

April 12, 2018

The Honorable Mitch McConnell Senate Majority Leader 317 Russell Senate Office Building Washington, DC 20510

The Honorable Charles Grassley Chair, Senate Judiciary Committee 135 Hart Senate Office Building Washington, DC 20510 The Honorable Chuck Schumer Senate Minority Leader 322 Hart Senate Office Building Washington, DC 20510

The Honorable Dianne Feinstein Ranking Member, Senate Judiciary Committee 331 Hart Senate Office Building Washington, DC 20510

Re: Opposition to the Americans with Disabilities Act Education and Reform Act of 2017 (H.R. 620)

Dear Leaders McConnell and Schumer, Chair Grassley and Ranking Member Feinstein:

The undersigned 464 members and allies of the Consortium for Citizens with Disabilities (CCD) write to express our strong opposition to the ADA Education and Reform Act of 2017 (H.R. 620), which recently passed the House of Representatives by a narrow margin. We urge you not to bring up this bill for Senate consideration. CCD is the largest coalition of national organizations working together to advocate for Federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

H.R. 620 would create significant obstacles for people with disabilities to enforce their rights under Title III of the Americans with Disabilities Act (ADA) to access public accommodations. Further, it would impede their ability to engage in daily activities and participate in the mainstream of society. The bill provides that, before an individual with a disability may enforce his or her right under the ADA to have architectural barriers removed so that he or she can access a place of public accommodation, the person must first send a complex written notice to the owner or operator of the business informing them that the business is violating the law. After that, the business would have four months to remove the barrier or, if there were circumstances beyond its control, to "make substantial progress." Meanwhile, the person with a disability would be left waiting for access.

If it were to become law, this legislation would remove any incentive for businesses to comply proactively with the law, allowing them to wait to see if they receive a written notice from a

person with a disability who has been excluded based on the business's failure to comply with a 28-year old law. Only after receiving such a notice would a business even have to begin considering its obligations and how to bring itself into compliance. We know of no other law that outlaws discrimination but permits entities to discriminate with impunity until victims experience that discrimination and educate the entities perpetrating it about their obligations not to discriminate. Such a regime is absurd. Passage of this bill would convey a clear message that Congress considers people with disabilities to be second-class citizens—people whose decades-old right to access public accommodations is not important enough to be addressed until after they have been excluded.

The ADA was carefully crafted as a bipartisan compromise to take the needs of covered entities, including small businesses, into account. Among the compromises reflected in the ADA was the absence of any damage remedy in Title III; only injunctive relief and attorney's fees are available for violations of this part of the law. The fact that, 28 years after enactment, there are still organizations, businesses, and companies that violate the law and deny access to people with disabilities suggests that businesses should be better educated about their legal obligations under the ADA—just as they are expected to be about the other legal obligations that they undertake in running a business—not that we should limit the rights of people with disabilities to participate in their communities.

As Senator Tammy Duckworth has observed, "If Congress passed this misguided legislation, it would send a disgraceful message to Americans with disabilities that their civil rights are not worthy of strong enforcement." Similarly, Tom Ridge, former Governor of Pennsylvania and the nation's first Homeland Security Secretary, pointed out that "it is unacceptable to roll back the civil rights of people with disabilities" twenty-eight years after the ADA was passed, and that:

We should expect businesses to know and comply with their obligations, not require our neighbors and colleagues with disabilities to shoulder the burden of informing and educating businesses about those obligations. We should not turn the simple business of everyday life into a complex and lengthy ordeal for people with disabilities."<sup>2</sup>

We urge the Senate not to consider H.R. 620 or any other similar legislation. Please feel free to contact Jennifer Mathis, Bazelon Center for Mental Health Law, at jenniferm@bazelon.org or (202) 467-5730 ext. 1313, or Heather Ansley, Paralyzed Veterans of America, <a href="heather@pva.org">heather@pva.org</a>, (202) 416-7794, with any questions.

<sup>&</sup>lt;sup>1</sup> Tammy Duckworth, *Congress wants to make Americans with disabilities second-class citizens again*, Washington Post (Oct. 17, 2017), at <a href="https://www.washingtonpost.com/opinions/congress-is-on-the-offensive-against-americans-with-disabilities/2017/10/17/f508069c-b359-11e7-9e58-e6288544af98">https://www.washingtonpost.com/opinions/congress-is-on-the-offensive-against-americans-with-disabilities/2017/10/17/f508069c-b359-11e7-9e58-e6288544af98</a> story.html?utm term=.d73c2899ba05.

<sup>&</sup>lt;sup>2</sup> Tom Ridge, *Rolling Back the Civil Rights of the Disabled Harms Us All*, The Hill (Feb. 13, 2018), http://thehill.com/opinion/civil-rights/373546-rolling-back-the-civil-rights-of-the-disabled-harms-us-all.

Sincerely,
National Organizations:
ACCSES
ADAP Advocacy Association
The Advocacy Institute
The Advocrat Group
AFSCME
Allies for Independence
ALS Association
Amalgamated Transit Union
America Walks
American Academy of Physical Medicine and Rehabilitation
American Association of People with Disabilities
American Association on Health and Disability
American Association on Intellectual and Developmental Disabilities
American Civil Liberties Union
American Diabetes Association
American Foundation for the Blind

American Myalgic Encephalomyelitis and Chronic Fatigue Syndrome Society American Network of Community Options and Resources American Occupational Therapy Association American Physical Therapy Association American Psychological Association Amnesty International USA The Arc of the United States Association of Assistive Technology Act Programs Association of People Supporting Employment First Association of Programs for Rural Independent Living Association of University Centers on Disabilities The Association for Successful Parenting **Autism National Committee** Autism Society of America **Autism Speaks** Autism Women's Network Autistic Self Advocacy Network

Bazelon Center for Mental Health Law

Brain Injury Association of America
Center for Public Representation
CenterLink: The Community of LGBT Centers
Christopher & Dana Reeve Foundation
Civil Rights Education and Enforcement Center
Coalition on Human Needs
Congregation of Our Lady of Charity of the Good Shepherd, US Provinces
Council for Exceptional Children
Council for Learning Disabilities
Disability Power and Pride
Disability Rights, Education, Activism, and Mentoring
Disability Rights Education and Defense Fund
DQIA: Disabled Queers in Action!
Easterseals
Epilepsy Foundation
Equiticity
Exceptional Lives
Family Voices

FedCURE
First Focus
HEAR US, Inc.
Higher Education Consortium for Special Education
Human Rights Campaign
Impact Fund
Institute for Educational Leadership
JPIC Committee, Passionists of North America
Justice in Aging
Lakeshore Foundation
Lambda Legal
Leadership Conference for Civil and Human Rights
Learning Disabilities Association of America
Legal Aid at Work
NAACP
National Academy of Elder Law Attorneys
National Advocacy Center of the Sisters of the Good Shepherd
National Alliance on Mental Illness

National Association of Councils on Developmental Disabilities

National Association of the Deaf

National Association for Down Syndrome

National Association for Rights Protection and Advocacy

National Association of State Directors of Special Education

National Association of State Head Injury Administrators

National Center for Environmental Health Strategies

National Center for Learning Disabilities

National Center for Transgender Equality

National Coalition for the Homeless

National Coalition for Latinxs with Disabilities

National Council of Churches

National Council of Gray Panthers Networks

National Council of Jewish Women

National Council on Independent Living

National Disability Institute

National Disability Rights Network

National Down Syndrome Congress

National Employment Law Project National Equality Action Team National Federation of the Blind National Health Law Program National Human Services Assembly National LGBTQ Task Force Action Fund National Multiple Sclerosis Society National Organization on Disability National Organization of Nurses with Disabilities National Organization of Social Security Claimants' Representatives National Rehabilitation Association **National Respite Coalition** National Women's Law Center National Working Positive Coalition Not Dead Yet One Billion Rising Paralyzed Veterans of America Parent to Parent USA

Partnership for Inclusive Disaster Strategies
People for the American Way
PFLAG National
Polio Survivors Association
Presbyterian Women
Public Citizen
Rooted in Rights
Shepherd Center
Sibling Leadership Network
Sisters of Mercy
Social Security Works
Special Needs Alliance
Spina Bifida Association
TASH
Teacher Education Division of the Council for Exceptional Children
Transformative Justice Coalition
United Spinal Association
V-Day

The Viscardi Center
Voices for Progress
State and Local Organizations:
AARP Washington
ABILITY360 (AZ)
Ability Connection Colorado
Able South Carolina
Access Alaska
Access CNY (NY)
Access To Independence of Cortland County, Inc. (NY)
Access Living (IL)
Accessible Hollywood
ADA Nevada
ADAPT - Arizona
ADAPT of Texas
Advocacy Center of Louisiana
Advocacy and Training Center (MD)

AIM Independent Living Center (NY)
Alameda County Developmental Disabilities Council (CA)
Alaska Association on Developmental Disabilities
Appalachian Independence Center, Inc. (VA)
The Arc of Alabama
The Arc of Arizona
The Arc of California
The Arc of Connecticut, Inc.
The Arc of Delaware
The Arc of Illinois
The Arc of Kentucky
The Arc of Larimer County (CO)
The Arc of Michigan
The Arc Minnesota Southwest
The Arc of New Mexico
The Arc of Northern Virginia
The Arc of Pennsylvania
The Arc of South Carolina

The Arc of Tennessee The Arc of Texas The Arc of Tucson The Arc of Wisconsin Arise for Social Justice (MA) ARCIL, INC (TX) Arizona Center for Disability Law Arizona Community Action Association Arizona Disability Coalition Assist To Independence (AZ) Assisted Cycling Tours (CO) Association of Concerned Citizens (CA) Atlantis Community, Inc. (CO) Autism Family Services of New Jersey Blackstone Valley Community Action Program (RI) Boston Area Rape Crisis Center Boston Center for Independent Living Brain Injury Alliance of Utah

Brazoria County Center for Independent Living (TX) Bridges for the Deaf and Hard of Hearing (TN) Bronx Independent Living Services (NY) Bucks County Down Syndrome Interest Group (PA) Buffalo River Services, Inc (TN) Burnt Hills-Ballston Lake Center for Disability Services (NY) California Association of Food Banks California Retired Teachers Association California Disability Alliance California Down Syndrome Advocacy Coalition Californians For Disability Rights, Inc. California Foundation for Independent Living Centers (CFILC) Californians for SSI Caregivers of New Jersey Catholic Social Concerns Committee (WA) Center for Health Progress (CO) Center for Human Development (AK) Center for Independence of the Disabled, NY

Center for Independent Living, Inc. (CA) Center for Independent Living Options (OH) Center for Persons with Disabilities at Utah State University Child Care Council of Nassau (NY) Club 21 Learning and Resource Center (CA) Coalition of Disability Access Professionals (CA) Coalition of Texans with Disabilities Cogswell Hall (IA) Colorado Center on Law and Policy Colorado Children's Campaign Colorado Cross-Disability Coalition Colorado Developmental Disabilities Council Collegiate Presbyterian Church (IA) Communities Actively Living Independent & Free (CA) Community Access Unlimited (NJ) Community Actively Living Independently and Free (CA) Community Outreach Program for the Deaf (AZ)

Connecticut Council on Developmental Disabilities

Consumer Council System of Maine Consumer Health Coalition (NY) Coastal Bend Center for Independent Living Coastal Opportunities (ME) Communities Actively Living Independent & Free (CA) Community Resources for Independent Living (CA) Dayle McIntosh Center (CA) DC Commission on Persons with Disabilities DC Metro ADAPT Deaf and Hard of Hearing Service Center (CA) Delaware Ecumenical Council on Children and Families DIRECT Center for Independence (AZ) Directions Independent Living Inc. (NY) Disabilities Law Program (DE) Disabilities Resource Center of Siouxland Disability Action Center (CA) Disability Community Resource Center (CA) Disability Law Center of Alaska

Disability Law Center (MA) Disability Law Center (UT) Disability Law Colorado Disability Policy Consortium of Massachusetts Disability Rights Arkansas, Inc. Disability Rights California Board of Directors, Disability Rights Connecticut, Inc. Disability Rights Center - New Hampshire Disability Rights Florida Disability Rights Iowa Disability Rights Maine Disability Rights Nebraska Disability Rights New Jersey Disability Rights New Mexico Disability Rights New York Disability Rights North Carolina Disability Rights Pennsylvania Disability Rights South Dakota

Disability Rights Tennessee Disability Rights Texas **Disability Rights Vermont** Disability Rights Washington Disability Rights of West Virginia Disability Rights Wisconsin Disability Services & Legal Center (CA) Disability Voices United (CA) Disabled in Action of Greater Syracuse Inc. Dominican Sisters - Grand Rapids (MI) Down Syndrome Advocacy Coalition of NJ Down Syndrome Alliance of the Midlands (NE) Down Syndrome Association of Delaware Down Syndrome Connection of the Bay Area Down Syndrome Indiana, Inc. Down Syndrome of Louisville, Inc. Down Syndrome Organization of Southern Nevada (NV) Eastern Shore Center for Independent Living, Inc. (VA)

Elderhaus Adult Day Program, Inc. Empire Justice Center (NY) Empower Missouri ENDependence Center of Northern Virginia (ECNV) Epic Long Island (NY) Epilepsy California Epilepsy Foundation of Alabama **Epilepsy Foundation Central and South Texas** Epilepsy Foundation of Indiana Epilepsy Foundation of Kentuckiana Epilepsy Foundation of Metropolitan New York Epilepsy Foundation of Michigan Epilepsy Foundation of New Jersey Epilepsy Foundation of Nevada Epilepsy Foundation New England **Epilepsy Foundation Northwest Epilepsy Foundation Southeast Wisconsin** Epilepsy Foundation of Utah

Epilepsy Foundation of Virginia Epilepsy-Pralid, Inc. (NY) **Equality California Equality North Carolina** Equip for Equality (IL) Evangelical Lutheran Church in America (PA) Family Support Center of New Jersey Florida Alliance of Community Development Corporations, Inc. The Freedom Center, Inc. (MD) Freeport Accessibility Task Force (ME) Friends of Children with Special Needs (CA) Fulton Atlanta Community Action Authority (GA) Georgia ADAPT Georgia Advocacy Office Grands as Parents Inc. (PA) Greater Hartford Legal Aid (CT) Greater New Orleans Fair Housing Action Center Hammer Residences (MN)

Hawaii Disability Rights Center HIV/AIDS Law Project (AZ) Houston Center for Independent Living Illinois-Iowa Center for Independent Living Independence Advocates of Maine Independence Associates, Inc. (MA) Independence Empowerment Center (VA) IndependenceFirst (WI) Independent Living of the Genesee Region (NY) Independent Living Center of the Hudson Valley Inc. (NY) Independent Living Center of Kern County (CA) Independent Living Center of Southern California Independent Living Inc (NY) Independent Living Resource Center San Francisco Independent Living Resources (OR) Independent Living Resources of Solano & Contra Costa Counties (CA) Indiana Coalition Against Domestic Violence, Inc. **Indiana Disability Rights** 

Inwood House (NY) Jordan Center (PA) Katahdin Friends, Inc. (ME) KIIDS - Knowledge & Information about Individuals with Down Syndrome (NJ) Kentucky Protection and Advocacy Kern Down Syndrome Network (CA) Knoxville Center of the Deaf (TN) Laradon (CO) Leadership Team of the Felician Sisters of North America (PA) League of Human Dignity (NE) Lee County Special Education Association (IL) The Legal Aid Society (NY) Liberty Resources (PA) Linking Employment, Abilities and Potential (OH) Maine Developmental Disabilities Council Maine Parent Federation Mainers for Accountable Leadership Marianites of Holy Cross (LA)

Marin Center for Independent Living (CA) Maryland National Organization for Women Maryland United for Peace and Justice Mental Health America of West Central Indiana, Inc. Mental Health Association of Northwestern Pennsylvania Michigan Disability Rights Coalition Michigan Down Syndrome Advocacy Coalition Michigan League for Public Policy Michigan Protection & Advocacy Service, Inc. Mid-Atlantic Lyceum (MD) Minnesota Brain Injury Alliance Minnesota Consortium for Citizens with Disabilities Missouri Occupational Therapy Association Montgomery County Commission on People with Disabilities (MD) Momentum (ME) NAMI of Austin (TX) NAMI Sauk Area (IL)

National Association of Social Workers - NJ Chapter

National Council of Jewish Women, Maine Section Native American Disability Law Center Nazareth Housing Services (NY) Nebraska Statewide Independent Living Council Nevada Disability Advocacy & Law Center New Jersey Association of Mental Health and Addiction Agencies, Inc. New Mexico Caregivers Coalition New Mexico Voices for Children New River Valley Disability Resource Center (VA) New York Association on Independent Living New York Association of Psychiatric Rehabilitation Services NorCal Services for Deaf and Hard of Hearing North Hawaii Action Network Northeast Occupational Exchange (ME) Northern Nevada Center for Independent Living Northwest Pilot Project (OR) Northwoods Women, Inc./New Day Shelter (WI) OHI (ME)

Ohio TASH

Ollie Webb Center, Inc. (NE)

Out Now (MA)

Panhandle Independent Living Center

Paralyzed Veterans of America, Bay Area & Western Chapter (CA)

Paralyzed Veterans of America Buckeye Chapter (OH)

Paralyzed Veterans of America Cal-Diego Chapter

Paralyzed Veterans of America Central Florida Chapter

Paralyzed Veterans of America Gateway Chapter (MO)

Paralyzed Veterans of America Great Plains Chapter

Paralyzed Veterans of America Kentucky-Indiana Chapter

Paralyzed Veterans of America Keystone Chapter (PA)

Paralyzed Veterans of America New England Chapter

Parent to Parent of Colorado (CO)

PathWays PA

Pathways Vermont

Pennsylvania Assistive Technology Foundation

Pennsylvania Council of Churches

Pennsylvania Down Syndrome Advocacy Coalition Pennsylvania TASH Personal Attendant Coalition of Texas Piedmont Housing Alliance (VA) Placer Independent Resource Services (CA) Pleasant Grove United Methodist Women (AL) Prison Project of Santa Fe Progress Center for Independent Living (IL) Progressive Independence, Inc. (OK) Protection and Advocacy for People with Disabilities Inc. (SC) Protection and Advocacy Project (North Dakota) REACH Resource Centers on Independent Living (TX) Reach for Resources, Inc. (MN) The Resource Center for Accessible Living, Inc. (NY) Resource Center for Independent Living (NY) Resources for Independence Central Valley (CA) Responsible Growth Management Coalition, Inc. (FL) Rhode Island Disability Law Center

Rio Grande Down Syndrome Network (NM) Rolling Start, Inc. Disability Advocacy, Resources and Training (CA) Safe Communities Coalition of Central Kentucky (KY) Safer Foundation (FL) Saint Clare Church (IL) San Antonio Independent Living Services Schaumburg Township (IL) Seattle-King County Advisory Council on Aging and Disability Services Second Harvest Heartland (MN) Self-Directed Choices, LLC (NM) Service Center for Independent Life (CA) SICM Food Program (NY) Silicon Valley Independent Living Center (CA) Sisters of Charity of Leavenworth, KS Sisters of Charity of New York Sisters of Charity, BVM (IA) Sisters of St. Joseph (PA) Sisters, Servants of the Immaculate Heart of Mary (MI)

Sisters, Servants of the Immaculate Heart of Mary (PA) Sisters of the Most Precious Blood of O'Fallon, MO Sisters of the Presentation (IA) Sisters of the Presentation of the Blessed Virgin Mary of New Windsor, NY Siuslaw Area Partnership to Prevent Substance Abuse (OR) Sonoma-Marin Spinal Cord Injury Support Group (CA) South Carolina HIV Task Force South Suburban Housing Center (IL) Southwestern Pennsylvania National Organization for Women Spirit Mountain Retreat (CA) St. Therese of Lisieux Catholic Church (MI) Statewide Independent Living Council of Alaska Stone Soup Group (AK) Sunrise Movement (FL) Syntiro (ME) Tennessee Justice Center Texas Advocates Texas Down Syndrome Advocacy Coalition

Town of Hamburg, NY TransParent (CA) Transgender Law Center (CA) Tri-County Independent Living Center (OH) United Congregations of Metro East (IL) UUPlan Economic Justice Team (PA) Vermont Family Network Vermont Legal Aid Wayfinders Family Services (CA) West Sound for Social Justice (WA) Westchester Independent Living Center (NY) Western CT Association for Human Rights, WeCAHR Western New York Independent Living Westland Ecumenical Community Food Pantry (OH) Wisconsin Association of Mobility Managers Wisconsin Council of Churches Women Rising (NJ) YWCA Kalamazoo (MI)