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National Association of Federally-Insured Credit Unions

October 13, 2017

The Honorable Bob Goodlatte
Chairman
Judiciary Committee
U.S. House of Representatives
Washington, D.C. 20510

The Honorable John Conyers
Ranking Member
Judiciary Committee
U.S. House of Representatives
Washington, D.C. 20510

Re: Website Access Requirements Under the *Americans with Disabilities Act (ADA)*

Dear Chairman Goodlatte and Ranking Member Conyers:

On behalf of the National Association of Federally-Insured Credit Unions (NAFCU), the only trade association exclusively representing the federal interests of our nation's federally-insured credit unions, I write today to urge the Committee to examine steps to stem the rise in frivolous lawsuits due to unclear website access requirements under the *Americans with Disabilities Act (ADA)*.

Dozens of lawsuits have been filed against credit unions regarding accessibility of their websites, primarily stemming from two law firms on behalf of a common plaintiff against a number of credit unions in the Chairman's home state of Virginia. Some lawsuits and demand letters were even filed on behalf of plaintiffs who are not members of the credit union or eligible for membership. We want to bring this issue to your attention, and urge the Committee to examine it.

Recently, the Committee favorably reported the NAFCU-backed H.R. 620, the *ADA Education and Reform Act of 2017*, which presented a solution for addressing frivolous ADA lawsuits for physical barriers. This legislation provides businesses a timeframe to fix alleged infractions before a lawsuit can proceed, so that the access and accommodation needs of consumers with disabilities are met before trial attorneys have a chance to benefit. We would support legislative efforts to address frivolous lawsuits for virtual barriers as well.

NAFCU and its member credit unions believe in the importance of the ADA and of the ability for all Americans to have access to the financial services that they need. Credit unions want to make sure their members have the accessibility to the services they need and are in compliance with the ADA; however abusive, frivolous lawsuits must be stopped.

Again, NAFCU urges you to examine this issue. We thank you for the opportunity to share our thoughts on this important matter and look forward to working with you and your staff in addressing our concerns. If we can be of additional help in any way please contact me or Allyson Browning, NAFCU's Associate Director of Legislative Affairs, at 703-842-2836 or abrowning@nafcu.org.

Sincerely,

Brad Thaler
Vice President of Legislative Affairs

cc: Members of the House Judiciary Committee
The Honorable Paul Ryan
The Honorable Nancy Pelosi
The Honorable Jeb Hensarling
The Honorable Maxine Waters