



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

March __, 2017

The Honorable Steve King
Chair, House Judiciary
Subcommittee Constitution and Civil Justice
2210 Rayburn House Office Building
Washington, DC 20515

The Honorable Steve Cohen
Ranking Member, House Judiciary
Subcommittee Constitution and Civil Justice
2404 Rayburn House Office Building
Washington, DC 20515

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

Dear Chair King and Ranking Member Cohen:

The undersigned (**number of organizations**) members of the Consortium for Citizens with Disabilities (CCD) and allies of CCD write in opposition to the ADA Education and Reform Act of 2017 (H.R. 620). The Consortium for Citizens with Disabilities (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, and would impede their ability to engage in daily activities and participate in the mainstream of society. Rather, the burden of protecting the right to access a public place is shifted to the person with the disability, who first has to be denied access; then must determine that violations of the law have occurred; then must provide the business with specific notice of which provisions of the law were violated and when; and finally, the aggrieved person with the disability must afford the business a lengthy period to correct the problem.

The bill's proponents purport to protect business owners from the burden of understanding and complying with rules designed to ensure that people with disabilities could access public accommodations, on the ground that this burden is too heavy for businesses. Yet *people with disabilities* are expected to shoulder this burden and to

provide businesses with information about the specific legal obligations that they are violating—*after* those individuals have been denied the access rights that Congress gave them decades ago. 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, and would make people with disabilities second-class citizens.

Almost 27 years ago, the ADA was carefully crafted as a bipartisan compromise to take the needs of covered entities, including the types of businesses covered by Title III, 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, almost 27 years after enactment, there are still organizations, businesses, and companies who 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.

Section 2 of this bill states that the bill was written in *consultation with ... and representatives of the disability rights community*. But H.R. 620 was not written in consultation with representatives of the disability rights community and it would create barriers to the civil rights for persons with disabilities that do not exist in other civil rights laws.

As was mentioned earlier, the ADA has been law for almost 27 years. By this time, business owners have had ample notice of the ADA's requirements and opportunity to remove barriers. If, after 27 years, a business has continued to not comply with the requirements of this legislation, why should a person have to wait more time for enforcement of their civil rights? Should an individual who is not allowed to enter a restaurant because of their race, gender or religion, have to wait before seeking to enforce their civil rights? Title III of the ADA already reflects a compromise that takes into account the concerns of businesses; it does not allow individuals to seek damages for violations of their civil rights. Now legislation like H.R. 620 seeks to further erode the civil rights of people with disabilities

We look forward to an opportunity to speak with you and your staff about our concerns. As H.R. 620 would erode the civil rights of people with disabilities, we must oppose this legislation. Please contact Dara Baldwin, Senior Public Policy Analyst, National Disability Rights Network (NDRN) with any questions or concerns at dara.baldwin@ndrn.org or 202-408-9514 ext. 102.

Sincerely,

Friends of CCD:

Cc: House Judiciary Committee
U.S. House of Representatives