

KEY VOTE ALERT!

February 13, 2018



U.S. CHAMBER OF COMMERCE
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TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES:

The U.S. Chamber of Commerce supports H.R. 620, “The ADA Education and Reform Act of 2017,” which would provide a narrow window for business owners to fix noncompliance with the Americans with Disabilities Act (ADA) before private lawsuits may move forward. **The Chamber may include votes on, or in relation to, this legislation in our annual *How They Voted* scorecard.**

The Chamber has long supported the intent of the ADA— that persons with disabilities should have full access to public facilities—including helping to develop the ADA Amendment Act of 2008 that modernized the law. However, there is a rapidly expanding problem, and this bipartisan legislation addresses it. Owners of facilities required by the ADA to be publicly accessible are being threatened by demand letters from unscrupulous attorneys who are only seeking monetary settlements that do not result in improving access. The same attorneys often generate a high number of letters using the same plaintiffs who may never even have been to the businesses in question. These plaintiffs are then promised a portion of the settlement amounts as their compensation for participating in the scheme. Claims filed in federal court increased by 16 percent in 2017 over 2016, and 2016 were up 37 percent from 2015. However, the problem is far greater as thousands of businesses are left with little choice but to make monetary settlements before a complaint is filed.

H.R. 620 would further the ADA’s goals by requiring that the owner or operator is provided a written statement with clear detail of the alleged non-compliant element, including the ADA requirement involved. The owner or operator would then have 60 days to respond with how the barrier will be removed, and then 120 days to accomplish that or make substantial progress. If the owner or operator fails to satisfy these obligations, the lawsuit could proceed.

The ADA was enacted to improve access for the disabled, not to line the pockets of attorneys under the guise of advocating for the disabled. By removing the current incentives to merely seek payment of legal fees, the emphasis can once again be placed on compliance and improved access.

The Chamber strongly supports H.R. 620 and the intent of the ADA.

Sincerely,

Jack Howard
Senior Vice President
Congressional and Public Affairs