June 20, 2018

The Honorable Jeff Sessions
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Ave NW
Washington, DC 20530-0001

Dear Attorney General Sessions:

Thank you for your service to our country. We write today to express support for the Department of Justice providing guidance and clarity with regard to website accessibility under the Americans with Disabilities Act or ADA.

Although there have been several recent court decisions on the application of the ADA, the statutory authority for applying the ADA to websites is unclear.\[1\] However, businesses of every shape and size throughout the country are being threatened with legal action by private plaintiffs for unsubstantiated violations of the ADA. This problem is expanding at a rapid rate since the Internet allows such actions to be filed from anywhere, and there are no restrictions or limitations on making such complaints. The absence of statutory, regulatory, or other controlling language on this issue only fuels the proliferation of these suits since there are no requirements these complaints have to meet. In fact, in most cases these suits are filed for the purpose of reaching a financial settlement and do little or nothing to improve website accessibility.

We support the original spirit and intent of the ADA. However, unresolved questions about the applicability of the ADA to websites as well as the Department’s abandonment of the effort to write a rule defining website accessibility standards, has created a liability hazard that directly affects businesses in our states and the customers they serve.

It is critically important for the Department to take steps now to state publicly that private legal action under the ADA with respect to websites is unfair and violates basic due process principles in the absence of clear statutory authority and issuance by the Department of a final rule establishing website accessibility standards. We agree with the U.S. District Court for the Central

District of California in Domino's Pizza v. Robles which held that "impos[ing] on all regulated persons and entities a requirement that they 'compl[y] with the WCAG 2.0 Guidelines' without specifying a particular level of success criteria and without the DOJ offering meaningful guidance on this topic ... files in the face of due process."\(^1\) Further, as it dismissed the ADA complaint, the court said:

The Court concludes by calling on Congress, the Attorney General, and the Department of Justice to take action to set minimum web accessibility standards for the benefit of the disabled community, those subject to Title III, and the judiciary.\(^2\)

It is important for Congress to act to provide greater clarity through the legislative process. However, in the meantime, it is also unfair and disruptive to subject businesses to litigation risk caused by insufficiently specific statutory language or even basic direction on compliance from the Department. We respectfully urge you to help resolve this situation as soon as possible.

Thank you again for your service to this nation and we look forward to your response.

Sincerely,

Ted Budd  
Member of Congress

J. Luis Correa  
Member of Congress

Don Young  
Member of Congress

Joe Barton  
Member of Congress

Sanford D. Bishop, Jr.  
Member of Congress

Ken Calvert  
Member of Congress

Ed Royce  
Member of Congress

Frank Lucas  
Member of Congress

Walter B. Jones, Jr  
Member of Congress

\(^1\) Robles v. Domino's Pizza LLC, No. CV1606599SJOSPX, 2017 WL 1330216, at *5.

\(^2\) Id. at 8.
Frank LoBiondo  
Member of Congress

Bill Pascrell  
Member of Congress

Steve Chabot  
Member of Congress

Sam Graves  
Member of Congress

Joe Wilson  
Member of Congress

Steve King  
Member of Congress

Michael R. Turner  
Member of Congress

Virginia Foxx  
Member of Congress

Patrick T. McHenry  
Member of Congress

Ted Poe  
Member of Congress

Steve Pearce  
Member of Congress

Jim Jordan  
Member of Congress

Mark Sanford  
Member of Congress

Duncan Hunter  
Member of Congress

Lynn Jenkins  
Member of Congress

Leonard Lance  
Member of Congress

Blaine Luetkemeyer  
Member of Congress

Tom McClintock II  
Member of Congress

Bill Pascrell  
Member of Congress

Tim Walberg  
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Mo Brooks  
Member of Congress
Scott DesJarlais, M.D.
Member of Congress

Jeff Duncan
Member of Congress

Bill Huizenga
Member of Congress

Randy Hultgren
Member of Congress

Andy Harris
Member of Congress

Raúl R. Labrador
Member of Congress

Kristi Noem
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Jim Renacci
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Martha Roby
Member of Congress

Dennis A. Ross
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David Schweikert
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Steve Stivers
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Scott Tipton
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Rob Woodall
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Mark Amodei
Member of Congress

Andy Barr
Member of Congress

Susan W. Brooks
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Doug Collins
Member of Congress
Paul Cook  
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George Holding  
Member of Congress

Richard Hudson  
Member of Congress

Doug LaMalfa  
Member of Congress

Mark Meadows  
Member of Congress

Luke Messer  
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Scott Perry  
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Robert Pittenger  
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Keith Rothfus  
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Ann Wagner  
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Member of Congress

Dave Brat  
Member of Congress

Rick W. Allen  
Member of Congress

Ralph Abraham, M.D.  
Member of Congress

Mike Bishop  
Member of Congress

Earl L. "Buddy" Carter  
Member of Congress

Tom Emmer  
Member of Congress
Garret Graves  
Member of Congress

Glenn Grothman  
Member of Congress

Jody Hice  
Member of Congress

Barry Loudermilk  
Member of Congress

Mia Love  
Member of Congress

Tom MacArthur  
Member of Congress

Gary Palmer  
Member of Congress

Alex Mooney  
Member of Congress

Dan Newhouse  
Member of Congress

John Ratcliffe  
Member of Congress

David Rouzer  
Member of Congress

Dave Trott  
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Mark Walker  
Member of Congress

Mimi Walters  
Member of Congress

Lee Zeldin  
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Warren Davidson  
Member of Congress

James Comer  
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Jim Banks  
Member of Congress
Jack Bergman  
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Andy Biggs  
Member of Congress

Drew Ferguson  
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Clay Higgins  
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Mike Johnson  
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Jason Lewis  
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Roger Marshall  
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Francis Rooney  
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John Rutherford  
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Lloyd Smucker  
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Claudia Tenney  
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Ron Estes  
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Greg Gianforte  
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Karen Handel  
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Ralph Norman  
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Debbie Lesko  
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Jason Smith  
Member of Congress