



September 8, 2016

United States House of Representatives
Washington, DC 20515

Re: Opposing H.R. 3765 the ADA Education and Reform Act of 2015

Dear Representative:

The National Federation of the Blind (NFB) opposes H.R. 3765. For seventy-six years, NFB members have fought for, and to protect, the rights of people with disabilities in the United States. In 1990, our members worked closely with our partners in the disability community and Congress to secure the passage of the Americans with Disabilities Act, (ADA). The ADA revolutionized the way we, as people with disabilities, interact with and access government services, commerce, and participate in our local communities. The passage of the ADA affirmed the principal that people with disabilities are first-class citizens, with rights and protections under the law, like all other Americans. However, H.R. 3765, the ADA Education and Reform Act of 2015 now threatens to undermine the mechanisms of the law that afford us those protections.

Under the framework of H.R. 3765, a person with a disability confronting access barriers would be required to give a written notice to the business owner, who then has 60 days to even acknowledge the problem, followed by an additional 120 days to take corrective action. No other group is required to wait 180 days to enforce their civil rights.

One of the “problems” proponents of H.R. 3765 refer to when talking about this legislation is that business-owners are unfairly being victimized by the accessibility requirements set forth by the ADA. However, this flawed approach neglects to recognize the daily experiences of millions of Americans with disabilities, who every day are discriminated against by public facilities and e-commerce that fail to meet even the most minimal accessibility requirements. Furthermore, the ADA was carefully crafted to ensure that such requirements are not overly burdensome, and our experience as Americans with disabilities has taught us that when included from the design and development stages, accessibility features do not result in increased construction and manufacturing costs.

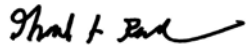
Proponents also argue that monetary incentives are behind most civil action under the ADA. However, title III of the Americans with Disabilities Act, which applies to privately operated public accommodations, commercial facilities, and private entities offering certain examinations and courses, prohibits money damages.¹ A handful of states allow damages according to their state laws, and this bill will do nothing to prevent damage awards under state laws.

Furthermore, this bill would force disabled Americans, who face wage, employment, and other forms of discrimination that can impact our financial resources, to pay attorneys to draft the notice. No attorney would take a case without the prospect of receiving payment for their work. That is why the drafters of the Americans with Disabilities Act included attorney’s fees; it is what makes the ADA function.

Finally, there are a multitude of resources available to help small businesses comply with the ADA. However, there are very few resources available to help blind and other disabled Americans receive the equal access we need to live in society. This bill would severely limit one of the few tools we have at our disposal to ensure we are provided an equal opportunity to participate.

Despite the major accomplishments of the Americans with Disabilities Act, people with disabilities continue to confront systemic accessibility barriers, and rather than exacerbating this experience, Congress should work to build upon the ADA's progress to ensure that blind and all other disabled Americans can live the lives we want. H.R. 3765 will not be a step forward, but rather, a step back. I strongly urge you to vote nay on H.R. 3765

Sincerely,



Mark A. Riccobono
President, National Federation of the Blind

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ⁱ 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.