



James Firman, Chair

March 19, 2018

The Honorable Mitch McConnell
Senate Majority Leader
Washington, DC 20510

The Honorable Chuck Schumer
Senate Minority Leader
Washington, DC 20510

Dear Leaders McConnell and Schumer:

The undersigned members of the Leadership Council of Aging Organizations (LCAO) believe that the ADA Education and Reform Act (H.R. 620), recently passed by the House of Representatives, would significantly undermine the civil rights of individuals with disabilities, including many older adults. We urge you to vote against H.R. 620 or any companion legislation introduced in the Senate.

LCAO is a diverse coalition of non-profit organizations dedicated to preserving and strengthening the well-being of America's older population. We provide a voice for older adults and their families in the ongoing national debate on aging policy and share a conviction that government has a responsibility to protect the rights of all people, including individuals with disabilities. According to the U.S. Census Bureau, almost 40% of older Americans have life-long disabilities or acquire them as they age. Many others serve as family caregivers for those with disabilities. Of the 15.7 million people over the age of 65 who have a disability, two-thirds have difficulty walking or climbing. Laws protecting individuals with disabilities are particularly important for older adults and their ability to stay independent, active in their communities, and healthy.

When President George H.W. Bush signed the Americans with Disabilities Act in 1990 (ADA) he said, "Let the shameful wall of exclusion finally come tumbling down." Today, our society is more open and accessible to individuals with disabilities than ever before, and the ADA has become a global model for disability access and inclusion. H.R. 620 would frustrate this progress by undermining the ADA. The bill would impose new burdens on individuals with disabilities before they can file a civil action for an accessibility violation in a public accommodation case. It would eliminate any incentive for businesses to proactively follow the law. Individuals with disabilities should not be denied access to public accommodations like a doctor's office, a private adult day care, or a supermarket, all crucial to older adults living in their own homes and communities, because of business owners' failures to comply with the ADA.

Under H.R. 620, an individual with a disability who seeks to challenge a public accommodation violation would have to wait months before being able to file a civil action with the U.S. Department of Justice. This would represent a stark departure from the immediate injunctive relief available under the ADA. No other federal civil rights law permits owners and operators of public accommodations to violate the law without consequence. No other federal civil rights laws prohibit victims of discrimination from enforcing their rights until they notify the covered entity that it is violating the law and wait for months for the problem to be fixed. Individuals with disabilities should not have to wait to enforce their civil rights under the ADA.

We urge you to support the progress we have made under the ADA. Please oppose H.R. 620.

Sincerely,

AFSCME

Aging Life Care Association

Alliance for Retired Americans

American Association of Service Coordinators

American Foundation for the Blind

American Geriatrics Society

American Society on Aging

Association for Gerontology and Human Development in Historically Black Colleges and Universities (AGHDHBCU)

Association of Jewish Aging Services

B'nai B'rith International

Center for Medicare Advocacy

Easterseals

Families USA

The Gerontological Society of America

International Association for Indigenous Aging

The Jewish Federations of North America

Justice in Aging

LeadingAge

Medicare Rights Center

Lutheran Services in America

National Academy of Elder Law Attorneys

National Adult Protective Services Association (NAPSA)

National Association of Area Agencies on Aging

National Association of Nutrition and Aging Services Programs (NANASP)

National Association of Social Workers (NASW)

National Association of State Long-Term Care Ombudsman Programs (NASOP)

National Center for Creative Aging

National Committee to Preserve Social Security and Medicare

National Consumer Voice for Quality Long-Term Care

National Council on Aging (NCOA)

National Hispanic Council on Aging (NHCOA)

National Indian Council on Aging

National Senior Corps Association

PHI - Paraprofessional Healthcare Institute

SAGE

Service Employees International Union

Social Security Works

Volunteers of America

Women's Institute for a Secure Retirement (WISER)