

118TH CONGRESS  
1ST SESSION

# H. R. 3493

To amend title III of the Americans with Disabilities Act of 1990 to require an opportunity to correct an alleged violation as a precondition to commencing a civil action with respect to a place of public accommodation or a commercial facility.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2023

Mr. GREEN of Tennessee introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title III of the Americans with Disabilities Act of 1990 to require an opportunity to correct an alleged violation as a precondition to commencing a civil action with respect to a place of public accommodation or a commercial facility.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “ADA Improvement Act  
5 of 2023”.

1 **SEC. 2. OPPORTUNITY TO CORRECT AN ALLEGED VIOLA-**  
2 **TION.**

3 Section 308(a)(1) of the Americans with Disabilities  
4 Act of 1990 (42 U.S.C. 12188(a)(1)) is amended—

5 (1) by striking “(1) AVAILABILITY” and all that  
6 follows through “The remedies and procedures set  
7 forth” and inserting the following:

8 “(1) AVAILABILITY OF REMEDIES AND PROCE-  
9 DURES.—

10 “(A) IN GENERAL.—Subject to subpara-  
11 graphs (B) and (C), the remedies and proce-  
12 dures set forth”; and

13 (2) by adding at the end the following subpara-  
14 graphs:

15 “(B) OPPORTUNITY FOR CORRECTION OF  
16 ALLEGED VIOLATION.—A State or Federal  
17 court shall not have jurisdiction in a civil action  
18 filed with the court under subparagraph (A), or  
19 under a provision of State law that conditions  
20 a violation of any of its provisions on a violation  
21 of this Act, unless—

22 “(i) before filing the complaint, the  
23 plaintiff provided to the defendant written  
24 notice of the alleged violation, and the no-  
25 tice was provided by registered mail;

1 “(ii) the notice identified the specific  
2 facts that constitute the alleged violation,  
3 including identification of the location at  
4 which the violation occurred and the date  
5 on which the violation occurred;

6 “(iii) 30 or more days has elapsed  
7 after the date on which such notice was  
8 provided;

9 “(iv) the notice informed the defend-  
10 ant that the civil action could not be com-  
11 menced until the expiration of such 30-day  
12 period; and

13 “(v) the complaint states that, as of  
14 the date on which the complaint is filed,  
15 the defendant has not corrected the alleged  
16 violation.

17 “(C) EXCEPTIONS.—Subparagraph (B)  
18 shall not apply to—

19 “(i) civil actions brought under Rule  
20 65 of the Federal Rules of Civil Procedure  
21 requesting preliminary injunctive relief or  
22 temporary restraining orders; or

23 “(ii) civil actions brought under State  
24 or local court rules requesting preliminary

1 injunctive relief or temporary restraining  
2 orders.”.

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