

Congress of the United States
Washington, DC 20515

October 31, 2017

The Honorable Jeff Sessions
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Sessions:

We are writing to express concerns and seek a remedy regarding the Department of Justice's (DOJ) decision to inactivate a July 26, 2010 advance notice of proposed rulemaking ("2010 ANPR") with respect to website access requirements under the 1990 *Americans with Disabilities Act* (ADA). The failure to follow through on this notice, entitled "Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities and Public Accommodations" (75 Federal Register 43460-43467), has the potential to hamper full participation of the disabled in our modern economy and negatively impact the business community as it tries to fulfill its obligations under the ADA.

The ADA is a landmark piece of civil rights legislation, through which the federal government said that no more would disabled Americans be kept on the outside of society looking in. Specifically, Title III of the ADA requires equal access for the disabled to public accommodations, and millions of Americans have benefited from it.

Unfortunately, the ADA was written before the dramatic rise of the Internet and the critical role it plays in society. As such, it does not speak directly to the accessibility public accommodations must provide via their presence on the Internet, specifically websites. Because every day more and more people interact and conduct their business online, it is increasingly important we clarify how the ADA applies to the Internet.

In fact, as DOJ points out in its 2010 ANPR, "Although [DOJ] has been clear that the ADA applies to websites of private entities that meet the definition of 'public accommodations,' inconsistent court decisions, differing standards for determining Web accessibility, and repeated calls for [DOJ] action indicate remaining uncertainty regarding the applicability of the ADA to websites of entities" included in Title III. For this reason DOJ sought to examine "what regulatory guidance it can propose to make clear to entities covered by the ADA their obligations to make their websites accessible."

Without regulation, the disabled community remains at risk of being shut out of certain parts of electronic commerce. And, members of the business community, including credit unions and community banks, are vulnerable to lawsuits because they are left with no uniform standard by which compliance can be measured.

All consumers, including those with disabilities, benefit when they can shop online to learn about products and services available on company websites. Access is best achieved by clear rules stipulating how businesses should serve those protected under the ADA.

We urge DOJ to restart the process of issuing regulatory guidance regarding the Internet under Title III of the ADA. To be credible the eventual regulation issued must be the product of serious consideration of the comments offered by all stakeholders and provide a meaningful method to achieve equal access to the web of covered businesses for disabled Americans, with a reasonable implementation period, consistent with the obligations for businesses under the ADA.

We thank you for your attention to this matter.

Sincerely,



Eric Swalwell
Member of Congress



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Member of Congress

Bob Goodlatte
Member of Congress



Jerrold Nadler
Member of Congress



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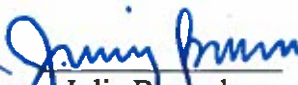


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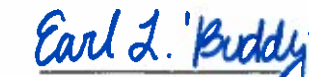
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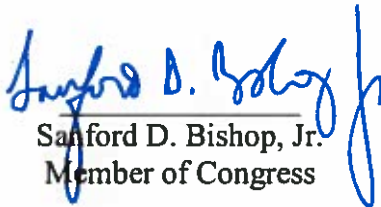

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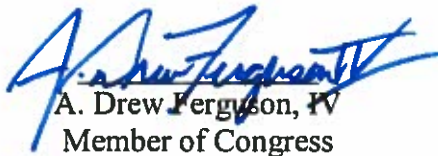

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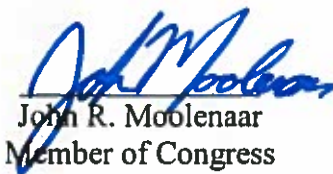

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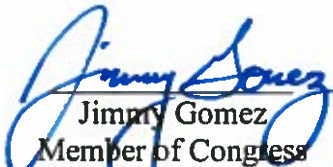

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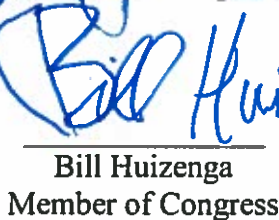

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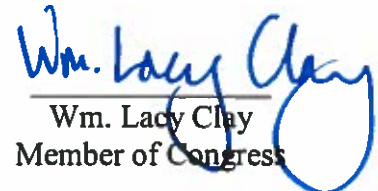

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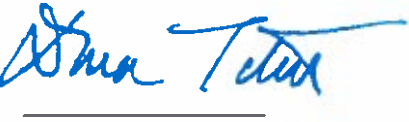

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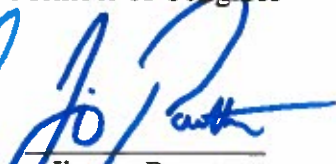

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