



Feb. 12, 2018

The Honorable Paul Ryan
Speaker
U.S. House of Representatives
Washington, DC 20515

The Honorable Nancy Pelosi
Minority Leader
U.S. House of Representatives
Washington, DC 20515

The Honorable Kevin McCarthy
Majority Leader
U.S. House of Representatives
Washington, DC 20515

The Honorable Steny Hoyer
Minority Whip
U.S. House of Representatives
Washington, DC 20515

Dear Speaker Ryan, Leaders Pelosi and McCarthy, and Minority Whip Hoyer:

The Judge David L. Bazelon Center for Mental Health Law writes to express strong opposition to the ADA Education and Reform Act, H.R. 620. Founded in 1972 as the Mental Health Law Project, the Bazelon Center is a national nonprofit legal advocacy organization that promotes equal opportunity for individuals with mental disabilities in all aspects of life. The Americans with Disabilities Act (ADA) has been at the core of the Bazelon Center's work for many years, and has been one of the most critical pieces of legislation ensuring the advancement of individuals with all types of disabilities over the past several decades.

Contrary to its proponents' assertions that H.R. 620 would not undermine the rights of individuals with disabilities but simply require them to wait for a short period of time, the bill would dramatically change implementation and enforcement of the ADA's public accommodations title, significantly decreasing access for people with disabilities to the mainstream of society.

If H.R. 620 were to become law, there would be *no consequence* for a business that failed to comply with the ADA—including those that excluded individuals with disabilities for weeks, months, and years—until a person with a disability filed the requisite legal notice with the owner or operator of the business. Even then, the person with a disability would have to wait for up to six months for the business to inform the person whether it had made “substantial progress.” *Progress*, rather than *access*, would become the new goal of Title III of the ADA; people with disabilities would lose their right to enforce Title III if substantial progress had been made in removing barriers, regardless of whether the individuals could access buildings and facilities.

The immediate result of such a scheme would be diminished access for people with disabilities to stores, theaters, hotels, restaurants, gyms, doctors' offices, private schools, homeless shelters, funeral homes, and a myriad of other places of public accommodation. It is unthinkable that Congress would countenance such a result nearly 28 years after the overwhelmingly bipartisan passage of the ADA.

When President George H.W. Bush signed the ADA into law, he talked about the guarantee that people with disabilities would have “the opportunity to blend fully and equally into the rich mosaic of the American mainstream.” That guarantee is one of the cornerstones of the law. The decades of exclusion of individuals with disabilities from American life prior to the ADA had not only deprived them of everyday opportunities, but also fueled prejudice and stigma that result from segregating and isolating a large group of people from the mainstream of society.

The more than 57 million Americans with disabilities do not intend to go back to a time when they were forced to live at the margins of society. Please do not pass H.R. 620, which would take us back to such a time. For additional information or questions, please contact Jennifer Mathis, Director of Policy and Legal Advocacy, at (202) 467-5730 ext. 1313, or jenniferm@bazelon.org.

Respectfully,



Holly O'Donnell
CEO
Bazelon Center for Mental Health Law

