



February 9, 2018

The Honorable Paul D. Ryan
Speaker
U.S. House of Representatives
H-232, U.S. Capitol
Washington, D.C. 20515

The Honorable Nancy Pelosi
Democratic Leader
U.S. House of Representatives
H-204, U.S. Capitol
Washington, D.C. 20515

Dear Speaker Ryan and Leader Pelosi:

On behalf of our 38 state chapters and 3,200 members across the country who support individuals with disabilities to work and live in their communities, APSE is writing to express our strong opposition to H.R. 620, the “ADA Education and Reform Act of 2017.” The Association of People Supporting Employment First (APSE) is the only national membership organization focused exclusively on integrated employment. Through advocacy and education, APSE advances employment and self-sufficiency for all people with disabilities.

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 it would impede their ability to engage in daily activities and participate in the mainstream of society. Under this bill, 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. This incredibly burdensome process would essentially nullify the protections against discrimination that individuals with disabilities currently have under Title III of the ADA.

The ADA is a civil rights law and this bill would not only weaken parts of the ADA, but it would also pose risks for other civil rights laws as well (like Title II of the Civil Rights Act of 1964, barring public accommodations from discriminating based on race; Title III of the ADA was based on Title II of the CRA).

H.R. 620 would not solve the problems it purports to address. It would not stop fraudulent lawsuits or demand letters that try to extort money from businesses. Courts and state bars are already equipped to deal with those state law problems in better ways, without taking away people's civil rights. They have been successfully shutting down those practices in many areas. Title III of the ADA already reflects a compromise that takes into account the concerns of businesses in terms of cost and impact on the business, and it does not allow individuals to seek damages for violations of their civil rights.

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The ADA has been law for nearly 28 years. By this time, business owners have had ample notice of the ADA's requirements and opportunity to remove barriers. Extensive federal efforts to educate business owners about their ADA obligations, including the in-depth DOJ ADA website (<http://ada.gov>), the DOJ ADA hotline, extensive DOJ technical assistance materials, and the ten federally-funded regional ADA Centers that provide in-depth resources and training in every state (www.adata.org). Additionally, it should be kept in mind that existing businesses are only required to provide access when doing so is readily achievable. If, after 28 years, a business has continued to not comply with the requirements of this legislation, why should an individual 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? Absolutely not – and neither should individuals with disabilities. Legislation like H.R. 620 seeks to erode essential civil rights of Americans with disabilities.

We look forward to an opportunity to speak with you and your staff about our concerns. As H.R. 620 would diminish the civil rights of people with disabilities, we must oppose this legislation. Please contact Allison Wohl, APSE's Policy Director, at allison@apse.org with any questions.

Sincerely,

Allison H. Wohl
APSE Policy Director