



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

March 13, 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 and Allies 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 **217** 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,

Advance CLASS Inc.
American Association of People with Disabilities (AAPD)
American Association on Health and Disability
American Civil Liberties Union (ACLU)
American Council of the Blind (ACB)

American Psychological Association (APA)
Association of University Centers on Disabilities (AUCD)
Autistic Self Advocacy Network (ASAN)
Bazelon Center for Mental Health Law
Brain Injury Association of America
Center for Public Representation
Christopher & Dana Reeve Foundation
Council of Parent Attorneys and Advocates, Inc. (COPAA)
Disability Rights and Education Fund (DREDF)
Easterseals
Epilepsy Foundation
Institute for Educational Leadership (IEL)
Jewish Federations of North America
Justice in Aging
Learning Disabilities Association of America
Lutheran Services in America Disability Network
National Association of Councils on Developmental Disabilities (NACDD)
National Center for Learning Disabilities (NCLD)
National Council on Independent Living (NCIL)
National Disability Institute (NDI)
National Disability Rights Network (NDRN)
National Down Syndrome Congress (NDSC)
National Multiple Sclerosis Society
Paralyzed Veterans Association (PVA)
Parent2Parent USA
TASH
The Advocacy Institute
The American Foundation for the Blind (AFB)
The Arc
U.S. International Council on Disabilities (USICD)
United Spinal Association

Allies of CCD:

9to5, National Association of Working Women
Ability 360
Ability1st is the Center for Independent Living of North Florida, Inc.
Access Living
ADAPT (National)
ADAPT Montana
ADAPT of Texas
Alaska State Independent Living Council
APRIL
Arizona Center for Disability Law

Arizona Disability Coalition
Arkansas State Independent Living Council (ARSILC)
Atlantis Community, Inc.
Autism Women's Network
Black Women's Roundtable
BNICEH 'be nicer" (Black Network In Children's Emotional Health)
Boston Center for Independent Living
Brain Injury Alliance of Arizona
Brazoria County Center for Independent Living
Bronx Independent Living Services
Brooklyn Center for Independence of the Disabled
California Disability Alliance (CDA)
California Foundation for Independent Living Centers (CFILC)
Californians for Disability Rights
Center for Disability Rights
Center For Independence of Individuals with Disabilities
Center for Independent Living of the Keys
Children's Advocacy Institute
Communities Actively Living Independent & Free (CALIF)
Community Legal Aid Society, Inc.
Community Resources for Independent Living
Connecticut Legal Rights Project, Inc.
Dayle McIntosh Center
DC Advocacy Partners
DIRECT Center for Independence
Disabilities Resource Center of Siouxland
Disability Network Southwest Michigan
Disability Policy Consortium of Massachusetts
Disability Power & Pride
Disability Rights Arkansas (DRAR)
Disability Rights Center - CA
Disability Rights Center – NH
Disability Rights Iowa (DRIA)
Disability Rights Maine (DRME)
Disability Rights Maryland (DRMD)
Disability Rights Mississippi (DRMS)
Disability Rights New Jersey (DRNJ)
Disability Rights Pennsylvania (DRPA)
Disability Rights Tennessee (DRTN)
Disability Rights Vermont (DRVVT)
Disability Rights Washington (DRWA)
Disability Rights Wisconsin (DRWI)
Ecumenical Ministries of Oregon
Enterprise Community Partners

Faith Voices Arkansas
Families and Friends of Louisiana's Incarcerated Children
Family Equality Council
Florida Alliance for Assistive Services and Technology, Inc.
FORGE, Inc.
Fort Bend Center for Independent Living
FREED Aging & Disability Resource Connection
Grassroots Global Justice Alliance
Grassroots Global Justice Alliance
Green Think Tank for the Disability Community
Grounded Solutions Network
Housing Choice Partners
Houston Center for Independent Living
Idaho Federation of Families for Children's Mental Health
Idaho State Independent Living Council
IHSS Consumers Union
Illinois-Iowa Center for Independent Living
IMPRUVE (Independent Movement of Paratransit Riders for Unity, Vehicles, Equality)
Independence Associates, Inc.
Independence First
Independent Connection, Inc.
Independent Living Center of Hudson Valley
Independent Living Center of Southern California
Iowa Statewide Independent Living Council
Jewish Council for Public Affairs
Justice for Families
Juvenile Law Center
Kentucky Protection & Advocacy
Lakeshore Foundation
Leadership Conference on Civil and Human Rights
Legal Action Center
Little People of America
Living Independence Network Corp. (LINC)
Living Independently for Today and Tomorrow
Louisiana Center for Children's Rights
Maryland Alliance of Disability Commissions & Committees
Mayor's Office for People with Disabilities, City of Chicago
Mile High Connects
MommieActivist and son
National Action Network (NAN)
National Association for the Advancement of Colored People (NAACP)
National Association of Human Rights Workers
National Association of Social Workers/Texas Chapter
National Association of the Deaf (NAD)

National Bar Association (NBA)
National Black Justice Coalition
National Center for Lesbian Rights
National Center for Transgender Equality
National Coalition for the Homeless
National Coalition of Mental Health Recovery (NCMHR)
National Coalition on Black Civic Participation
National Fair Housing Alliance
National Federation of the Blind
National Housing Law Project
National Juvenile Justice Network (NJNN)
National LGBTQ Task Force Action Fund
National Low Income Housing Coalition (NLIHC)
National Organization of Nurses with Disabilities (NOND)
National Youth Advocate Program, Inc.
Native American Disability Law Center, Inc.
NETWORK Lobby for Catholic Social Justice
New Jersey Parents Caucus, Inc.
New York Association of Psychiatric Rehabilitation Services (NYAPRS)
New York Association on Independent Living
New York State ADAPT
New York State Independent Living Council
North Dakota Protection & Advocacy Project
Northern West Virginia Center for Independent Living
Not Dead Yet
OHIO SILC
One Billion Rising
Oregon Walks
Paraquad
Pennsylvania Council for Independent Living
Pennsylvania Council of Churches
Pennsylvania Council of the Blind
Personal Attendant Coalition of Texas
Portlight Strategies
REACH Resource Centers on Independent Living-Fort Worth, Dallas, Denton & Plano, TX
Regional Center for Independent Living (Rochester, NY) All About You Homecare
Religious Action Center of Reform Judaism
Resource Center for Accessible Living
Rochester ADAPT
Services Maximizing Independent Living and Empowerment (SMILE)
Sign Faith Voices AR
SKIL Resource Center in Parsons, KS
South Carolina Christian Action Council
Southwestern Center for Independent Living (SWCIL)

Statewide Independent Living Council of Illinois
Summit Independent Living
Texas Disability Project/ REV UP Texas
The ADA Legacy Project
The Advocacy Center of Louisiana
The Advocrat Group
The Center for Independence of the Disabled
The Coalition for Juvenile Justice (CJJ)
The Daniel Initiative
The District of Columbia Center for Independent Living, Inc.
The Freedom Center, Inc.
The IMAGE Center of Maryland
The Independence Center
The League
The League for People with Disabilities
The Maryland Coalition of Families
The National Association of Counsel for Children
The National Association of Social Workers (NASW)
The National Crittenton Foundation
The Nebraska Statewide Independent Living Council
The North Country Center for Independence in Plattsburgh
The Partnership for Inclusive Disaster Strategies
The Reformed Church in America
The Starkloff Disability Institute
Transformative Justice Coalition
United Way of the Ouachitas, Hot Springs, Arkansas
V-Day
Vermont Coalition for Disability Rights (VCDR)
Vermont SILC
Vermonters for Criminal Justice Reform
Virginia Council of Churches
W. Haywood Burns Institute
Washington State Independent Living Council (WA SILC)
West Virginia State Independent Living Center, Inc.
White Apple Institute
Wisconsin Coalition of Independent Living Centers, Inc.
Women Who Never Give Up

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