

**Remarks for Wan J. Kim**  
**ADA Business Connection Leadership Meeting**  
**Charlotte Convention Center**  
**March 7, 2007**  
**3:30 to 5:30 p.m.**

Thank you, Loretta, for the kind introduction. My thanks to Fred Schwartz and Mukesh Mowji of the Asian American Hotel Owners Association (AAHOA), and Julia Sain, of Disability Rights and Resources, for co-hosting this meeting and bringing together this extraordinary group of people. Thank you also to Monique Stamps of Disability Rights and Resources, and Roy Flora, of U.S. Franchise Systems, Inc., for speaking today about what we can do to more effectively provide accessible customer service to the market of customers with disabilities. I also want to thank AAHOA's Laura Lee Blake, for her work in making this meeting possible.

Most notably, I appreciate that all of you in this room made time in your busy schedules to participate in this important discussion that we call the ADA Business Connection Leadership meeting.

Our meeting's focus today reflects the theme of AAHOA's annual convention this week: "Taking Charge: Leading Together." We hope that we can discuss ways the hotel industry and disability rights leaders can take charge and lead together in order to welcome the market of people with disabilities. To borrow a line from Mr. Mowji's

acceptance speech as AAHOA's incoming Chair: "It's time to make progress, and it's time to make things happen."

Hotel guests with disabilities are members of a huge and growing market that want to spend money in hotels and lodging establishments. But often they cannot because a reservation system's promise of an accessible room is not fulfilled or the hotel entrance is inaccessible or the front desk staff does not know how to communicate with a guest who is deaf. I know that we have the talent and creativity in this room to move AAHOA's member hotels into the lead in serving this market of more than 50 million people with disabilities and 76 million Baby Boomers.

The other reason I would like this group to take charge and lead the way in the provision of accessibility is an issue that I know concerns all of us: the so-called "drive-by" ADA lawsuits. I want you to know that the Department of Justice does not support abusive or frivolous ADA lawsuits. It is essential to understand that the ADA is a *civil rights law*; its purpose is to end discrimination against people with disabilities and to provide them with equal opportunity to employment, government programs, transportation, public accommodations, and telecommunications.

We know from AAHOA's history that one of the reasons the organization was founded was because Asian American hoteliers met with discrimination, especially from banks and insurance companies. Those who faced that treatment understand clearly how demoralizing discrimination can be. People with disabilities experience discrimination

*every day*: when they are denied entry into a business because of physical barriers; when they are told they cannot bring their service animal into an establishment; and when they are assumed unable to work based on stereotype.

Like other civil rights laws, the ADA was passed to stop discrimination, not to bring financial reward to lawyers and plaintiffs. For this very reason, individuals bringing private lawsuits under the ADA cannot be awarded damages; remedies are limited to equitable relief to correct the discrimination itself. Only in lawsuits filed by the Department of Justice qualify for an award of monetary damages – and we seek damages only when it is reasonable and appropriate to do so.

Abusive lawsuits serve no one and, most unfortunately, usually do more to build ill will than to eliminate barriers to access. At the same time, it is essential to recognize that many of these lawsuits have at their cores legitimate violations of the ADA. If we join forces, we can remove barriers, eliminate discrimination against people with disabilities, and make our businesses less vulnerable to unnecessary lawsuits. As a child growing up in a family with a small business, I understand very well the challenges of running one and the frustrations of unfounded litigation.

The leaders of AAHOA and the Charlotte disability rights community can take charge and lead together -- by building collaborations to improve access to the market of people with disabilities and bring new customers to the hotel and lodging industry. We believe that the time and dollars spent on these ADA Business Connection Leadership

meetings are a sound investment. By reaching out to leaders of the business and disability rights communities, we can resolve thousands of problems without having to resort to costly litigation.

In your handouts, there is a document called “Access for All: Five Years of Progress,” which chronicles the Department’s achievements over the last five years in the implementation of the ADA. While the publication focuses on the impressive enforcement work we have carried out since 2001, there is also heavy emphasis on our technical assistance program, including the ADA Business Connection, and our innovative ADA Mediation Program. The ADA Mediation Program is another example of how the Department fights this type of discrimination without litigation. Since January 2001, more than 1800 complaints filed with the Department alleging violations of Titles II and III have been referred to the program. Over 76 percent of the cases in which mediation has been completed have been successfully resolved. In my opinion, *that’s* a successful statistic.

Before I end, I’d like to share a few facts with you that support our belief that providing accessibility to customers with disabilities makes good business sense:

- The U.S. Census Bureau’s 2002 Survey of Income and Program Participation (SIPP) found that there are 51.2 million people with disabilities in the United States. To put that number into perspective, the 2002 SIPP indicates that the

U.S. population's percentage of people with disabilities is 18.1 percent. That is larger than the percentage of Hispanics in the U.S. population (13.3%), the country's largest ethnic, racial, or cultural minority group.

- According to the Department of Labor, individuals with disabilities have \$175 billion in annual discretionary income to spend in businesses.
- A 2005 study by the Open Doors Organization (ODO), a Chicago non-profit organization, found that more than 21 million adults with disabilities traveled at least once in the preceding two years. More than 50% of adults with disabilities stayed in hotels while traveling within this two-year period. In a 2002 study, the ODO found that spending by travelers with disabilities exceeds \$13.6 billion annually.
- Accessible features benefit many people, including the aging Baby Boomers, which we all recognize as a large and growing market. Deloitte's research study, "Wealth With Wisdom: Serving the Needs of Aging Consumers," states that consumers over age 50 control almost half of all consumer spending in the United States; and that consumers 65 and older are the most affluent of any U.S. age group.

- According to the U.S. Census Bureau, in 2002, more than 42 percent of those 65 and older had disabilities. In addition, all of those Baby Boomers -- the oldest of whom turned 60 last year -- experience biological and psychological changes before age 65 that might not be identified as disabilities but also can be accommodated by accessibility in businesses.
- Reports from Deloitte, Canada Statistics, and Abacus International indicate that the older adult demographic segment in the U.S., Canada, Asia, and Europe dominate other age groups in travel: traveling more and spending more on their travel. A Deloitte Research Study, "Tracking Travel: Exploring the Latest Trends in Business and Leisure Travel," adds that while customer ratings for preferred lodging amenities were similar among age groups, the 51-65 year old group had two additional choices: comfortable beds and easy-to-use electronics.

*Businesses are focusing on this audience not for altruistic reasons but for the bottom line: millions of customers with billions of dollars in disposable income.*

In closing, I want to cite a March 2006 report by the Economist Intelligence Unit called "Foresight 2020: Economic, industry and corporate trends." This report predicts changes in the global economy over the next 13 years. It was based in part on answers to more than 1600 online surveys completed by senior executives from around the world. To attract new markets, to make their brands stand out, and to build customer loyalty, the majority of corporate executives surveyed said that collaborative relationships in product development with customers and suppliers will increase

dramatically by 2020. We believe that relationships begun today to develop accessible customer service practices and create barrier-free hotels will serve all of us well beyond 2020.

Thank you all for coming.