

## ADA ACTION ALERT

TAKE ACTION to save the ADA!

Oppose H.R. 3765, The ADA Education and Reform Act of 2015

Contact Congress Today!

*The ADA is once again under attack by another “Notification” bill. The House Judiciary Committee passed this bill 15–6 which puts up major barriers to people enforcing ADA rights. It is important for all members of Congress to hear from people with disabilities that weakening the ADA is unacceptable!*

H.R. 3765, the ADA Education and Reform Act of 2015, would eliminate the responsibility of businesses to address their obligations under the ADA. This bill would treat people with disabilities as second-class citizens.

**Action:** Please contact your House of Representative members today! Tell them to oppose H.R. 3765 ADA Education and Reform Act of 2015! See talking points about this bill below.

**To find your House of Representative Member:** Go to this link, and put in your zip code: <http://www.contactingthecongress.org>. Click on your Representative (not Senators) to find the District Office.

>> During the Congressional recess, catch your Representative in person at public events!<<

**Or contact the D.C. office of your House of Representatives Member:**

**Call** the U.S. House of Representatives switchboard at 202-224-3121 and ask for your Representative. Tell them your name, address, and let them know: “Please oppose H.R. 3765, the ADA Education and Reform Act of 2015.”

**Email:** send letters of opposition to each member of the House of Representatives for your state.

**Social Media:** Tweet & Facebook post a message to each member of the House of Representatives for your state.

**Background:**

On July 7, 2016, the House Judiciary Committee held a Mark-up on H.R. 3765, the ADA Education and Reform Act of 2015. The bill passed as amended by a [15-6 vote](#). A summary of the bill can be found here: <https://judiciary.house.gov/wp-content/uploads/2016/07/AINS-HR-3765.pdf>

**Message points** for letters on HR 3765, the so-called “ADA Education and Reform Act of 2015”:

**H.R. 3765 has its priorities profoundly skewed, and turns people with disabilities into second-class citizens.**

This bill goes against the very principles that America is all about. It is exceptionally harmful because:

1. The bill’s proponents have forgotten the everyday experiences of millions of ordinary people with disabilities who cannot shop, enjoy recreation, or transact personal business like most Americans take for granted.  
  
    >> For example, why should a wheelchair user be unable to join her family at a restaurant, just because the owner has resisted installing a ramp for the past 26 years? Such things happen to many people with disabilities every day. <<
2. When business owners have resisted the ADA for over 26 years, sometimes a lawsuit is the only way to make the ADA’s promise of equal participation real. Even so, if you examine the court records, there really are very few ADA cases.
3. The ADA is carefully crafted to take the needs of business owners into account. Compliance is simply not exorbitantly expensive. **But this bill would remove any reason for a business to comply. Instead, they can take a “wait and see” attitude**, and do nothing until they happen to be sued.
4. HR 3765 requires a person with a disability to give a business owner who has barriers to access a written notice, and 60 days to even acknowledge that there is a problem—and then another 120 days to *begin* to fix it. No other civil rights group is forced to wait 180 days to enforce their civil rights.
5. HR 3765 calls for education by the Department of Justice. But there are already extensive efforts, including by DOJ and the ADA Centers, to educate business owners about their ADA obligations.. Businesses that violate the ADA should be held accountable.
6. Concerns about money damage awards are behind this bill. **But that has nothing to do with the ADA, because the ADA does not allow money damages.**<sup>1</sup> Such damages are only available under a handful of state laws. **This bill will do nothing to prevent damage awards under state laws.**
7. Accessibility standards, such as those the ADA includes, are extremely important. They are not minor details, but rather, are essential to ensure true accessibility.

8. Concerns about serial litigants are also behind this bill. However, courts already have the power to deal with frivolous litigants and their attorneys. t
9. It is troubling how this bill blames people with disabilities for public accommodations' failure to comply with the ADA. Why should people with disabilities pay the price of an inaccessible environment, where we cannot live our lives like everyone else? The true blame belongs on the heads of business owners who have delayed for 26 years and done nothing to comply with the ADA.

Please do not place additional barriers in the path of people with disabilities! We urge you to reject this bill.

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<sup>1</sup> Money damages are not allowed under Title III of the ADA, which applies to privately operated public accommodations, commercial facilities, and private entities offering certain examinations and courses. *See* 42 U.S.C. § 12188; 42 U.S.C §§ 12182 and 12181(7); 42 U.S.C. §§ 12183 and 12181(2); and 42 U.S.C. § 12189.