



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

April 12, 2018

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

The Honorable Chuck Schumer
Senate Minority Leader
322 Hart Senate Office Building
Washington, DC 20510

The Honorable Charles Grassley
Chair, Senate Judiciary Committee
135 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.”¹ 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.”²

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, heathera@pva.org, (202) 416-7794, with any questions.

¹ Tammy Duckworth, *Congress wants to make Americans with disabilities second-class citizens again*, Washington Post (Oct. 17, 2017), at https://www.washingtonpost.com/opinions/congress-is-on-the-offensive-against-americans-with-disabilities/2017/10/17/f508069c-b359-11e7-9e58-e6288544af98_story.html?utm_term=.d73c2899ba05.

² 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-Marín 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)

