



Paralyzed Veterans of America

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Chartered by the Congress of the United States

May 16, 2016

The Honorable Trent Franks
Chairman
House Judiciary Committee, Subcommittee on the Constitution and Civil Justice
2435 Rayburn House Office Building
Washington, DC 20515

The Honorable Steve Cohen
Ranking Member
House Judiciary Committee, Subcommittee on the Constitution and Civil Justice
2404 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Franks and Ranking Member Cohen:

On behalf of Paralyzed Veterans of America (PVA), I write to express our opposition to the ADA (Americans with Disabilities Act) Education and Reform Act of 2015 (H.R. 3765). This legislation would require a person with a disability to give notice to a public accommodation of an architectural barrier under the ADA prior to filing a lawsuit. It would also penalize individuals who send a demand letter or other pre-suit notification to a public accommodation if they fail to provide the information enumerated in the legislation.

An important part of PVA's mission is to promote the civil rights of veterans and all people with disabilities. The ADA is a civil rights law that ensures access for people with disabilities and equality of opportunity. PVA has been a strong supporter of the ADA since it was signed into law by President George Bush nearly 26 years ago.

The ADA represents a compromise between people with disabilities and the business community. Title III of the ADA, which provides for access to public accommodations, is a good example of that compromise. People with disabilities are able to enforce this title through the courts. However, the only relief available is injunctive relief. Monetary damages are not available. To make it easier for an individual to file a lawsuit under the ADA, a court may award attorney's fees.

In the years since the ADA was passed, there have been numerous efforts to enact ADA notification laws. These laws would require a person with a disability who has been denied access under the ADA to notify a public accommodation about an architectural barrier. The accommodation would then have the opportunity to remove the barrier before additional action could be taken.

The ADA Education and Reform Act of 2015 is a continuation of these efforts. Access for people with disabilities is a civil right. Notification laws put the onus on the person with a disability to find ADA violations and notify a public accommodation of those violations. We believe that

covered entities should continuously evaluate their businesses for appropriate access under the ADA and not wait to receive a notification before acting to make them fully accessible.

We are particularly concerned about H.R. 3765's establishment of penalties if a person with a disability sends a demand letter or other pre-suit notification that fails to include the requirements enumerated in the legislation. The possibility that a person with a disability could incur penalties if a notification fails to meet all of the legislation's requirements would have a chilling effect on ADA enforcement. Because individual enforcement is one of the top ways to ensure compliance with the ADA, fewer lawsuits will likely mean reduced compliance and weaken accessibility.

Veterans and all people with disabilities must have equality of opportunity and access. PVA cannot support H.R. 3765 because it fails to promote either of these goals. For these same reasons, we also oppose the ACCESS (ADA Compliance for Customer Entry to Stores and Services) Act of 2015 (H.R. 241) and the COMPLI (Correcting Obstructions to Mediate, Prevent, and Limit Inaccessibility) Act (H.R. 4719). If you have any questions, please contact Heather Ansley, Associate General Counsel for Corporate and Government Relations, at (202) 416-7794 or by email at heathera@pva.org.

Respectfully,

A handwritten signature in black ink that reads "Carl Blake". The signature is written in a cursive, flowing style.

Carl Blake
Associate Executive Director
Government Relations
Paralyzed Veterans of America