documents to the House of
2379 Representatives relating to the removal of former Federal
2380 Bureau of investigation Director James Comey.

2381 [The bill follows:]

2382 ***** INSERT 3 *****

2383 Chairman Goodlatte. Without objection, the resolution
2384 is considered as read and open for amendment at any time,
2385 and I will begin by recognizing myself for an opening
2386 statement.

2387 Today, we will consider the fifth resolution of inquiry
2388 that has been referred to the Judiciary Committee of this
2389 Congress. This fifth resolution of inquiry yet again seeks
2390 documents from the executive branch on a broad swath of
2391 matters that its sponsors believe will show "ties between
2392 President Trump, his campaign, and Russia." And, yet again,
2393 it is simply an exercise in partisan mudslinging and an
2394 imprudent use of the committee's valuable time. This
2395 resolution barely differs from Ms. Jayapal's resolution we
2396 considered in July. Given that there is a special counsel
2397 in place examining the issue, this resolution seeks to shed
2398 light on the committee should instead use its time on more
2399 substantive issues for the people we serve, while exercising
2400 appropriate oversight over the special counsel's
2401 investigation, which we are doing.

2402 Pursuant to Rule 13 of the rules of the House of
2403 Representatives, the committee must act on this resolution
2404 within 14 legislative days of its introduction, or we could
2405 be discharged from our referral. Accordingly, we have
2406 scheduled the resolution for markup today in order to
2407 preserve our referral. Guarding the substance of the

2408 resolution I delivered a statement during the last markup
2409 that reflects my views. So, I will not waste the members'
2410 time today rehashing that statement. I urge my colleagues
2411 to vote to report this resolution unfavorably. It is now my
2412 pleasure to recognize the ranking member of the Judiciary
2413 Committee, the gentleman from Michigan, Mr. Conyers, for his
2414 opening statement.

2415 [The opening statement of Mr. Conyers follows:]

2416 ***** COMMITTEE INSERT *****

2417 Mr. Conyers. Thank you, Mr. Chairman. As you noted,
2418 we will now consider virtually the same resolution we
2419 visited before the recess. It may be useful to review just
2420 how the committee arrived at this point.

2421 Since President Trump took office, my colleagues and I
2422 have written to the administration at least 20 times, more
2423 than 20 times, on matters ranging from routine oversight to
2424 allegations of obstruction of justice. To date, the
2425 administration has not sent us a single meaningful response.
2426 As a matter of fact, the administration has indicated that
2427 it will answer no letters sent by Democrats or rank and file
2428 Republicans. Over that same time, Mr. Chairman, my
2429 colleagues and I have written to you on six separate
2430 occasions to ask for oversight hearings with the leadership
2431 of the Department of Justice. But, to date, this committee
2432 has not held a single substantive oversight hearing of the
2433 Trump administration.

2434 That inaction is why we in the minority have little
2435 choice but to pursue today's resolution of inquiry. As you
2436 have explained, you and I met with Director Comey before he
2437 was fired. We were also scheduled to have a similar closed-
2438 door meeting with Special Counsel Mueller earlier this week
2439 before he had to cancel. I appreciate these efforts. But
2440 no closed-door meetings can replace what my colleagues
2441 request and what our assignment on this committee demands:

2442 open oversight hearings with the leadership of the
2443 Department of Justice without delay. I am unconvinced by
2444 the reasons we have been offered for postponing this
2445 oversight.

2446 It has been suggested that we cannot discuss current
2447 events at the Department of Justice because there are other
2448 committees that have jurisdiction over parts of this. But
2449 we cannot ignore our responsibilities simply because the
2450 House and Senate Intelligence Committees are investigating
2451 similar subjects. Under the leadership of Chairman
2452 Grassley, our Senate Judiciary counterparts began their work
2453 in this space months ago, and we should join them. It has
2454 also been suggested that until the special counsel's
2455 investigation is complete; it is redundant for the House of
2456 Representatives to engage in fact gathering on the same
2457 issues. Not so. Nothing about the investigation prevents
2458 us from conducting our own oversight. The Congressional
2459 Research Service has compiled nearly a century of precedent
2460 from the Palmer raids of 1920 through Operation Fast and
2461 Furious in 2011 where congressional inquiries overlapped
2462 with ongoing work at the Department of Justice.

2463 Some insist that we cannot conduct oversight of the
2464 Trump Administration until the special counsel finishes his
2465 investigation, because the committee did not hold any
2466 hearings until Director Comey completed his investigation of

2467 the Hillary Clinton. The record simply shows otherwise, Mr.
2468 Chairman. During the oversight hearings with the Department
2469 of Justice and the FBI, you and others in the majority
2470 repeatedly asked the witnesses about the Clinton
2471 investigation, in 2015, long before the investigation was
2472 over.

2473 The resolution before us today sponsored by Mr.
2474 Cicilline and Ms. Jayapal asks for information related to
2475 the firing of James Comey, the Attorney General's recusal,
2476 and a meeting at Trump Tower between Russian officials and
2477 senior campaign personnel, among other matters. We require
2478 this information to do our jobs, plain and simple. And if
2479 you agree, and every member of this committee should agree,
2480 then I urge that you support this resolution. And if you
2481 disagree, then I hope the majority allows the courtesy of an
2482 up or down vote on the matter.

2483 The majority took a different course at our last
2484 markup, Mr. Chairman, when you ruled in order an amendment
2485 offered by Mr. Gaetz of Florida. That amendment struck the
2486 contents of the underlying resolution and replaced it with a
2487 long list of lingering grievances aimed at Hillary Clinton.
2488 We later learned that this amendment was largely borrowed
2489 from an online forum that is notorious for playing host to
2490 unfounded conspiracy theories and anti-Islam tendencies. I
2491 am reading from an article published in Wired Magazine on

2492 July 28, and I ask consent that it be placed into the
2493 record.

2494 Chairman Goodlatte. Without objection, it will be made
2495 a part of the record.

2496 [The information follows:]

2497 ***** COMMITTEE INSERT *****

2498 Mr. Conyers. Thank you. Later that day, Ms. Jayapal,
2499 Mr. Cicilline, and I wrote to Chairman Goodlatte. That
2500 letter reads in pertinent part, "the tactics employed this
2501 week are inconsistent with the rights and prerogatives of
2502 the minority as we have understood and observed them over
2503 our legislative careers. In our judgment, the majority's
2504 actions were heavy-handed, and violate the sense of fair
2505 process that you and other chairmen of this committee,
2506 including myself, have enjoyed over the years," and I ask,
2507 sir, that this letter be placed into the record as well.

2508 Chairman Goodlatte. Without objection, it will be made
2509 a part of the record.

2510 [The information follows:]

2511 ***** COMMITTEE INSERT *****

2512 Mr. Conyers. Thank you. I understand that Mr. Gaetz
2513 plans on introducing a similar amendment today. I urge my
2514 colleagues to consider both its origin and its effect on
2515 committee process, and to reject it accordingly.

2516 We have an obligation to conduct oversight, and until
2517 we do, I am afraid that we may be at a bit of an impasse.
2518 If we return to regular order and begin our oversight work
2519 in earnest, then I suspect my colleagues will no longer see
2520 the need for resolutions of inquiry. But until the
2521 administration answers our questions and until the majority
2522 calls them here to do so, my colleagues and I will do
2523 everything in our power to hold both the administration and
2524 the majority accountable. And I thank you for your
2525 consideration of the items that I have discussed, and I
2526 thank the Chairman, and I yield back.

2527 Chairman Goodlatte. The chair thanks the gentleman.
2528 The chair recognizes the gentleman from Florida for 5
2529 minutes.

2530 Mr. Gaetz. I thank the Chairman. I thank the ranking
2531 member, the distinguished gentleman from Michigan, for
2532 recognizing the contribution that I made to this committee
2533 in calling for a special counsel to investigate Hillary
2534 Clinton, the Clinton Foundation, and what seems to be the
2535 obvious crimes committed therein. And as we sit here today
2536 in the Judiciary Committee, I suspect that that call for a

2537 special counsel is even more relevant because during the
2538 August recess we learned that, as a consequence of the
2539 United States Senate's investigation, they found that Mr.
2540 Comey drafted the exoneration of Hillary Clinton prior to
2541 even conducting major elements of the investigation, prior
2542 to interviewing key witnesses, prior to interviewing Hillary
2543 Clinton herself. But Mr. Comey was ready, and willing, and
2544 able to give immunity deals to people who were the close
2545 confidants of Hillary Clinton.

2546 Here is why this is so important. Here is why it is
2547 not heavy-handed or why it is not partisan mudslinging. It
2548 is very likely that today, throughout the world, as a
2549 consequence of the Clinton Foundation funneling money to
2550 itself and selling access to the State Department, that we
2551 have got people around the world acting on behalf of the
2552 United States. And we do not even know if those
2553 transactions were arms linked. If there was corruption at
2554 the Clinton Foundation, if the Clinton Foundation was
2555 laundering money for access to the State Department, I
2556 believe that the Judiciary Committee has an obligation to
2557 call for a special counsel, and to get the real criminals
2558 held accountable for their real crimes.

2559 Democrats on this committee, time and again, have
2560 suggested that there is some improper activity with
2561 President Trump in Russia without pointing to evidence.

2562 There is still not a shred of evidence of that collusion.
2563 The only evidence of collusion with Russia is the evidence
2564 that Hillary Clinton was working with Russian operatives on
2565 the Uranium One deal, or that Democrat operatives were
2566 working with Fusion GPS on dossiers that are false about
2567 President Trump to embarrass him, both before and after the
2568 election.

2569 And, so, Mr. Chairman, again, I am grateful that my
2570 activity in this committee has drawn the attention of the
2571 minority party, such to the point that it was referenced in
2572 the distinguished gentleman from Michigan's statement. I
2573 renew that call for a special counsel, and I am very eager
2574 to find out whether or not the Clinton Foundation, the
2575 uranium one deal, fusion GPS, and this exoneration
2576 conclusion that Mr. Comey reached prior to conducting the
2577 investigation calls into question the very legitimacy of the
2578 United States' efforts around the world. And, with that, I
2579 yield the remainder of my time to the gentleman from Ohio,
2580 Mr. Jordan.

2581 Mr. Jordan. Well, I thank the gentleman for yielding.
2582 I did not know that was the process that we were going to
2583 follow, but I appreciate that. I support the gentleman's
2584 amendment.

2585 Ask yourself a series of questions. I did this the
2586 last time we got together on the same issue in the summer of

2587 2016. Ask yourself a series of questions: Why would the
2588 Attorney General of the United States tell the FBI Director
2589 of the United States to call the Clinton investigation a
2590 matter, not an investigation? Why would she do that? Why
2591 in the summer of 2016 would the Attorney General meet with
2592 the former President Clinton on the tarmac one day before
2593 the Benghazi report is to be released, three days before
2594 Secretary Clinton is to be interviewed? Why would the
2595 Attorney General meet with President Bill Clinton on the
2596 tarmac at the Phoenix airport? Why would she do that? Why
2597 would in the days just following that meeting between Ms.
2598 Lynch and President Clinton, why would the Attorney General
2599 of the United States in correspondence with the public
2600 relations folks at the Justice Department? Why would she
2601 use the name Elizabeth Carlisle in e-mails and not Loretta
2602 Lynch? Why would she do that?

2603 Mr. Raskin, you are laughing. I am laughing too. Why
2604 would she do that? If you are just talking about grandkids
2605 and golf, why the need to use a fake name, right? Why would
2606 she do that, and why would the Department of Justice give
2607 Cheryl Mills the greatest immunity deal I have ever seen,
2608 Secretary Clinton's former Chief of Staff? Why would they
2609 do that in the summer of 2016, and why would Director Comey,
2610 as my friend and colleague pointed out, draft an exoneration
2611 letter before the investigation of Secretary Clinton is

2612 complete, and before Secretary Clinton has even been
2613 interviewed by the FBI? Why would all those things happen
2614 in the summer of 2016? It just seems like a logical
2615 question to ask.

2616 Maybe, just maybe, it was because there was something
2617 else going on in the summer of 2016. Maybe there was a
2618 presidential election, and maybe the United States Justice
2619 Department was trying to influence what happened in that
2620 election. I think it is maybe a logical conclusion to
2621 reach, and certainly some questions need to be asked. But
2622 that raises one more important "why" question this committee
2623 needs to ask ourselves today. This is where the ranking
2624 member is right. We should conduct our own investigation as
2625 the ranking member just said, which raises an important
2626 "why" question for the House Judiciary Committee. Why will
2627 not this committee look into this? Why will we not look
2628 into exactly what Mr. Gaetz is asking for?

2629 Mr. Chairman, we sent a letter seven weeks ago to the
2630 Justice Department asking for a bunch of documents. Have we
2631 gotten any of those documents yet? I do not think we have.
2632 So, maybe it is time the House Judiciary Committee did its
2633 job, and started looking into these issues that Mr. Gaetz
2634 raises in his resolution that this committee passed 7 and a
2635 half weeks ago. Maybe that is the most important. All
2636 those other "why" questions from 2016 are pretty darn

2637 important, but the most important "why" question is why is
2638 not the Judiciary Committee looking? I would love to have
2639 Mr. Comey sitting right there where these folks are sitting
2640 at the table, and ask him some questions about those things
2641 that took place in the summer of 2016. I would love to have
2642 Loretta Lynch sit there: ask her some questions about why
2643 these things took place and why did she have to use the
2644 alias, Elizabeth Carlisle?

2645 That is the kind of thing I think the American people
2646 are demanding. Those are the questions they want asked, and
2647 the most important question is the one we need to ask
2648 ourselves. Why is not the House Judiciary Committee doing
2649 an investigation? So, I support the gentleman's amendment,
2650 hope it passes, hope we do not just table, call the previous
2651 question on the Democrat and I hope we pass Mr. Gaetz'
2652 amendment, and refer it favorably, hope we actually start
2653 getting the documents we requested 7 weeks ago from the
2654 Justice Department. With that, I yield back and thank the
2655 gentleman for yielding.

2656 Chairman Goodlatte. The chair recognizes the gentleman
2657 from Rhode Island, Mr. Cicilline, the sponsor of the
2658 resolution for his opening statement.

2659 Mr. Cicilline. Thank you, Mr. Chairman.

2660 Chairman Goodlatte. -- his opening statement.

2661 Mr. Cicilline. When Congresswoman Jayapal and I

2662 originally filed this resolution of inquiry we were seeking
2663 answers to urgent questions about the conduct of members of
2664 the Trump administration. These questions remain and they
2665 include, one, the full extent of the ties between Donald
2666 Trump's inner circle and the Kremlin; whether James Comey
2667 was fired to hide the truth about Donald Trump's ties to
2668 Russia or collusion between the Trump campaign and Russian
2669 officials; and if Jeff Sessions violated his recusal when he
2670 participated in the firing of James Comey.

2671 However, we were denied not only the answers to our
2672 questions; we were denied the right to even ask these
2673 questions. Instead of allowing us to have a debate and
2674 offer amendments, the majority used a procedural maneuver to
2675 erase our underlying resolution and turn this committee into
2676 a vehicle to conduct yet another pointless, baseless
2677 investigation of Hillary Clinton, and apparently intending
2678 to do the very same thing today.

2679 This is not a serious effort by Republicans who have
2680 serious questions about the conduct of Hillary Clinton. If
2681 it were, they would have filed a resolution of inquiry or
2682 made a legislative effort to do that. They only raise the
2683 issue of Hillary Clinton in response to an effort --

2684 Mr. Jordan. Will the gentleman yield?

2685 Mr. Cicilline. I will not yield -- in response to an
2686 effort to get at the truth about the Trump administration.

2687 It is only in an effort to distract and to draw attention
2688 away from the real question we raised that they pull out
2689 their favorite subject: Hillary Clinton. If it were a
2690 serious effort, there would be a resolution from you. There
2691 would be a bill from you. But there is not; you only do it
2692 when we raise questions about the Trump administration.

2693 Mr. Jordan. You got a special counsel, a resolution we
2694 introduced.

2695 Mr. Cicilline. Mr. Chairman, I control the time. At
2696 markup, the majority also gave its standard arguments
2697 against doing oversight of the Trump administration, namely,
2698 there are other committees of jurisdiction and outside
2699 independent counsel are investigating similar subject
2700 matters. Why would we abdicate our constitutional oversight
2701 role is beyond me. And today, our colleagues have even gone
2702 so far as to describe our serious oversight responsibilities
2703 as partisan mudslinging. What a sad, sad suggestion. These
2704 arguments belie the Judiciary Committee's duty to fully
2705 investigate serious allegations, such as the Trump
2706 administration's improper interference in law enforcement
2707 investigations, which fall squarely within our committee's
2708 jurisdiction.

2709 While I wish the majority's tactics had come as a
2710 shock, it became yet another example of this committee's
2711 willful abandonment of our oversight function; and there

2712 have been, as the ranking member suggested, five letters --
2713 one from March 10th, one from May 11th, one from June 21st,
2714 one from July 20th, and one from August 30th, which I would
2715 ask to be part of the record -- where we implore the
2716 chairman of this committee to conduct oversight hearings on
2717 many of the issues we are raising today. Those remain
2718 unanswered.

2719 And for months Democrats on this committee have
2720 requested hearings and filed multiple resolutions of inquiry
2721 on issues that require immediate and meaningful oversight
2722 without any willingness from our colleagues on the other
2723 side of the aisle to join us in this work. Our requests
2724 have called for investigations into the President's
2725 potential violations of the emoluments clause, the
2726 President's assault on the independence of the Department of
2727 Justice and the FBI, and the troubling contacts between the
2728 Trump campaign and Russian officials. As our requests
2729 continue to go unanswered, the majority has made clear
2730 through its silence and inaction how much it is willing to
2731 avoid its responsibilities in order to protect this
2732 administration.

2733 Indeed, what took place at the previous markup made the
2734 need for the Cicilline-Jayapal resolution more evident in
2735 order to demand that this committee do its job, and that is
2736 why, in addition to the requests in our previous resolution,

2737 Congresswoman Jayapal and I have added requests for
2738 information relating to the review of any application for a
2739 security clearance by Attorney General Sessions or Senior
2740 Advisor to the President, Jared Kushner, and any
2741 communication that Donald Trump, Jr., Paul Manafort, or
2742 Jared Kushner had with the DOJ or FBI regarding their June
2743 9, 2016, meeting with a Russian government attorney and a
2744 former Russian military intelligence officer.

2745 Recent events only add to the growing number of
2746 questions that this committee should be investigating,
2747 including the President's controversial pardon of Sheriff
2748 Joe Arpaio and his unconstitutional directive to ban
2749 transgendered individuals from the military. Our
2750 constituents did not send us here to do nothing while our
2751 Constitution, our democratic institutions, and our ethical
2752 norms are under assault. I strongly urge my colleagues to
2753 support this resolution by inquiry.

2754 Mr. Gaetz. Will the gentleman yield?

2755 Mr. Cicilline. We can exercise our constitutional
2756 responsibility to act as a check on the executive branch.
2757 And I suggest to my colleagues respectfully that history
2758 will judge this committee very harshly if we continue to
2759 refuse to fulfill our constitutional oversight
2760 responsibilities, and we will be responsible for having
2761 abandoned the serious responsibilities of this committee if

2762 we continue to in every way thwart efforts to get to the
2763 bottom of these investigations, these important questions.
2764 And I urge my colleagues to support this resolution so we
2765 can begin to fulfill this very important responsibility.

2766 Mr. Gaetz. Will the gentleman yield?

2767 Chairman Goodlatte. The time of the gentleman has
2768 expired.

2769 Mr. Cicilline. I would have.

2770 Chairman Goodlatte. I now recognize myself for
2771 purposes of offering an amendment in the nature of a
2772 substitute. The clerk will report the amendment.

2773 Ms. Adcock. Amendment in the nature of a substitute to
2774 H. Res. 488, offered by Mr. Goodlatte of Virginia.

2775 [The amendment of Chairman Goodlatte follows:]

2776 ***** INSERT 4 *****

2777 Chairman Goodlatte. Without objection, the amendment
2778 will be considered as read and I now recognize myself to
2779 explain the amendment.

2780 I am offering this substitute amendment in order to
2781 allow the motion for the previous question to be made. My
2782 amendment does not make any substantive changes to the
2783 resolution; it merely makes the first clause of the
2784 resolution align better with the other clauses in the
2785 resolution related to the dismissal of Director Comey. As
2786 the members of this committee are aware, this is the fifth
2787 resolution of inquiry that this committee has been forced to
2788 consider this congress. This is the same number of
2789 resolutions of inquiry that all other House committees
2790 combined have had to consider. This committee simply does
2791 not have the time to continually debate these non-binding
2792 partisan resolutions.

2793 As I have mentioned during the debates on the four
2794 other resolutions of inquiry this committee has already
2795 considered this Congress, resolutions of inquiry have no
2796 effect whatsoever on the executive branch's obligation to
2797 produce documents to Congress. Rather, these resolutions,
2798 even if acted upon by the House, have no greater legal force
2799 than sending the executive branch a letter except that
2800 sending a letter does not monopolize the committee's time,
2801 time that could be better spent working to reform our

2802 immigration system, enacting criminal justice reform,
2803 reauthorizing the Department of Justice, advancing
2804 legislation to create jobs and restore economic prosperity
2805 for families and businesses across the Nation, securing
2806 constitutional freedoms, or working on legislation that
2807 helps protect our citizens from the threats posed by crime
2808 and terrorism.

2809 This resolution of inquiry is particularly emblematic
2810 of the time-consuming nature of these resolutions. At the
2811 committee's last markup we debated a resolution of inquiry
2812 that was nearly identical to the resolution we have before
2813 us today. Debate on that resolution took almost 2 and a
2814 half hours of the committee's time; yet we are here again
2815 today, required to debate it all over again. The committee
2816 cannot continue to spend its valuable time debating these
2817 repetitive, non-binding resolutions, resolutions that seek
2818 information that is already subject to investigation by at
2819 least six other entities. Accordingly, I move the previous
2820 question on my substitute amendment and the clerk will call
2821 the roll.

2822 Ms. Adcock. Mr. Goodlatte?

2823 Chairman Goodlatte. Aye.

2824 Ms. Adcock. Mr. Goodlatte votes aye.

2825 Mr. Sensenbrenner?

2826 Mr. Sensenbrenner. Aye.

2827 Ms. Adcock. Mr. Sensenbrenner votes aye.

2828 Mr. Smith?

2829 Mr. Smith. Aye.

2830 Ms. Adcock. Mr. Smith votes aye.

2831 Mr. Chabot?

2832 Mr. Chabot. Aye.

2833 Ms. Adcock. Mr. Chabot votes aye.

2834 Mr. Issa?

2835 [No response.]

2836 Mr. King?

2837 [No response.]

2838 Mr. Franks?

2839 Mr. Franks. Yes.

2840 Ms. Adcock. Mr. Franks votes yes.

2841 Mr. Gohmert?

2842 Mr. Gohmert. Yes.

2843 Ms. Adcock. Mr. Gohmert votes yes.

2844 Mr. Jordan?

2845 Mr. Jordan. Yes.

2846 Ms. Adcock. Mr. Jordan votes yes.

2847 Mr. Poe?

2848 [No response.]

2849 Mr. Marino?

2850 [No response.]

2851 Mr. Gowdy?

2852 Mr. Gowdy. Yes.

2853 Ms. Adcock. Mr. Gowdy votes yes.

2854 Mr. Labrador?

2855 Mr. Labrador. Yes.

2856 Ms. Adcock. Mr. Labrador votes yes.

2857 Mr. Farenthold?

2858 Mr. Farenthold. Yes.

2859 Ms. Adcock. Mr. Farenthold votes yes.

2860 Mr. Collins?

2861 Mr. Collins. Aye.

2862 Ms. Adcock. Mr. Collins votes aye.

2863 Mr. DeSantis?

2864 [No response.]

2865 Mr. Buck?

2866 [No response.]

2867 Mr. Ratcliffe?

2868 [No response.]

2869 Mrs. Roby?

2870 Mrs. Roby. Aye.

2871 Ms. Adcock. Mrs. Roby votes aye.

2872 Mr. Gaetz?

2873 Mr. Gaetz. Aye.

2874 Ms. Adcock. Mr. Gaetz votes aye.

2875 Mr. Johnson of Louisiana?

2876 Mr. Johnson of Louisiana. Aye.

2877 Ms. Adcock. Mr. Johnson votes aye.

2878 Mr. Biggs?

2879 [No response.]

2880 Mr. Rutherford?

2881 Mr. Rutherford. Aye.

2882 Ms. Adcock. Mr. Rutherford votes aye.

2883 Mrs. Handel?

2884 Mrs. Handel. Aye.

2885 Ms. Adcock. Mrs. Handel votes aye.

2886 Mr. Conyers?

2887 [No response.]

2888 Mr. Nadler?

2889 [No response.]

2890 Ms. Lofgren?

2891 [No response.]

2892 Ms. Jackson Lee?

2893 [No response.]

2894 Mr. Cohen?

2895 [No response.]

2896 Mr. Johnson of Georgia?

2897 [No response.]

2898 Mr. Deutch?

2899 [No response.]

2900 Mr. Gutierrez?

2901 [No response.]

2902 Ms. Bass?

2903 [No response.]

2904 Mr. Richmond?

2905 [No response.]

2906 Mr. Jeffries?

2907 [No response.]

2908 Mr. Cicilline?

2909 [No response.]

2910 Mr. Swalwell?

2911 [No response.]

2912 Mr. Lieu?

2913 [No response.]

2914 Mr. Raskin?

2915 [No response.]

2916 Ms. Jayapal?

2917 [No response.]

2918 Mr. Schneider?

2919 Mr. Schneider. No.

2920 Ms. Adcock. Mr. Schneider votes no.

2921 Chairman Goodlatte. The gentleman from Pennsylvania?

2922 Mr. Marino. Yes.

2923 Ms. Adcock. Mr. Marino votes yes.

2924 Chairman Goodlatte. The gentleman from Texas?

2925 Mr. Poe. Yes.

2926 Ms. Adcock. Mr. Poe votes yes.

2927 Chairman Goodlatte. The clerk will report.

2928 Ms. Adcock. Mr. Chairman, 18 members voted aye, 1
2929 member voted no.

2930 Chairman Goodlatte. And the motion to call the
2931 previous question is approved. The question is on the
2932 amendment in the nature of a substitute. All those in favor
2933 will say aye.

2934 Those opposed, no.

2935 In the opinion of the chair, the ayes have it and the
2936 amendment is agreed to.

2937 Voice. May we have a roll call vote?

2938 Chairman Goodlatte. A roll call vote is requested and
2939 the clerk will call the roll.

2940 Ms. Adcock. Mr. Goodlatte?

2941 Chairman Goodlatte. Aye.

2942 Ms. Adcock. Mr. Goodlatte votes aye.

2943 Mr. Sensenbrenner?

2944 Mr. Sensenbrenner. Aye.

2945 Ms. Adcock. Mr. Sensenbrenner votes aye.

2946 Mr. Smith?

2947 Mr. Smith. Aye.

2948 Ms. Adcock. Mr. Smith votes aye.

2949 Mr. Chabot?

2950 Mr. Chabot. Aye.

2951 Ms. Adcock. Mr. Chabot votes aye.

2952 Mr. Issa?

2953 [No response.]

2954 Mr. King?

2955 [No response.]

2956 Mr. Franks?

2957 Mr. Franks. Aye.

2958 Ms. Adcock. Mr. Franks votes aye.

2959 Mr. Gohmert?

2960 Mr. Gohmert. Aye.

2961 Ms. Adcock. Mr. Gohmert votes aye.

2962 Mr. Jordan?

2963 [No response.]

2964 Mr. Poe?

2965 Mr. Poe. Yes.

2966 Ms. Adcock. Mr. Poe votes yes.

2967 Mr. Marino?

2968 Mr. Marino. Yes.

2969 Ms. Adcock. Mr. Marino votes yes.

2970 Mr. Gowdy?

2971 Mr. Gowdy. Yes.

2972 Ms. Adcock. Mr. Gowdy votes yes.

2973 Mr. Labrador?

2974 Mr. Labrador. Yes.

2975 Ms. Adcock. Mr. Labrador votes yes.

2976 Mr. Farenthold?

2977 Mr. Farenthold. Yes.

2978 Ms. Adcock. Mr. Farenthold votes yes.

2979 Mr. Collins?

2980 Mr. Collins. Aye.

2981 Ms. Adcock. Mr. Collins votes aye.

2982 Mr. DeSantis?

2983 [No response.]

2984 Mr. Buck?

2985 [No response.]

2986 Mr. Ratcliffe?

2987 [No response.]

2988 Mrs. Roby?

2989 Mrs. Roby. Aye.

2990 Ms. Adcock. Mrs. Roby votes aye.

2991 Mr. Gaetz?

2992 Mr. Gaetz. Aye.

2993 Ms. Adcock. Mr. Gaetz votes aye.

2994 Mr. Johnson of Louisiana?

2995 Mr. Johnson of Louisiana. Aye.

2996 Ms. Adcock. Mr. Johnson votes aye.

2997 Mr. Biggs?

2998 [No response.]

2999 Mr. Rutherford?

3000 Mr. Rutherford. Aye.

3001 Ms. Adcock. Mr. Rutherford votes aye.

3002 Mrs. Handel?

3003 Mrs. Handel. Aye.

3004 Ms. Adcock. Mrs. Handel votes aye.

3005 Mr. Conyers?

3006 [No response.]

3007 Mr. Nadler?

3008 [No response.]

3009 Ms. Lofgren?

3010 [No response.]

3011 Ms. Jackson Lee?

3012 [No response.]

3013 Mr. Cohen?

3014 [No response.]

3015 Mr. Johnson of Georgia?

3016 [No response.]

3017 Mr. Deutch?

3018 [No response.]

3019 Mr. Gutierrez?

3020 [No response.]

3021 Ms. Bass?

3022 [No response.]

3023 Mr. Richmond?

3024 [No response.]

3025 Mr. Jeffries?

3026 [No response.]

3027 Mr. Cicilline?
3028 [No response.]
3029 Mr. Swalwell?
3030 [No response.]
3031 Mr. Lieu?
3032 [No response.]
3033 Mr. Raskin?
3034 [No response.]
3035 Ms. Jayapal?
3036 [No response.]
3037 Mr. Schneider?
3038 Mr. Schneider. No.
3039 Ms. Adcock. Mr. Schneider votes no.
3040 Ms. Jackson Lee. Mr. Chairman, do we have a reporting
3041 quorum?
3042 Chairman Goodlatte. We are in the middle of a roll
3043 call at this point and we have a --
3044 Ms. Jackson Lee. I do not believe we have a reporting
3045 quorum.
3046 Chairman Goodlatte. We are not reporting the bill; we
3047 are voting on the substitute.
3048 Ms. Jackson Lee. And my question is a parliamentary
3049 inquiry. Why did we shut down debate? Why are we in the
3050 process of --
3051 Chairman Goodlatte. The gentlewoman can record her

3052 vote or not.

3053 Ms. Jackson Lee. There is not a reporting quorum and I
3054 am not making one because debate has been shut down.

3055 Chairman Goodlatte. Regular order. The clerk will
3056 report.

3057 Ms. Jackson Lee. Mr. Chairman, is it not regular order
3058 to allow the minority to debate? And by your action --

3059 Chairman Goodlatte. We are following the rules of the
3060 House. And the clerk will report.

3061 Ms. Adcock. Mr. Chairman, 17 members voted aye, 1
3062 member voted no.

3063 Ms. Jackson Lee. This is in your discretion, Mr.
3064 Chairman. This is in your discretion, Mr. Chairman.

3065 Chairman Goodlatte. And the amendment in the nature of
3066 a substitute is agreed to.

3067 Ms. Jackson Lee. When will the reporting quorum occur
3068 and will allow us to debate the question?

3069 Chairman Goodlatte. The question is on --

3070 Ms. Jackson Lee. I would like to move to strike the
3071 last word, Mr. Chairman. I would like to move to strike the
3072 last word.

3073 Chairman Goodlatte. The question is on the motion to
3074 report House Resolution 488 as amended --

3075 Ms. Jackson Lee. I would like to move to strike the
3076 last word.

3077 Chairman Goodlatte. -- unfavorably to the House.

3078 Those in favor, respond by saying aye.

3079 Those opposed, no.

3080 Ms. Jackson Lee. I want a record vote.

3081 Chairman Goodlatte. The ayes have it.

3082 Ms. Jackson Lee. I would like a record vote.

3083 Chairman Goodlatte. And a recorded vote has been

3084 requested and the clerk will call the roll

3085 Ms. Adcock. Mr. Goodlatte?

3086 Chairman Goodlatte. Aye.

3087 Ms. Adcock. Mr. Goodlatte votes aye.

3088 Mr. Sensenbrenner?

3089 Mr. Sensenbrenner. Aye.

3090 Ms. Adcock. Mr. Sensenbrenner votes aye.

3091 Mr. Smith?

3092 Mr. Smith. Aye.

3093 Ms. Adcock. Mr. Smith votes aye.

3094 Mr. Chabot?

3095 Mr. Chabot. Aye.

3096 Ms. Adcock. Mr. Chabot votes aye.

3097 Mr. Issa?

3098 [No response.]

3099 Mr. King?

3100 [No response.]

3101 Mr. Franks?

3102 Mr. Franks. Aye.

3103 Ms. Adcock. Mr. Franks votes aye.

3104 Mr. Gohmert?

3105 Mr. Gohmert. Aye.

3106 Ms. Adcock. Mr. Gohmert votes aye.

3107 Mr. Jordan?

3108 Mr. Jordan. Yes.

3109 Ms. Adcock. Mr. Jordan votes yes.

3110 Mr. Poe?

3111 Mr. Poe. Yes.

3112 Ms. Adcock. Mr. Poe votes yes.

3113 Mr. Marino?

3114 Mr. Marino. Yes.

3115 Ms. Adcock. Mr. Marino votes yes.

3116 Mr. Gowdy?

3117 Mr. Gowdy. Yes.

3118 Ms. Adcock. Mr. Gowdy votes yes.

3119 Mr. Labrador?

3120 Mr. Labrador. Yes.

3121 Ms. Adcock. Mr. Labrador votes yes.

3122 Mr. Farenthold?

3123 Mr. Farenthold. Yes.

3124 Ms. Adcock. Mr. Farenthold votes yes.

3125 Mr. Collins?

3126 Mr. Collins. Yes.

3127 Ms. Adcock. Mr. Collins votes yes.

3128 Mr. DeSantis?

3129 [No response.]

3130 Mr. Buck?

3131 [No response.]

3132 Mr. Ratcliffe?

3133 [No response.]

3134 Mrs. Roby?

3135 Mrs. Roby. Aye.

3136 Ms. Adcock. Mrs. Roby votes aye.

3137 Mr. Gaetz?

3138 Mr. Gaetz. Aye.

3139 Ms. Adcock. Mr. Gaetz votes aye.

3140 Mr. Johnson of Louisiana?

3141 [No response.]

3142 Mr. Biggs?

3143 [No response.]

3144 Mr. Rutherford?

3145 Mr. Rutherford. Aye.

3146 Ms. Adcock. Mr. Rutherford votes aye.

3147 Mrs. Handel?

3148 Mrs. Handel. Aye.

3149 Ms. Adcock. Mrs. Handel votes aye.

3150 Mr. Conyers?

3151 [No response.]

3152 Mr. Nadler?
3153 [No response.]
3154 Ms. Lofgren?
3155 [No response.]
3156 Ms. Jackson Lee?
3157 [No response.]
3158 Mr. Cohen?
3159 [No response.]
3160 Mr. Johnson of Georgia?
3161 [No response.]
3162 Mr. Deutch?
3163 [No response.]
3164 Mr. Gutierrez?
3165 [No response.]
3166 Ms. Bass?
3167 [No response.]
3168 Mr. Richmond?
3169 [No response.]
3170 Mr. Jeffries?
3171 [No response.]
3172 Mr. Cicilline?
3173 [No response.]
3174 Mr. Swalwell?
3175 [No response.]
3176 Mr. Lieu?

3177 [No response.]

3178 Mr. Raskin?

3179 [No response.]

3180 Ms. Jayapal?

3181 [No response.]

3182 Mr. Schneider?

3183 [No response.]

3184 Chairman Goodlatte. The gentleman from Louisiana?

3185 Mr. Johnson of Louisiana. Aye.

3186 Ms. Adcock. Mr. Johnson votes aye.

3187 Chairman Goodlatte. The gentleman from Arizona?

3188 Mr. Biggs. Aye.

3189 Ms. Adcock. Mr. Biggs votes aye.

3190 Chairman Goodlatte. The gentleman from California?

3191 Mr. Issa. Yes.

3192 Ms. Adcock. Mr. Issa votes yes.

3193 Chairman Goodlatte. The gentleman from Iowa?

3194 Mr. King. Aye.

3195 Ms. Adcock. Mr. King votes aye.

3196 Chairman Goodlatte. The clerk --

3197 Ms. Jackson Lee. Mr. Chairman, how am I recorded?

3198 Chairman Goodlatte. The gentleman is already recorded.

3199 The gentlewoman from Texas?

3200 Ms. Adcock. Not recorded.

3201 Mr. Schneider. No.

3202 Ms. Adcock. Mr. Schneider votes no.

3203 Chairman Goodlatte. The gentlewoman from Texas?

3204 Ms. Jackson Lee. Mr. Chairman, I am absolutely voting
3205 no because you have shut down --

3206 Chairman Goodlatte. The gentleman --

3207 Ms. Jackson Lee. -- debate and this is the wrong way
3208 to go about it, particularly if we are trying --

3209 Chairman Goodlatte. The gentlewoman --

3210 Mr. Sensenbrenner. Regular order.

3211 Ms. Jackson Lee. -- to be unified on a number of
3212 issues in Congress.

3213 Mr. Sensenbrenner. Mr. Chairman, regular order.

3214 Ms. Jackson Lee. We need to be allowed for the debate.

3215 Mr. Sensenbrenner: Mr. Chairman, no debate. We are
3216 voting now.

3217 Ms. Jackson Lee. We are stopping the democratic
3218 process, the --

3219 Chairman Goodlatte. The clerk will report.

3220 Ms. Jackson Lee. -- constitutional process that is
3221 necessary. I respect my friends --

3222 Ms. Adcock. Ms. Jackson Lee votes no.

3223 Ms. Jackson Lee. -- but we have the right of the
3224 minority to debate the issue, Mr. Chairman.

3225 Mr. Cicilline. Mr. Chairman?

3226 Chairman Goodlatte. The gentlewoman --

3227 Ms. Jackson Lee. The right of the minority to debate
3228 the issue --

3229 Chairman Goodlatte. -- will suspend.

3230 Ms. Jackson Lee. I am voting -- yes, Mr. Chairman.

3231 But can I please --

3232 Chairman Goodlatte. The gentlewoman will suspend. If
3233 other members --

3234 Ms. Jackson Lee. -- in a calm way say --

3235 Chairman Goodlatte. -- who wish to.

3236 Mr. Cicilline. Mr. Chairman?

3237 Ms. Jackson Lee. Mr. Chairman, I would like to vote no
3238 on disapproving of resolution to investigate --

3239 Ms. Adcock. Ms. Jackson Lee votes no.

3240 Ms. Jackson Lee. -- the acts of the Attorney General -

3241 -

3242 Mr. Sensenbrenner. Regular order, Mr. Chairman.

3243 Ms. Jackson Lee. -- the President, and --

3244 Chairman Goodlatte. We have already done that. The
3245 gentleman from Rhode Island?

3246 Mr. Cicilline. Mr. Chairman, I too vote no and I want
3247 to --

3248 Ms. Adcock. Mr. Cicilline votes no.

3249 Mr. Cicilline: -- again express my disappointment
3250 that we were unable to have debate on what I consider to be
3251 a critically important issue.

3252 Chairman Goodlatte. The gentleman from Maryland?

3253 Mr. Cicilline. The American people are watching this

3254 and I would be --

3255 Mr. Sensenbrenner. Regular order --

3256 Mr. Cicilline. -- horrified --

3257 Mr. Sensenbrenner: -- Mr. Chairman.

3258 Mr. Cicilline. -- at the idea that debate was cut off

3259 and we were not able to --

3260 Chairman Goodlatte. The gentleman from Texas?

3261 Mr. Cicilline. -- present arguments in support of the

3262 resolution.

3263 Chairman Goodlatte. The gentleman from Texas?

3264 Mr. Ratcliffe. Yes.

3265 Ms. Adcock. Mr. Ratcliffe votes yes.

3266 Chairman Goodlatte. Has every member voted who wishes

3267 to vote? The gentleman from New York?

3268 Mr. Nadler. I vote no.

3269 Ms. Adcock. Mr. Nadler votes no.

3270 Chairman Goodlatte. The gentleman from Tennessee?

3271 Mr. Cohen. I vote no.

3272 Ms. Adcock. Mr. Cohen votes no.

3273 Chairman Goodlatte. The gentleman from Maryland?

3274 Mr. Raskin. It has been a mockery of democracy. I

3275 vote no.

3276 Ms. Adcock. Mr. Raskin votes no.

3277 Chairman Goodlatte. The gentlewoman from Washington?
3278 Ms. Jayapal. I vote no and I am deeply --
3279 Ms. Adcock. Ms. Jayapal votes no.
3280 Ms. Jayapal. -- disappointed that we --
3281 Mr. Sensenbrenner. Regular order.
3282 Ms. Jayapal. -- have not been able to --
3283 Chairman Goodlatte. The gentleman from Michigan?
3284 Ms. Jayapal. -- debate this resolution, Mr. Chairman.
3285 Mr. Sensenbrenner. Regular order.
3286 Chairman Goodlatte. The gentleman from Michigan?
3287 Mr. Conyers. How am I recorded, Mr. Chairman?
3288 Ms. Adcock. Not recorded.
3289 Mr. Conyers. I vote no.
3290 Ms. Adcock. Mr. Conyers votes no.
3291 Chairman Goodlatte. The gentleman from Colorado, Mr.
3292 Buck?
3293 Mr. Buck. I vote yes.
3294 Ms. Adcock. Mr. Buck votes yes.
3295 Chairman Goodlatte. The clerk will report.
3296 Ms. Adcock. Mr. Chairman, 23 members voted aye, 8
3297 members voted no.
3298 Chairman Goodlatte. The ayes have it and the
3299 resolution as amended is ordered reported unfavorably to the
3300 House. Members will have 2 days to submit views. Without
3301 objection, the resolution be reported as a single amendment

3302 in the nature of a substitute incorporating --

3303 Ms. Jackson Lee. Mr. Chairman, can I object?

3304 Chairman Goodlatte. -- all adopted amendments and the

3305 staff is authorized to make technical and conforming

3306 changes. This completes the work of the committee today. I

3307 thank all the members for attending and the markup is

3308 adjourned.

3309 [Whereupon, at 4:43 p.m., the committee was adjourned.]