



February 15, 2018

**RE: Vote "NO" on H.R. 620, "ADA Education and Reform Act of 2017"**

Dear Representative:

On behalf of the American Civil Liberties Union (ACLU) and our nearly two million members and supporters, we urge members of the U.S. House of Representatives to oppose H.R. 620, the so-called ADA Education and Reform Act of 2017, when it comes to the House floor this week.

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This ill-conceived, unnecessary, and damaging legislation fundamentally alters and undermines the Americans with Disabilities Act (ADA) and would have a devastating impact on people with disabilities. H.R. 620 is beyond repair and no amendments that merely tinker with, or leave intact, the notice and cure legislative language will change that reality. We do, however, support the bipartisan amendment by Representative Jim Langevin and Representative Gregg Harper to remove the notice and cure language.

The ADA is the most comprehensive and important civil rights law prohibiting discrimination on the basis of disability. Yet almost three decades after its passage, people with disabilities still face enormous barriers. Although Title III of the ADA imposes a proactive duty on businesses to remove architectural barriers and other obstacles that impede access, businesses have resisted making needed changes. People with disabilities continue to live with multiple barriers to the simplest social interactions that many take for granted.

H.R. 620 would make the current situation substantially worse. Instead of expecting businesses to own the responsibility of complying with civil rights laws, it shifts the burden to the individual who is being denied access. The bill proposes that after an individual with a disability is denied access, she must first notify the business owner, with specific citations to the law, that her civil rights were violated, and then wait up to six months or longer to allow the business, not to fix the problem, but to make some kind of "substantial progress." Only then can she go to court to enforce her rights under the ADA. This scheme removes the business's incentive to proactively ensure that it is accessible to people with disabilities. Instead, businesses will simply wait until someone's right to access is violated and notification is received before making the change they were already obligated to make. This is unacceptable.

Shifting the burden from compliance to notice, as H.R. 620 does, is inconsistent with how our nation has enforced its civil rights laws since the passage of the landmark Civil Rights Act of 1964 and sends a dismaying message that the rights of people with disabilities are negotiable and less worthy of protection.

Title III of the ADA is modeled on the public accommodation enforcement provision of the 1964 Act. In passing the ADA, Congress recognized that the civil rights of people with disabilities and their access to places of public accommodations should be treated no differently than the civil rights protections based on race, color, religion or national origin. H.R. 620 undermines that legacy and principle, and for those reasons alone should be rejected.

Businesses do not need more time, additional notice, or more educational resources. The ADA has been in place for 28 years. This is ample time and notice. The Department of Justice Civil Rights Division provides robust technical assistance on the requirements (and tax deductions) for entities covered by Title III and provides numerous free federally funded resources to help businesses comply. This is ample education.

Finally, H.R. 620 will not stop any harassing lawsuits. Although a very small number of lawyers have filed significant numbers of lawsuits that may be improper, a “notice and cure” period will not eliminate such lawsuits. At best, it defers the lawsuit. There are established and tested avenues to address this problem. Courts and state bars have the tools needed to shut down unscrupulous lawyers through sanctions and disciplinary measures. H.R. 620 is not the answer.

Congress should work in bipartisan fashion to address the continuing challenges faced by people with disabilities, ensure their full integration and inclusion into society, and uphold their civil rights. H.R. 620 does none of those things and should be rejected by every member of Congress.

If you have any questions or need more information, please contact Vania Leveille, Senior Legislative Counsel, at [vleveille@aclu.org](mailto:vleveille@aclu.org) or 202.715.0806.

Sincerely,

A handwritten signature in black ink, appearing to read "Faiz Shakir". The signature is fluid and cursive, with a large initial "F" and "S".

Faiz Shakir  
National Political Director

A handwritten signature in black ink, appearing to read "Vania Leveille". The signature is cursive and somewhat stylized, with a large initial "V".

Vania Leveille  
Senior Legislative Counsel