



May 18, 2016

The Honorable Trent Franks
Chair, House Judiciary
Subcommittee Constitution and Civil Justice
2435 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: Access Living's Letter of Opposition to the Americans with Disabilities Act (ADA) Education and Reform Act of 2015 (H.R. 3765)

Dear Representative Bustos:

I write to urge you to oppose the ADA Education and Reform Act of 2015 (H.R. 3765). This bill, if made law, make it harder for people with disabilities to live in the community. An individual cannot effectively live in the community if that individual cannot access the community's businesses and places of public accommodation.

Access Living is a Center for Independent Living (CIL) for people with disabilities established under the Rehabilitation Act of 1973, 29 U.S.C. § 796(f). Access Living promotes the independent living philosophy of equal access of individuals with disabilities to all services, programs, activities, resources, and facilities, whether public or private. *See Id.* § 796f-4(b)(1)(D). In furtherance of its independent living work, Access Living advocates for and provides legal representation to individuals with disabilities experiencing prohibited discrimination. We serve individuals on a cross-disability basis, meaning that we serve individuals with all different types of disabilities. *See id.* § 796f-4(b)(2).

Although the ADA is almost 26 years-old, people with disabilities still continually face barriers in accessing the businesses in their neighborhoods. Even a task like scheduling a meeting with a legislator is a challenge, requiring a pre-visit just to determine if advocates with disabilities can access the legislator's office.

The fact that people with disabilities still need to make such pre-visits almost 26 years after passage of the ADA demonstrates the already weak enforcement mechanisms in the statute. Legislative history also

records the political bargain that led to this weakness. The disability community gave up the right to seek monetary damages when businesses violate the ADA in exchange for passage of the Act in 1990.

The ADA Education and Reform Act goes beyond that bargain. It further limits the power of the ADA and encourages non-compliance with the law. This bill will remove any incentive for business owners to proactively make their business accessible. It eliminates all consequences for failure to comply with the Act unless and until an individual begins the barrier identification process created in this bill.

That identification process is also highly technical and loaded with penalties for any individual who makes a mistake in the manner in which they identify the ADA violation to the business owner. Any notification that can be construed to constitute a form of pre-suit notification is punishable by a criminal fine. This structure will have a chilling effect on any individual's effort to raise their right to equal access, and is a dramatic departure for any civil rights law.

Never before has the Legislature proposed to criminalize the act of complaining of a civil rights violation. This bill presents that first step. It must be rejected as anathema to any system meant to encourage equality and a level playing field.

It is also unwise policy to force an individual seeking access to a business to wait 180 days after giving notice of a violation before beginning enforcement action. Most local ordinances that protect similar rights to access business and public accommodations require enforcement actions to be taken within 180 days of the violation. This bill could effectively prohibit the use of those local ordinances, as it delays any demand letter or pre-suit notification until those 180 day statutes of limitations have expired.

Also, the ADA has already been in effect for over 25 years. There is no excuse for a business that is still not in compliance.

The fact that sufficient businesses remain out of compliance with the ADA to cause an industry group to propose this bill demonstrates the current weakness of the ADA's public accommodation enforcement mechanism. We urge you to oppose this effort to add the deterrent of the threat of fines and 180 day waiting periods to this vital civil rights bill for the disability community.

Thank you for your time.

Sincerely,



Marca Bristo
President, Access Living
115 W. Chicago Ave.
Chicago, IL 60654



Officers

President
Lou Ann Kibbee
Hays, Kansas

Vice President
Mark Derry
Morgantown, West Virginia

Secretary
Ann McDaniel
Institute, West Virginia

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Region IX
Sheri Burns
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Tina Toelle
Fairbanks, Alaska

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2435 Rayburn House Office Building
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The Honorable Steve Cohen
Ranking Member, House Judiciary Subcommittee
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2404 Rayburn House Office Building
Washington, DC 20515

Re: National Council on Independent Living Letter Regarding H.R.241, H.R. 4719, and H.R. 3765

Dear Chair Franks and Ranking Member Cohen,

The National Council on Independent Living (NCIL) writes this letter to you in opposition to three pieces of legislation: the ADA Compliance for Customer Entry to Stores and Services (ACCESS) Act (H.R. 241), the Correcting Obstructions to Mediate, Prevent, and Limit Inaccessibility (COMPLI) Act (H.R. 2719), and the ADA Education and Reform Act of 2015 (H.R. 3765). NCIL is the longest-running national cross-disability, grassroots organization run by and for people with disabilities. NCIL represents people with disabilities, Centers for Independent Living (CILs), Statewide Independent Living Councils (SILCs), and other organizations that advocate for the human and civil rights of people with disabilities throughout the country.

Almost 26 years ago, the Americans with Disabilities Act (ADA) was carefully crafted to take the needs of covered entities such as businesses into account. It was the disability community that gave up the ability to receive damages from failure to comply with the federal ADA by only allowing injunctive relief and attorney's fees for violations of the law. Unfortunately, almost 26 years after enactment, there are still organizations, businesses, and companies who have yet to comply with this important civil rights law for persons with disabilities.

All three of these bills that have been introduced in Congress would create barriers to the civil rights for persons with disabilities that do not exist in other

civil rights laws. All three of these bills that have been introduced in Congress would create barriers to the civil rights for persons with disabilities that do not exist in other civil rights laws. These bills seek to limit the power of the ADA and reduce compliance with the law. All three of these bills reverse the negotiated compromise between businesses and the disability community made during passage of the ADA. H.R. 3765 goes even further by criminalizing attempts to enforce a person's civil rights. There is no other civil rights legislation where it could be a crime to file a complaint to enforce your civil rights. H.R. 4719 also has additional areas of concern, including the provision that would forbid all but a narrowly prescribed type of communication between the business and the person with a disability, and another provision that would focus on public notification of the problem rather than actual correction of the problem.

As was mentioned earlier, the ADA has been law for almost 26 years. If a business has not complied with the requirements of this legislation by this point, why people with disabilities have to wait more time for enforcement of our 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? The disability community already compromised with the passage of the ADA by not allowing individuals to seek damages from violations of our civil rights, but now legislation like H.R.241, H.R. 4719, and H.R. 3765 seeks to erode our civil rights.

Congress should be ensuring that people with disabilities have full access to the community through the strong enforcement of the ADA, not making it more difficult for people with disabilities to be fully participating members of society. As H.R.241, H.R. 4719, and H.R. 3765 would erode the civil rights of people with disabilities, we must oppose this legislation.

We look forward to an opportunity to speak with you and your staff about our concerns. Please contact Kelly Buckland, Executive Director at kelly@ncil.org or 202-207-0334 ext. 1104 if you have any questions.

Respectfully,



Kelly Buckland
Executive Director

Cc: House Judiciary Subcommittee on the Constitution and Civil Justice

**The Leadership Conference
on Civil and Human Rights**

1629 K Street, NW 202.466.3311 voice
10th Floor 202.466.3435 fax
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20006



May 18, 2016

The Honorable Trent Franks, Chairman
Subcommittee on Constitution and Civil Justice
U.S. House of Representatives
Washington, DC 20515

The Honorable Steve Cohen, Ranking Member
Subcommittee on Constitution and Civil Justice
U.S. House of Representatives
Washington, DC 20515

**OPPOSE THE "AMERICANS WITH DISABILITIES (ADA) EDUCATION AND
REFORM ACT OF 2015" (H.R. 3765)**

Dear Chairman Franks and Ranking Member Cohen:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 organizations to promote and protect the rights of all persons in the United States, we write to express our strong opposition to the ADA (Americans with Disabilities Act) Education and Reform Act of 2015 (H.R. 3765).

The Leadership Conference believes in strong and vigorous enforcement of the ADA. Yet a number of bills have been introduced in Congress that limit the power of the ADA and reduce compliance with the law. We oppose any such efforts, including H.R. 3765, to limit the ability of people with disabilities to vindicate their rights in court.

H.R. 3765 imposes several additional steps on plaintiffs before they can file a civil action for an accessibility violation in a public accommodation case. It would also impose criminal fines if demand letters or other pre-suit notifications alleging violations of ADA public accommodation requirements are not sufficiently specific.

Such restrictions and penalties on the ability of people to attempt to vindicate their rights fly in the face of the intent of civil rights statutes, which were enacted to ensure the protections of those marginalized in our society. For these reasons, we urge you to oppose the ADA Education and Reform Act of 2015. If you have any questions, please contact Lisa Bornstein, Legal Director and Senior Legal Advisor, at bornstein@civilrights.org or (202) 263-2856.

Sincerely,


Wade Henderson
President & CEO


Nancy Zirkin
Executive Vice President

Officers
Chair
Judith L. Lichtman
National Partnership for
Women & Families
Vice Chairs
Jacqueline Pala
National Congress of American Indians
Thomas A. Saenz
Mexican American Legal
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Chad Griffin
Human Rights Campaign
Linda D. Hallman
AAUW
Mary Kay Henry
Service Employees International Union
Sherrilyn Ifill
NAACP Legal Defense and
Educational Fund, Inc.
Michael B. Keegan
People for the American Way
Samer E. Khalaf
American-Arab
Anti-Discrimination Committee
Marc Morial
National Urban League
Mee Moua
Asian Americans Advancing Justice |
AAJC
Janet Murguia
National Council of La Raza
Debra Neas
National Partnership for
Women & Families
Terry O'Neill
National Organization for Women
Priscilla Ouchida
Japanese American Citizens League
Rabbi Jonath Pesner
Religious Action Center
Of Reform Judaism
Anthony Romero
American Civil Liberties Union
Shanna Smith
National Fair Housing Alliance
Richard L. Trumka
AFL-CIO
Randi Weingarten
American Federation of Teachers
Wylecia Wiggs Harris
League of Women Voters of the
United States
Dennis Williams
International Union, UAW

**Policy and Enforcement
Committee Chair**
Michael Lieberman
Anti-Defamation League
President & CEO
Wade J. Henderson
Executive Vice President & COO
Karen McGill Lawson

Submitted to the House Judiciary Subcommittee on the Constitution for a hearing "Examining Legislation to Promote the Effective Enforcement of the ADA's Public Accommodation Provisions" May 19th, 2016

FOR THE RECORD

**Policy Statement of the National Council on Disability
Regarding Amending the ADA to Require Notice**

The National Council on Disability (NCD) offers this testimony for the written record in accordance with our mission as an independent federal agency tasked with making recommendations to the President and Congress on policy matters affecting the lives of Americans with disabilities. Given this mission, NCD is responsible for providing advice regarding the implementation and enforcement of the Americans with Disabilities Act (ADA) – a law with which NCD has an inextricably connected history.

NCD first proposed the concept of the ADA in 1986. Congress relied on and acknowledged the influence of NCD, its reports, and its testimony throughout the legislative process leading up to its passage and in 1990, the ADA was signed into law by President George H.W. Bush. Since passage of the ADA, NCD has remained actively involved in disability policy, including working with Congress to amend the ADA, in 2008, recalibrating it to address discrimination in a broad array of circumstances after interpretation of the law was narrowed by the federal courts.

The proposed policies before the Committee at today's hearing, "Examining Legislation to Promote the Effective Enforcement of the ADA's Public Accommodation" all fall under the general rubric of ADA notification bills, which have come before this committee year after year. In 2012, NCD submitted a Statement for the Record to this Committee expressing concern regarding legislation that proposed "...to amend the ADA to require that an individual alleging a business is inaccessible provide written notice to the business about the specific ADA violation before bringing suit."¹ Additionally, NCD reminded the Committee that:

Title III of the ADA was intended to balance the interests of small businesses along with the accessibility concerns of people with disabilities. It is a myth that the ADA's requirements are too hard on small businesses. The legislative history of the ADA is rife with concern about the burden on small businesses and as a result, Title III does not require any action with respect to existing buildings that would cause an undue burden or that is not readily achievable. The approach of the ADA was not

¹ National Council on Disability, NCD Statement for the Record – House Judiciary Subcommittee on the Constitution Hearing on "Access (ADA Compliance for Customer Entry to Stores and Services) Act" June 27, 2012. Available from: www.ncd.gov/newsroom/Testimony.06272012

to exempt small businesses from the requirements of the bill, but rather to tailor the requirements of the Act to take into account the needs and resources of small businesses— to require what is reasonable and not to impose obligations that are unrealistic or debilitating to businesses.²

Since NCD issued this statement, businesses small and large--and the state and federal agencies that regulate them--have had four more years (nearly 26 total years now) to ensure compliance with the reasonable and balanced requirements of the ADA, and yet legislation that seeks to place the onus on the person with a disability who is prevented from spending their money to purchase goods and services from an inaccessible business is again under consideration by this Committee. Furthermore, among the current slate of bills, H.R. 3765 not only requires that the aggrieved person with a disability notify the owner-operator of the allegedly inaccessible business about their violation of the ADA, but also subjects the complainant to criminal liability if the notice does not meet strict statutory requirements. This proposed provision would be unique in civil rights law, and would have a chilling effect on anyone aware of this provision. Ironically, an innocent person with a disability who simply wanted to make a business owner aware of a violation of a well-settled 26-year old law might unwittingly violate this new notice requirement and face a stiff penalty while a business owner is free to flout the access requirements of the ADA. This sort of imbalance is certainly not in keeping with original Congressional intent which already took all parties' interests into consideration against the backdrop of an individual's inalienable civil rights.

While we all support small businesses and appreciate the valuable role they play in our economy, opening a business necessarily entails adherence to certain rules. For over 50 years, federal law prohibits businesses from engaging in discrimination based on race, religion, or sex, and for 26 years, they have been required to make their businesses accessible to people with disabilities. These requirements are widely known and ascertainable by any responsible business owner. Shifting the responsibility to aggrieved individuals with disabilities who may already have suffered the indignity of discrimination is bad national policy, and it is an unacceptable and unprecedented rollback of the "...guarantee [of] fair and just access to the fruits of American life which we all must be able to enjoy..." that George H.W. Bush recognized the ADA to be when he signed this landmark legislation. At the signing, President Bush declared eloquently, "[W]e rejoice as this barrier falls for claiming together we will not accept, we will not excuse, we will not tolerate discrimination in America."³

26 years later, surely we cannot be ready to declare that equality is a failed experiment and that discrimination against people with disabilities is tolerable

² Id.

³ George H.W. Bush, "Statement on Signing the Americans with Disabilities Act of 1990," July 26, 1990.

and acceptable in America, and that those that have been treated unfairly must stay silent or risk criminal penalties for a less than artful protest of their mistreatment.

As we did four years ago when this Committee considered similar legislation, NCD recommends that Congress follow its own careful considerations when enacting the ADA and reject these unnecessary amendments.



May 17, 2016

The Honorable Trent Franks
Chair, House Judiciary
Subcommittee Constitution and Civil Justice
2435 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

Dear Chair Franks and Ranking Member Cohen:

The American Association of People with Disabilities (AAPD) is writing in opposition to the bills currently introduced that would require individuals with disabilities to provide notification to entities in violation of the Americans with Disabilities Act (ADA); including the ADA Compliance for Customer Entry to Stores and Services (ACCESS) Act (H.R. 241), the ADA Education and Reform Act of 2015 (H.R. 3765) and the COMPI Act (H.R. 4719). AAPD is a national disability rights organization that works to improve the lives of people with disabilities by acting as a convener, connector, and catalyst for change, increasing the political and economic power of people with disabilities.

Almost 26 years ago, the ADA was enacted as a compromise between the disability and business communities. The disability community gave up the ability to receive damages from failure to comply with the federal ADA by only allowing injunctive relief and attorney's fees for violations of the law. Unfortunately, almost 26 years after enactment, there are still organizations, businesses, and companies who have yet to comply with this important civil rights law for persons with disabilities

A number of bills, including H.R. 241, H.R. 3765, and H.R. 4719, have been introduced in Congress that would create barriers to the civil rights for persons with disabilities that do not exist in other civil rights laws. These bills seek to limit the power of the ADA and reduce compliance with the law, and would go back on the compromises made between the business and disability communities during passage of the ADA.

As was mentioned earlier, the ADA has been law for almost 26 years, if a business has decided to not comply with the requirements of this legislation by this point, 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? The disability community already compromised with the passage of the ADA by not allowing individuals to seek damages from violations of their civil rights, but now legislation like these bills would erode the civil rights of people with disabilities. Congress should be ensuring that people with disabilities have full access to the community through the strong enforcement of the ADA, not making it more difficult for people with disabilities to be fully participating members of society.

AAPD staff would welcome an opportunity to speak with you and your staff about our concerns. Please contact Lisa Ekman, Policy Consultant, at lekman@aapd.com or 240-463-5612 with questions or if you are interested in discussing this further.

Thank you in advance for taking our opposition into consideration.

Yours truly,



Helena R. Berger
President & CEO

cc:

Ron DeSantis
Steve King
Louie Gohmert
Jim Jordan
Bob Goodlatte
Jerry Nadler
Ted Deutch
John Conyers



National Rehabilitation Association

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E-mail: info@nationalrehab.org • website: <http://www.nationalrehab.org>

May 18, 2016

Open Letter to Members of Congress and Sponsors and Co-Sponsors of ADA Notification Bills

The National Rehabilitation Association (NRA) is the oldest professional member organization in the United States that advocates for the rights of individuals with disabilities while also promoting high quality, ethical, and collaborative practice across the rehabilitation profession. The NRA, comprised of counselors, educators, researchers, and diverse agents of community integration, is committed to continuously impacting and improving upon the multifaceted conditions, across our society, necessary to enhance quality of life of individuals with disabilities, their families, and our communities.

We are writing to express our firm opposition to H.R. 3765, H.R. 4719 and H.R. 241, all Americans with Disabilities Act (ADA) notification bills before the 114th Congress.

If enacted, the three ADA notification bills currently before Congress would be a devastating step backward for Americans with disabilities. Passed by Congress in 1990, the ADA is the nation's first comprehensive civil rights law addressing the needs of individuals with disabilities, prohibiting discrimination in employment, public services, public accommodations, and telecommunications. All three bills referenced above, amend the ADA to prohibit commencement of civil actions based on the failure to remove an architectural barrier to access an existing public accommodation unless: (1) the aggrieved individual has provided to the owners or operators a written notice specifically identifying the barrier, and (2) the owners or operators fail to provide the aggrieved individual with a written description outlining the steps that will be taken to remove the barrier. Additionally, under H.R. 3765, an individual who sends a demand letter alleging an ADA Title III violation that fails to meet specified requirements would be subject to a criminal fine; thereby discouraging the individual with a disability from seeking the removal of barriers that are already prohibited by the ADA. These notice and cure provisions are unacceptable to individuals with disabilities.

While we recognize that some individuals will use the ADA as the basis for frivolous law suits, we do not believe the proposed changes will make the unscrupulous scrupulous. The proposed changes to the ADA will have the unintended consequence of making individuals with disabilities afraid to speak out against violations of law that limit their access to places of public accommodation. In particular, the threat of a criminal fine for failure to meet the conditions specified in H.R. 3765 will make some individuals with disabilities afraid that by exercising their right to access, they will become the victims of legal sanctions.

Individuals with disabilities are still experiencing discrimination in public accommodations 26 years after the passage of the ADA. Owners of public accommodations have had 26 years to comply with the ADA and it is unreasonable to burden the individual with a disability by

To provide exemplary leadership through social advocacy and legislation, advance cultural awareness and competence across communities, promote excellence in research and practice, and support professionals engaged in the employment and independence of individuals with disabilities.

requiring that the business or operator be given additional notice before the individual with a disability can seek redress of ADA violations in court. These bills encourage businesses to do nothing until they receive a letter of notification--no other civil rights law has a notice provision of this type.

It is time that individuals with disabilities have access to all aspects of society as required by the ADA. Please stand with the NRA and organizations of individuals with disabilities by opposing legislation that would limit the rights of individuals with disabilities under the ADA.

Respectfully yours,



Fredric K. Schroeder, Executive Director
National Rehabilitation Association



"PROTECTING THE RIGHTS OF
PERSONS WITH DISABILITIES"

PROTECTION & ADVOCACY
SERVICE, INC.

Elmer L. Cerano, *Executive Director*

May 17, 2016

VIA E-MAIL <https://conyers.house.gov/contact>

The Honorable John Conyers
2426 Rayburn House Office Building
Washington, DC 20515

RE: H.R. 4719, H.R. 3765, House Judiciary Committee

Dear Representative Conyers:

Michigan Protection & Advocacy Service, Inc. (MPAS) is the protection and advocacy agency mandated to serve people with disabilities in Michigan.

A number of bills, such as H.R. 4719 and H.R. 3765, have been introduced in Congress that would create barriers to enforcing the civil rights of people with disabilities under Title III of the Americans with Disabilities Act (ADA). These bills seek to limit the power of the ADA by making claims for accommodations more difficult to make and by allowing individuals and businesses to delay complying with the law. H.R. 3765 even includes a criminal penalty for making certain demands for compliance.

A 2010 survey by the Michigan ADA Steering Committee, administered 20 years after the ADA's passage, gave Michigan a "C" for compliance with the ADA. People with disabilities need stronger, not weaker, civil rights protections and enforcement in order to be fully participating members of society.

Please contact Mark McWilliams, (517) 487-1755 or mmcwill@mpas.org, for more information on how these proposed laws negatively impact people with disabilities.

Sincerely,

Elmer L. Cerano
Executive Director

Thomas H. Landry
President
Highland

John McCulloch
1st Vice President
Royal Oak

Veda A. Sharp,
2nd Vice President
Detroit

Jane Shank
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MPAS web site: www.mpas.org

NATIONAL
DISABILITY RIGHTS
NETWORK



Protection & Advocacy for Individuals with Disabilities

May 2, 2016

The Honorable Jerry McNerney
2412 Rayburn House Office Building
Washington, DC 20515

Re: Letter of Opposition to the COMPLI Act (H.R.4719)

Dear Representative McNerney:

The National Disability Rights Network (NDRN) writes in opposition the COMPLI Act (H.R. 4719). Almost 26 years ago, the Americans with Disabilities Act (ADA) was enacted as a compromise between the disability and business community. The disability community gave up the ability to receive damages from failure to comply with the federal ADA by only allowing injunctive relief and attorney's fees for violations of the law. Unfortunately, almost 26 years after enactment, there are still organizations, businesses, and companies who have yet to comply with this important civil rights law for persons with disabilities.

NDRN is the non-profit membership organization for the federally mandated Protection and Advocacy (P&A) and Client Assistance Program (CAP) systems for individuals with disabilities. The P&As and CAPs were established by the United States Congress to protect the rights of people with disabilities and their families through legal support, advocacy, referral, and education. P&As and CAPs are in all 50 states, the District of Columbia, Puerto Rico and the U.S. Territories (American Samoa, Guam, Northern Mariana Islands and the U.S. Virgin Islands), and there is a P&A and CAP affiliated with the Native American Consortium which includes the Hopi, Navaho and San Juan Southern Piute Nations in the Four Corners region of the Southwest. Collectively, the P&A and CAP Network is the largest provider of legally based advocacy services to people with disabilities in the United States.

A number of bills, like H.R. 4719, have been introduced in Congress that would create barriers to the civil rights for persons with disabilities that do not exist in other civil rights laws. These bills seek to limit the power of the ADA and reduce compliance with the law. The COMPLI Act is one of these bills, reversing the negotiated compromise between businesses and the disability community.

Beyond the notification requirements, there are two other provisions of particular concern in this legislation. One provision would forbid any form of communication beyond a narrowly prescribed type of communication between

the business and person with a disability, and another provision that would focus on public notification of the problem rather than actual correction of the problem.

As was mentioned earlier, the ADA has been law for almost 26 years, if a business has decided to not comply with the requirements of this legislation by this point, 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? The disability community already compromised with the passage of the ADA by not allowing individuals to seek damages from violations of their civil rights, but now legislation like H.R. 4719 seeks to erode the civil rights of people with disabilities.

Congress should be ensuring that people with disabilities have full access to the community through the strong enforcement of the ADA, not making it more difficult for people with disabilities to be fully participating members of society. As H.R. 4719 would erode the civil rights of people with disabilities, we must oppose this legislation. Please contact Dara Baldwin, Senior Public Policy Analyst at dara.baldwin@ndrn.org or 202-408-9514 ext. 102 should you have any questions.

Thank you for your time.

Sincerely,



Curt Decker
Executive Director

Cc: House Judiciary – Constitution and Civil Justice Subcommittee
House Judiciary Committee

NATIONAL
DISABILITY RIGHTS
NETWORK



Protection & Advocacy for Individuals with Disabilities

April 8, 2016

The Honorable Ken Calvert
2412 Rayburn House Office Building
Washington, DC 20515

Re: Letter of Opposition to the ACCESS ADA Compliance for Customer Entry to Stores and Services Act of 2015 (H.R.241)

Dear Representative Calvert:

The National Disability Rights Network (NDRN) writes in opposition to H.R. 241, the ADA Compliance for Customer Entry to Stores and Services (ACCESS) act. Almost 26 years ago, the ADA was enacted as a compromise between the disability and business community. The disability community gave up the ability to receive damages from failure to comply with the federal ADA by only allowing injunctive relief and attorney's fees for violations of the law. Unfortunately, almost 26 years after enactment, there are still organizations, businesses, and companies who have yet to comply with this important civil rights law for persons with disabilities.

NDRN is the non-profit membership organization for the federally mandated Protection and Advocacy (P&A) and Client Assistance Program (CAP) systems for individuals with disabilities. The P&As and CAPs were established by the United States Congress to protect the rights of people with disabilities and their families through legal support, advocacy, referral, and education. P&As and CAPs are in all 50 states, the District of Columbia, Puerto Rico and the U.S. Territories (American Samoa, Guam, Northern Mariana Islands and the U.S. Virgin Islands), and there is a P&A and CAP affiliated with the Native American Consortium which includes the Hopi, Navaho and San Juan Southern Piute Nations in the Four Corners region of the Southwest. Collectively, the P&A and CAP Network is the largest provider of legally based advocacy services to people with disabilities in the United States.

A number of bills, like H.R. 241, have been introduced in Congress that would create barriers to the civil rights for persons with disabilities that do not exist in other civil rights laws. These bills seek to limit the power of the ADA and reduce compliance with the law. The ACCESS act is one of these bills, that will go back on the compromises made between the business and disability communities during passage of the ADA.

As was mentioned earlier, the ADA has been law for almost 26 years, if a business has decided to not comply with the requirements of this legislation by this point, 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? The disability community already compromised with the passage of the ADA by not allowing individuals to seek damages from violations of their civil rights, but now legislation like H.R. 241 seeks to erode the civil rights of people with disabilities.

Congress should be ensuring that people with disabilities have full access to the community through the strong enforcement of the ADA, not making it more difficult for people with disabilities to be fully participating members of society. As H.R. 241 would erode the civil rights of people with disabilities, we must oppose this legislation. Please contact Dara Baldwin, Senior Public

Policy Analyst, at dara.baldwin@ndrn.org or 202-408-9514 ext. 102 should you have any questions.

Thank you for your time.

Sincerely,

A handwritten signature in black ink, appearing to read "Curt Decker". The signature is fluid and cursive, with the first name "Curt" and last name "Decker" clearly distinguishable.

Curt Decker
Executive Director

Cc: House Judiciary – Constitution and Civil Justice Subcommittee
House Judiciary Committee

NATIONAL
DISABILITY RIGHTS
NETWORK



Protection & Advocacy for Individuals with Disabilities

April 7, 2016,

The Honorable Ted Poe
2412 Rayburn House Office Building
Washington, DC 20515

Re: Letter of Opposition to the Americans with Disabilities Act (ADA) Education and Reform Act of 2015 (H.R. 3765)

Dear Representative Poe:

The National Disability Rights Network (NDRN) writes in opposition to the ADA Education and Reform Act of 2015 (H.R. 3765). Almost 26 years ago, the ADA was enacted as a compromise between the disability and business community. The disability community gave up the ability to receive damages from failure to comply with the federal ADA by only allowing injunctive relief and attorney's fees for violations of the law. Unfortunately, almost 26 years after enactment, there are still organizations, businesses, and companies who have yet to comply with this important civil rights law for persons with disabilities.

NDRN is the non-profit membership organization for the federally mandated Protection and Advocacy (P&A) and Client Assistance Program (CAP) systems for individuals with disabilities. The P&As and CAPs were established by the United States Congress to protect the rights of people with disabilities and their families through legal support, advocacy, referral, and education. P&As and CAPs are in all 50 states, the District of Columbia, Puerto Rico and the U.S. Territories (American Samoa, Guam, Northern Mariana Islands and the U.S. Virgin Islands), and there is a P&A and CAP affiliated with the Native American Consortium which includes the Hopi, Navaho and San Juan Southern Piute Nations in the Four Corners region of the Southwest. Collectively, the P&A and CAP Network is the largest provider of legally based advocacy services to people with disabilities in the United States.

A number of bills, like H.R. 3765, have been introduced in Congress that would create barriers to the civil rights for persons with disabilities that do not exist in other civil rights laws. These bills seek to limit the power of the ADA and reduce compliance with the law. The ADA Education and Reform Act of 2015 is one of these bills, but goes even further by criminalizing attempts to enforce a person's civil rights. There is no other civil rights legislation where it could be a crime to file a complaint to enforce your civil rights.

As was mentioned earlier, the ADA has been law for almost 26 years, if a business has decided to not comply with the requirements of this legislation by this point, 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? The disability community already compromised with the passage of the ADA by not allowing individuals to seek damages from violations of their civil rights, but now legislation like H.R. 3765 seeks to further erode the civil rights of people with disabilities by criminalizing actions taken to enforce their civil rights or delay achieving those rights

Congress should be ensuring that people with disabilities have full access to the community through the strong enforcement of the ADA, not making it more difficult for people with disabilities to be fully participating members of society. As H.R. 3765 would erode the civil rights of people with disabilities, we must oppose this legislation. Please contact Dara Baldwin, Senior Public Policy Analyst at dara.baldwin@ndrn.org or 202-408-9514 ext. 102 should you have any questions.

Thank you for your time.

Sincerely,



Curt Decker
Executive Director

Cc: House Judiciary – Constitution and Civil Justice Subcommittee
House Judiciary Committee



Paralyzed Veterans of America

801 18th Street NW
Washington DC 20006-3517
(O) 202.872.1300
(TTY) 202.416.7622
(F) 202.785.4452
www.pva.org

Chartered by the Congress of the United States

May 16, 2016

The Honorable Trent Franks
Chairman
House Judiciary Committee, Subcommittee on the Constitution and Civil Justice
2435 Rayburn House Office Building
Washington, DC 20515

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

Dear Chairman Franks and Ranking Member Cohen:

On behalf of Paralyzed Veterans of America (PVA), I write to express our opposition to the ADA (Americans with Disabilities Act) Education and Reform Act of 2015 (H.R. 3765). This legislation would require a person with a disability to give notice to a public accommodation of an architectural barrier under the ADA prior to filing a lawsuit. It would also penalize individuals who send a demand letter or other pre-suit notification to a public accommodation if they fail to provide the information enumerated in the legislation.

An important part of PVA's mission is to promote the civil rights of veterans and all people with disabilities. The ADA is a civil rights law that ensures access for people with disabilities and equality of opportunity. PVA has been a strong supporter of the ADA since it was signed into law by President George Bush nearly 26 years ago.

The ADA represents a compromise between people with disabilities and the business community. Title III of the ADA, which provides for access to public accommodations, is a good example of that compromise. People with disabilities are able to enforce this title through the courts. However, the only relief available is injunctive relief. Monetary damages are not available. To make it easier for an individual to file a lawsuit under the ADA, a court may award attorney's fees.

In the years since the ADA was passed, there have been numerous efforts to enact ADA notification laws. These laws would require a person with a disability who has been denied access under the ADA to notify a public accommodation about an architectural barrier. The accommodation would then have the opportunity to remove the barrier before additional action could be taken.

The ADA Education and Reform Act of 2015 is a continuation of these efforts. Access for people with disabilities is a civil right. Notification laws put the onus on the person with a disability to find ADA violations and notify a public accommodation of those violations. We believe that

covered entities should continuously evaluate their businesses for appropriate access under the ADA and not wait to receive a notification before acting to make them fully accessible.

We are particularly concerned about H.R. 3765's establishment of penalties if a person with a disability sends a demand letter or other pre-suit notification that fails to include the requirements enumerated in the legislation. The possibility that a person with a disability could incur penalties if a notification fails to meet all of the legislation's requirements would have a chilling effect on ADA enforcement. Because individual enforcement is one of the top ways to ensure compliance with the ADA, fewer lawsuits will likely mean reduced compliance and weaken accessibility.

Veterans and all people with disabilities must have equality of opportunity and access. PVA cannot support H.R. 3765 because it fails to promote either of these goals. For these same reasons, we also oppose the ACCESS (ADA Compliance for Customer Entry to Stores and Services) Act of 2015 (H.R. 241) and the COMPLI (Correcting Obstructions to Mediate, Prevent, and Limit Inaccessibility) Act (H.R. 4719). If you have any questions, please contact Heather Ansley, Associate General Counsel for Corporate and Government Relations, at (202) 416-7794 or by email at heathera@pva.org.

Respectfully,



Carl Blake
Associate Executive Director
Government Relations
Paralyzed Veterans of America



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

May 17, 2016

The Honorable Trent Franks
Chair, House Judiciary
Subcommittee Constitution and Civil Justice
2435 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 ACCESS ADA Compliance for Customer Entry to Stores and Services Act of 2015 (H.R.241)

Dear Chair Franks and Ranking Member Cohen:

The undersigned members of the Consortium for Citizens with Disabilities (CCD) Rights Task Force write in opposition to the ADA Compliance for Customer Entry to Stores and Services (ACCESS) Act. H.R. 241. CCD is a coalition of national disability-related organizations working together to advocate for national public policy that ensures full equality, self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

Almost 26 years ago, was carefully crafted to take the needs of covered entities such as businesses into account. It was the disability community gave up the ability to receive damages from failure to comply with the federal ADA by only allowing injunctive relief and attorney's fees for violations of the law. Unfortunately, almost 26 years after enactment, there are still organizations, businesses, and companies who have yet to comply with this important civil rights law for persons with disabilities

A number of bills, like H.R. 241, have been introduced in Congress that would create barriers to the civil rights for persons with disabilities that do not exist in other civil rights laws. These bills seek to limit the power of the ADA and reduce compliance with the law. The ACCESS act is one of these bills that will go back on the compromises made between the business and disability communities during passage of the ADA.

As was mentioned earlier, the ADA has been law for almost 26 years, if a business has decided to not comply with the requirements of this legislation by this point, 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? The disability community already compromised with the passage of the ADA by not allowing individuals to seek damages from violations of their civil rights, but now legislation like H.R. 241 seeks to erode the civil rights of people with disabilities. Congress should be ensuring that people with disabilities have full access to the community through the strong enforcement of the ADA, not making it more difficult for people with disabilities to be fully participating members of society.

We look forward to an opportunity to speak with you and your staff about our concerns. As H.R. 241 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.

Thank you for your time.

Sincerely,

American Association of People with Disabilities (AAPD)
American Foundation for the Blind (AFB)
The Arc of the United States
Association of University Centers on Disabilities (AUCD)
Autistic Self Advocacy Network (ASAN)
Bazelon Center for Mental Health Law
Christopher & Dana Reeve Foundation
Disability Rights Education & Defense Fund (DREDF)
Epilepsy Foundation
Learning Disabilities Association of America
Lutheran Services in America Disability Network
National Association of Councils on Developmental Disabilities (NACDD)
National Council on Independent Living (NCIL)
National Disability Rights Network (NDRN)
National Down Syndrome Congress (NDSC)
Paralyzed Veterans of America (PVA)
United Spinal Association

Cc: House Judiciary Committee
Representative Ken Calvert



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

May 17, 2016

The Honorable Trent Franks
Chair, House Judiciary
Subcommittee Constitution and Civil Justice
2435 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 2015 (H.R. 3765)

Dear Chair Franks and Ranking Member Cohen:

The undersigned members of the Consortium for Citizens with Disabilities (CCD) Rights Task Force write in opposition to the ADA Education and Reform Act of 2015 (H.R. 3765). CCD is a coalition of national disability-related organizations working together to advocate for national public policy that ensures full equality, self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

Almost 26 years ago, was carefully crafted to take the needs of covered entities such as businesses into account. It was the disability community gave up the ability to receive damages from failure to comply with the federal ADA by only allowing injunctive relief and attorney's fees for violations of the law. Unfortunately, almost 26 years after enactment, there are still organizations, businesses, and companies who have yet to comply with this important civil rights law for persons with disabilities.

A number of bills, like H.R. 3765, have been introduced in Congress that would create barriers to the civil rights for persons with disabilities that do not exist in other civil rights laws. These bills seek to limit the power of the ADA and reduce compliance with the law. The ADA Education and Reform Act of 2015 is one of these bills, but goes even further by criminalizing attempts to enforce a person's civil rights. There is no other civil rights legislation where it could be a crime to file a complaint to enforce your civil rights.

As was mentioned earlier, the ADA has been law for almost 26 years, if a business has

decided to not comply with the requirements of this legislation by this point, 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? The disability community already compromised with the passage of the ADA by not allowing individuals to seek damages from violations of their civil rights, but now legislation like H.R. 3765 seeks to further erode the civil rights of people with disabilities by criminalizing actions taken to enforce their civil rights or delay achieving those rights.

We look forward to an opportunity to speak with you and your staff about our concerns. As H.R. 3765 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.

Thank you for your time.

Sincerely,

American Association of People with Disabilities (AAPD)
American Foundation for the Blind (AFB)
The Arc of the United States
Association of University Centers on Disabilities (AUCD)
Autistic Self Advocacy Network (ASAN)
Bazelon Center for Mental Health Law
Christopher & Dana Reeve Foundation
Disability Rights Education & Defense Fund (DREDF)
Epilepsy Foundation
Learning Disabilities Association of America
Lutheran Services in America Disability Network
National Association of Councils on Developmental Disabilities (NACDD)
National Council on Independent Living (NCIL)
National Disability Rights Network (NDRN)
National Down Syndrome Congress (NDSC)
Paralyzed Veterans of America (PVA)
United Spinal Association

Cc: House Judiciary Committee
Representative Ted Poe



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

May 17, 2016

The Honorable Trent Franks
Chair, House Judiciary
Subcommittee Constitution and Civil Justice
2435 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 COMPLI Act (H.R.4719)

Dear Chair Franks and Ranking Member Cohen:

The undersigned members of the Consortium for Citizens with Disabilities (CCD) Rights Task Force write in opposition the COMPLI Act (H.R. 4719). CCD is a coalition of national disability-related organizations working together to advocate for national public policy that ensures full equality, self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

Almost 26 years ago, was carefully crafted to take the needs of covered entities such as businesses into account. It was the disability community gave up the ability to receive damages from failure to comply with the federal ADA by only allowing injunctive relief and attorney's fees for violations of the law. Unfortunately, almost 26 years after enactment, there are still organizations, businesses, and companies who have yet to comply with this important civil rights law for persons with disabilities.

A number of bills, like H.R. 4719, have been introduced in Congress that would create barriers to the civil rights for persons with disabilities that do not exist in other civil rights laws. These bills seek to limit the power of the ADA and reduce compliance with the law. The COMPLI Act is one of these bills, reversing the negotiated compromise between businesses and the disability community.

Beyond the notification requirements, there are two other provisions of particular concern in this legislation. One provision would forbid any form of communication beyond a narrowly prescribed type of communication between the business and person with a disability, and another provision that would focus on public notification of the

problem rather than actual correction of the problem.

As was mentioned earlier, the ADA has been law for almost 26 years, if a business has decided to not comply with the requirements of this legislation by this point, 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? The disability community already compromised with the passage of the ADA by not allowing individuals to seek damages from violations of their civil rights, but now legislation like H.R. 4719 seeks to erode the civil rights of people with disabilities.

Congress should be ensuring that people with disabilities have full access to the community through the strong enforcement of the ADA, not making it more difficult for people with disabilities to be fully participating members of society. As H.R. 4719 would erode the civil rights of people with disabilities, we must oppose this legislation.

We look forward to an opportunity to speak with you and your staff about our concerns. Please contact Dara Baldwin, Senior Public Policy Analyst, National Disability Rights Network at dara.baldwin@ndrn.org or 202-408-9514 ext. 102 should you have any questions.

Thank you for your time.

Sincerely,

American Association of People with Disabilities (AAPD)

American Foundation for the Blind (AFB)

The Arc of the United States

Association of University Centers on Disabilities (AUCD)

Autistic Self Advocacy Network (ASAN)

Bazelon Center for Mental Health Law

Christopher & Dana Reeve Foundation

Disability Rights Education & Defense Fund (DREDF)

Epilepsy Foundation

Learning Disabilities Association of America

Lutheran Services in America Disability Network

National Association of Councils on Developmental Disabilities

National Council on Independent Living (NCIL)

National Disability Rights Network (NDRN)

National Down Syndrome Congress (NDSC)

Paralyzed Veterans of America (PVA)

United Spinal Association

Cc: House Judiciary Committee
Representative Jerry McNerney