



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

OCT 11 2018

The Honorable Charles E. Grassley
United States Senate
Washington, DC 20510

Dear Senator Grassley:

This responds to your letter to the Attorney General dated September 4, 2018, regarding website accessibility under the Americans with Disabilities Act (ADA). Specifically, your correspondence references a lack of clarity with respect to website accessibility obligations under the ADA and urges the Department of Justice (Department) to provide greater clarity on the issue. We are sending identical responses to the other Senators who joined your letter.

The Department first articulated its interpretation that the ADA applies to public accommodations' websites over 20 years ago. This interpretation is consistent with the ADA's Title III requirement that the goods, services, privileges, or activities provided by places of public accommodation be equally accessible to people with disabilities.

As you noted in your letter, on December 26, 2017, the Department formally withdrew two rulemakings related to the accessibility of web information and services under the ADA with the publication of the Notice of Withdrawal of Four Previously Announced Rulemaking Actions in the Federal Register. 82 Fed. Reg. 60932 (Dec. 26, 2017). The first withdrawn rulemaking (RIN 1190-AA61) covered accessibility of web information and services of public accommodations. The second withdrawn rulemaking (RIN 1190-AA65) covered accessibility of web services of state and local governments. The Department is continuing to review its entire regulatory landscape and associated agenda, pursuant to the regulatory reform provisions of Executive Order 13771, "Reducing Regulation and Controlling Regulatory Costs," and Executive Order 13777, "Enforcing the Regulatory Reform Agenda."

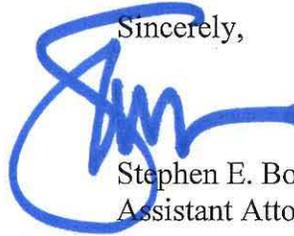
We note, however, that absent the adoption of specific technical requirements for websites through rulemaking, public accommodations have flexibility in how to comply with the ADA's general requirements of nondiscrimination and effective communication. Accordingly,

noncompliance with a specific voluntary technical standard for website accessibility does not necessarily indicate noncompliance with the ADA.

We appreciate the concerns regarding the impact that the risk of litigation has on covered entities. The Department remains committed to safeguarding accessibility for individuals with disabilities while also working with covered entities to ensure that compliance with the ADA is feasible and sustainable.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional information or assistance regarding this or any other matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Boyd", is written over the word "Sincerely,".

Stephen E. Boyd
Assistant Attorney General