



The Rights Task Force spent much of its time in 2012 fighting legislative attacks on the ADA on several fronts. In addition, we engaged in affirmative advocacy in a variety of areas, including *Olmstead* implementation and employment discrimination. Highlights of the task force's work include the following:

*Responding to Congressional Attacks on the ADA*

- In April, 2012, the task force submitted letters to House and Senate members urging them to oppose the various bills introduced that would deprive the Justice Department of the authority to enforce its own regulations concerning accessibility of swimming pools, and/or weaken the standards imposed by these regulations. These letters explained why such bills were unnecessary and would set a troubling precedent.
- Members of the task force worked with House Judiciary Committee staff to recommend witnesses for an April 24, 2012 hearing of the Constitution subcommittee concerning swimming pool access. We also assisted in preparing witnesses for the hearing, and the task force submitted comments for the record following the hearing.
- In June, 2012, in advance of a House Judiciary Committee hearing on a pending "ADA notification" bill, the task force wrote to the Committee strongly opposing the bill, which would have required a notice period before lawsuits may be brought against businesses under Title III of the ADA.
- In July, 2012, members of the task force wrote to Tom Perez, Assistant Attorney General for Civil Rights, expressing concern about the Justice Department's decisions to twice delay implementation of its new regulations decision concerning swimming pool accessibility and to hold off until January 31, 2013 to enforce the fixed pool lift requirement against pool owners or operators who had installed portable lifts prior to March 12, 2012. The letter urged the Department not to delay implementation of the regulations any further.
- Throughout the spring and summer of 2012, members of the task force coordinated lobby meetings in an effort to defeat passage of the swimming pool bills in both houses and of two ADA notification bills in the House. We created talking points on both issues, and a "Myth and Fact" document concerning the swimming pool bills.
- During the lame duck session of Congress, task force members engaged in an aggressive lobbying effort to derail a planned mark-up of Representative Barney Frank's bill that would make it more difficult for P&As to bring class action lawsuits concerning people with intellectual disabilities in

ICF/MRs, and for the Justice Department to take actions on behalf of these individuals. We succeeded in preventing a mark up during this Congress.

#### *Olmstead*

- In June, 2012, members of the task force submitted comments for the record following a Senate HELP Committee hearing concerning Olmstead implementation.
- In August, 2012, members of the task force joined other groups in sending a letter to Attorney General Holder expressing concerns about the Justice Department's practice of entering medical malpractice settlements including reversionary trusts that finance services for people with disabilities only in institutional settings and not in their own homes.

#### *Employment Discrimination*

- In February, 2012, members of the task force led an effort to draft comments together with other CCD groups in response to the Labor Department's proposed regulations implementing Section 503 of the Rehabilitation Act. The comments supported DOL's proposal to adopt specific goals for employment of people with disabilities, although we encouraged DOL to adopt higher goals. The comments also urged DOL to include a sub-goal measuring the employment of people with the types of disabilities that have historically been excluded from the workforce in large numbers.
- June, 2012, the task force submitted comments on the EEOC's proposed Strategic Enforcement Plan urging the Commission to make certain ADA issues enforcement priorities, including charges that will lead to the development of positive law interpreting the ADA Amendments Act, as well as exclusionary policies that screen out people with disabilities without permitting reasonable accommodations or individualized assessments of their abilities. The Commission adopted most of these priorities.
- Following its comments, the task force was asked to present testimony at an EEOC public meeting concerning the Strategic Enforcement Plan. The task force arranged for Brian East, staff attorney at the Texas P&A, to testify on behalf of CCD.
- In September, 2012, the task force submitted additional comments in response to the EEOC's comment solicitation for its revised Strategic Enforcement Plan. The task force urged the Commission to maintain the ADA priorities that it proposed to adopt, and suggested targeted ways to prioritize charges that would develop the law in these areas.

#### *DOJ Disability Rights Section*

- The Task Force instituted regular meetings with the Department of Justice's Disability Rights Section to discuss our priorities and hear from section leadership about their priorities and activities. We met twice with the section leadership in 2012.