To establish uniform accessibility standards for websites and applications of employers, employment agencies, labor organizations, joint labor-management committees, public entities, public accommodations, testing entities, and commercial providers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. Duckworth introduced the following bill; which was read twice and referred to the Committee on ______.

A BILL

To establish uniform accessibility standards for websites and applications of employers, employment agencies, labor organizations, joint labor-management committees, public entities, public accommodations, testing entities, and commercial providers, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Websites and Software Applications Accessibility Act”.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:
(1) Section 2(b)(1) of the Americans with Disabilities Act of 1990 states that the Act provides “a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities” (42 U.S.C. 12101(b)(1)).

(2) In 1990, websites and applications were essentially nonexistent, but Congress made clear that the ADA “should keep pace with the rapidly changing technology of the times” (H.R. Rep. No. 101–485, pt. 2, at 381 (1990)), as reprinted in 1990 U.S.C.C.A.N. 303, 391).

(3) Section 102 of the ADA (42 U.S.C. 12112), section 202 of the ADA (42 U.S.C. 12132), and section 302 of the ADA (42 U.S.C. 12182) broadly prohibit discrimination on the basis of disability in regard to employment, services, programs, or activities of public entities, and of goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, respectively.

(4) The Department of Justice has promulgated regulations to address the intersection of the ADA and emerging technologies, including the obligation to ensure effective communication with and by individuals with disabilities by using technologies such as video remote interpreting, real-time computer-
aided transcription, open and closed captioning, audio description, videophones, captioned telephones, screen reader software, optical readers, and telephone systems that interact properly with internet-based relay systems.

(5) The activities of a vast number of ADA-covered entities now occur in whole or in part through websites and applications, a shift that has been accelerated by a global pandemic. The digital economy accounts for nearly 10 percent of the United States gross domestic product, and 85 percent of United States adults visit the internet at least once per day.

(6) Many entities, including those covered by the ADA, rely on third-party technology providers to deliver goods and services via websites and applications, yet these websites and applications are often created and developed in a manner that is inaccessible to individuals with disabilities.

(7) Despite the ADA’s clear language covering all services, programs, and activities of public entities, all goods, services, facilities, privileges, advantages, and accommodations of public accommodations, and all terms, conditions, and privileges of employment and certain actions of employers, including when conducted through websites and applications,
most websites and applications contain significant
barriers for individuals with disabilities.

(8) When Congress enacted the ADA in 1990,
Congress intended for the ADA to keep pace with
rapidly changing technology. The Department of
Justice has rightly acknowledged that the ADA re-
quires covered entities to ensure that their websites
are accessible to individuals with disabilities.

(9) Some courts have misconstrued the ADA,
saying the ADA does not cover websites despite the
clear language of the ADA’s provisions.

(10) Without equal access to websites and ap-
lications, many individuals with disabilities are
treated as second-class citizens and are excluded
from equal participation in and equal access to all
aspects of society.

(b) PURPOSE.—It is the purpose of this Act—

(1) to affirm that the ADA and this Act require
that websites and applications used by any covered
entity to communicate or interact with applicants,
employees, participants, customers, or other mem-
bers of the public be readily accessible to and use-
able by individuals with disabilities, whether the en-
tity has a physical location or is digital only;
(2) to require the Department of Justice and the Equal Employment Opportunity Commission to set and enforce standards for websites and applications and to periodically update such standards;

(3) to address and remedy the systemic nationwide problem of inaccessible websites and applications that exclude individuals with disabilities from equal participation in and equal access to all aspects of society; and

(4) to create effective mechanisms to respond to emerging technologies and to ensure that such technologies do not impair the rights and abilities of individuals with disabilities to participate in all aspects of society.

SEC. 3. DEFINITIONS.

In this Act:

(1) ACCESSIBLE.—The term “accessible” or “accessibility”, used with respect to a website or application, means a perceivable, operable, understandable, and robust website or application that enables individuals with disabilities to access the same information as, to engage in the same interactions as, to communicate and to be understood as effectively as, and to enjoy the same services as are offered to, other individuals with the same privacy, same inde-
pendence, and same ease of use as, individuals without disabilities.

(2) ACCESSIBILITY REGULATIONS.—The term “accessibility regulations” means the regulations issued under section 5 in accordance with this Act.

(3) ADA.—The term “ADA” means the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(4) APPLICATION.—The term “application” means software that is designed to run on a device, including a smartphone, tablet, self-service kiosk, wearable technology item, or laptop or desktop computer or another device, including a device devised after the date of enactment of this Act, and that is designed to perform, or to help the user perform, a specific task.

(5) COMMERCIAL PROVIDER.—The term “commercial provider” means any entity, including a public or private entity—

(A) whose operations affect commerce; and

(B) that designs, develops, constructs, alters, modifies, or adds an application or website for a covered entity (including a covered entity described in subparagraph (A) that takes such
an action for the covered entity’s product) for
covered use.

(6) COMMISSION.—The term “Commission”
means the Equal Employment Opportunity Commis-
sion.

(7) COVERED ENTITY.—The term “covered en-

tity” means an employment entity, public entity,
public accommodation, or testing entity.

(8) COVERED USE.—The term “covered use”
means—

(A) use by a public entity to provide a
service, program, or activity, or information re-

dated to such service, program, or activity, cov-

ered under title II of the ADA (42 U.S.C.
12131 et seq.), section 504 of the Rehabilita-
tion Act of 1973 (29 U.S.C. 794), or section
1557 of the Patient Protection and Affordable
Care Act (42 U.S.C. 1811), to an applicant,
participant, or other member of the public;

(B) use by a public accommodation or test-
ing entity to provide a good, service, facility,

privilege, advantage, or accommodation, or in-
formation related to such good, service, facility,

privilege, advantage, or accommodation, to cus-
tomers or other members of the public, regard-
less of whether the public accommodation or testing entity owns, operates, or utilizes a physical location for covered use; or

(C) use by an employment entity in determining or conducting job application procedures, hiring, advancement, or discharge of employees, employee compensation, job training, or other term, condition, or privilege of employment, for employees or applicants to become employees.

(9) DEPARTMENT.—The term “Department” means the Department of Justice.

(10) DISABILITY.—The term “disability” has the meaning given the term in section 3 of the ADA (42 U.S.C. 12102).

(11) EMPLOYEE.—The term “employee” has the meaning given the term in section 101 of the ADA (42 U.S.C. 12111).

(12) EMPLOYER.—The term “employer” has the meaning given the term in section 101 of the ADA (42 U.S.C. 12111).

(13) EMPLOYMENT AGENCY.—The term “employment agency” has the meaning given the term in section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e).
(14) **EMPLOYMENT ENTITY.**—The term “employment entity” means an employer, employment agency, labor organization, or joint labor-management committee.

(15) **INFORMATION AND COMMUNICATION TECHNOLOGY.**—The term “information and communication technology”—

(A) means—

(i) any equipment or interconnected system or subsystem of equipment, used in the automatic acquisition, storage, analysis, evaluation, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information; and

(ii) other equipment or technology, or another system or process, for which the principal function is the creation, manipulation, storage, display, receipt, or transmission of electronic data and information, as well as any associated content; and

(B) includes computers and peripheral equipment, information kiosks and transaction machines, telecommunications equipment, customer premises equipment, multifunction office
machines, software, applications, websites, videos, and electronic documents.

(16) Joint Labor-Management Committee.—The term “joint labor-management committee” means a labor management committee established pursuant to section 205A of the Labor Management Relations Act, 1947 (29 U.S.C. 175a) and engaged in commerce.

(17) Labor Organization.—The term “labor organization” has the meaning given the term in section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e).

(18) Operable.—The term “operable”, used with respect to a website or application, means that user interface components and navigation for the website or application can be operated by individuals with disabilities.

(19) Perceivable.—The term “perceivable”, used with respect to a website or application, means that information and user interface components for the website or application are presentable in ways that individuals with disabilities can perceive.

(20) Public Accommodation.—The term “public accommodation” means a private entity described in paragraph (7) of section 301 of the ADA
(42 U.S.C. 12181) who owns, operates, or utilizes a website or application for covered use.

(21) Public Entity.—The term “public entity” has the meaning given the term “public entity” in section 201 of the ADA (42 U.S.C. 12131).

(22) Qualified Individual.—The term “qualified individual”, used with respect to an employee or an applicant to become an employee, has the meaning given the term in section 101 of the ADA (42 U.S.C. 12111).

(23) Robust.—The term “robust”, used with respect to a website or application, means a website or application for which the content can be interpreted by and the interface can be accessed by a wide variety of tools, including assistive technology, used by individuals with disabilities.

(24) Software Definitions.—

(A) Platform Software.—

(i) In General.—The term “platform software” means software—

(I) that interacts with hardware

or provides services for other software;

(II) that may run or host other software, and may isolate the other
software from underlying software or hardware layers; and

(III) a single component of which may have both platform and non-platform aspects.

(ii) PLATFORM.—For purposes of clause (i), the term “platform” includes—

(I) a desktop operating system;

(II) an embedded operating system, including a mobile system;

(III) a web browser;

(IV) a plugin to a web browser that renders a particular media or format; and

(V) a set of components that allows another application to execute, such as an application which supports macros or scripting.

(B) SOFTWARE.—In subparagraphs (A) and (C), the term “software”—

(i) means a program, a procedure, and a rule (any of which may include related data or documentation), that directs the use and operation of information and
communication technology to perform a
given task or function; and

(ii) includes applications, non-web
software, platform software, and software
tools.

(C) SOFTWARE TOOL.—

(i) IN GENERAL.—The term “software
tool” means software—

(I) for which the primary func-
tion is the development of other soft-
ware; and

(II) that usually comes in the
form of an Integrated Development
Environment and is a suite of related
products and utilities.

(ii) INTEGRATED DEVELOPMENT EN-
VIRONMENT.—In clause (i), the term “Int-
egrated Development Environment”
means an application such as—

(I) Microsoft® Visual Studio®;

(II) Apple® Xcode®; and

(III) Eclipse Foundation

Eclipse®.
(25) **State.**—The term “State” means each of the several States, the District of Columbia, and any territory or possession of the United States.

(26) **Testing Entity.**—The term “testing entity” means any person whose operations affect commerce, as defined in section 301 of the ADA (42 U.S.C. 12181) and that offers examinations or courses related to, applying, licensing, certification, or credentialing for secondary or postsecondary education, professional, or trade purposes.

(27) **Understandable.**—The term “understandable”, used with respect to a website or application, means that the components of the user interface for the website or application, including any input fields, error messages, and correction opportunities, are predictable and can be understood and used by individuals with disabilities.

(28) **Website.**—The term “website” means any collection of related web pages, images, videos, or other digital assets placed in one or more computer server-based file archives so that the collection can be accessed by applicants, employees, participants, customers, or other members of the public over the internet or through a private computer network.
SEC. 4. ACCESS TO WEBSITES AND APPLICATIONS.

(a) General Rules for Covered Entities.—

(1) Employment entity.—No employment entity shall subject to discrimination, related to a website or application owned, operated, or utilized for covered use by the employment entity, an individual with a disability in regard to an activity described in section 102 of the ADA (42 U.S.C. 12112).

(2) Public entity.—No individual with a disability shall, by reason of such disability—

(A) be excluded from participation in or be denied the benefits of the services, programs, or activities, or information related to such services, programs, or activities, offered through a website or application owned, operated, or utilized, for a covered use, by a public entity; or

(B) be otherwise subjected to discrimination related to a website or application owned, operated, or utilized for covered use by a public entity.

(3) Public accommodation and testing entity.—No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations, or information related
to such goods, services, facilities, privileges, advantages, or accommodations, offered through a website or application owned, operated, or utilized for covered use by a public accommodation or testing entity.

(b) COVERED ENTITIES.—In order to comply with subsection (a), a covered entity shall meet the following requirements:

(1) ACCESSIBILITY.—A covered entity that engages in an activity described in section 102 of the ADA (42 U.S.C. 12112), or that provides goods, services, facilities, privileges, advantages, accommodations, programs, activities, or information related to such goods, services, facilities, privileges, advantages, accommodations, programs, or activities, through a website or application shall ensure that such website or application is accessible.

(2) EFFECTIVE COMMUNICATIONS.—A covered entity shall ensure that covered uses through websites and applications with applicants, employees, participants, customers, and other members of the public with disabilities are as effective as communications and interactions with individuals without disabilities.
(c) Commercial Providers.—No commercial provider shall design, develop, construct, alter, modify, or add to a website or application for a covered entity for covered use in a manner that results in the website or application that is not accessible, or otherwise provide a website or application to a covered entity for covered use that is not accessible.

(d) Defenses and Exemptions.—

(1) Employment Entities.—With respect to a claim that an employment entity violated this section, the entity shall not be considered to have violated this section—

(A) would impose an undue burden on the entity; or

(B) would fundamentally alter the nature of the employment provided by the entity.

(2) Public Entities.—With respect to a claim that a public entity violated this section, the entity shall not be considered to have violated this section if compliance with this section—

(A) would impose an undue burden on the entity; or

(B) would fundamentally alter the nature of the services, programs, activities, or information provided by the entity.
(3) **Public accommodations or testing entities.**—With respect to a claim that a public accommodation or testing entity violated this section, the accommodation or entity shall not be considered to have violated this section if compliance with this section—

(A) would impose an undue burden on the accommodation or entity; or

(B) would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, accommodations, or information provided by the accommodation or entity.

(4) **Commercial providers.**—With respect to a claim that a commercial provider violated this section, the commercial provider shall not be considered to have violated this section if compliance with this section—

(A) would impose an undue burden on the commercial provider; or

(B) would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, accommodations, programs, activities, or information provided by the covered entity served.
SEC. 5. RULEMAKING.

(a) Public Entities, Public Accommodations, and Testing Entities.—

(1) Notice of Proposed Rulemaking.—Not later than 12 months after the date of enactment of this Act, the Attorney General shall issue, for purposes of section 4, a notice of proposed rulemaking regarding the accessibility of websites and applications applicable to covered entities that are public entities or public accommodations or testing entities, and the commercial providers for the three types of covered entities, for covered use. Such notice shall propose regulations to implement the accessibility obligations of this Act, and include standards for accessible websites and applications that offer equally effective experiences for users with disabilities and users without disabilities.

(2) Final Rule.—Not later than 24 months after the date of enactment of this Act, the Attorney General shall issue, for purposes of section 4, a final rule regarding the accessibility of websites and applications applicable to the covered entities, and the commercial providers, described in paragraph (1), for covered use. Such final rule shall implement the accessibility obligations of this Act and include standards for accessible websites and applications.
that offer equally effective experiences for users with disabilities and users without disabilities.

(3) **Public posting of enforcement actions.**—Not later than 6 months after such issuance, the Attorney General shall, to the extent permitted by law, post publicly on the Department website any and all settlement documents and documents specifying other resolutions, resulting from the initiation of enforcement actions, or filing of administrative or civil actions, by the Attorney General pursuant to this Act concerning the covered entities, and the commercial providers, described in paragraph (1).

(b) **Employment Entities.**—

(1) **Notice of proposed rulemaking.**—Not later than 12 months after the date of enactment of this Act, the Commission shall issue, for purposes of section 4, a notice of proposed rulemaking regarding the accessibility of websites and applications applicable to employment entities, and the commercial providers for employment entities, for covered use. Such notice shall propose regulations to implement the accessibility obligations of this Act, and include standards for accessible websites and applications that
offer equally effective experiences for users with disab-

(2) Final Rule.—Not later than 24 months

abilities and users without disabilities.

after the date of enactment of this Act, the Commis-

ion shall issue, for purposes of section 4, a final

rule regarding the accessibility of websites and appli-

lications applicable to the employment entities, and

the commercial providers, described in paragraph

(1), for covered use. Such final rule shall implement

the accessibility obligations of this Act and include

standards for accessible websites and applications

that offer equally effective experiences for users with

disabilities and users without disabilities.

(3) Public Posting of Enforcement Ac-

tions.—Not later than 6 months after such

issuance, the Commission shall, to the extent per-

mitted by law, post publicly on the Commission

website any and all settlement documents, and docu-

ments specifying other resolutions, resulting from

the initiation of enforcement actions, or filing of ad-

ministrative or civil actions, by the Commission pur-

suant to this Act concerning the employment enti-

ties, and the commercial providers, described in

paragraph (1).
SEC. 6. PERIODIC REVIEW.

(a) REVIEW.—For each of the first 3 years after the date of enactment of this Act, and every 2 years thereafter, each Federal agency receiving complaints or engaging in enforcement (including compliance reviews and investigations), administrative (including administrative resolution of a claim of a violation), or civil actions under this Act shall submit a report on the complaints and activities to the Department and the Commission. The Attorney General and the Commission shall, for each of the first 3 years and every 2 years thereafter, review complaints received and enforcement, administrative, or civil actions taken under this Act, to determine whether the purpose of this Act is being achieved. In conducting such reviews, the Attorney General and the Commission may award grants, contracts, or cooperative agreements to entities that have documented experience and expertise in collecting and analyzing data associated with implementing reviews of complaints, and enforcement, administrative, and civil actions.

(b) REPORT.—The Attorney General and the Commission shall prepare a report containing the results of each such review of complaints and actions described in subsection (a), and shall submit the report to the Committee on Health, Education, Labor, and Pensions and the Committee on the Judiciary of the Senate and the Commission on Education and the Workforce of the House of Representatives.
mittee on Education and Labor and the Committee on the Judiciary of the House of Representatives.

(c) Updated Regulations.—The Attorney General and the Commission shall issue, in accordance with this Act, updated accessibility regulations every 3 years following the date of issuance of the initial accessibility regulations issued under this Act.

SEC. 7. ENFORCEMENT AND ADMINISTRATIVE ACTION, AND PRIVATE RIGHT OF ACTION.

(a) Public Entities, Public Accommodations, and Testing Entities.—

(1) Civil action by attorney general.—

(A) In general.—

(i) Investigation after a complaint.—On receiving a complaint filed by an individual with a disability, a class of individuals with disabilities, or an entity representing an individual with a disability or such a class, of a violation of paragraph (2) or (3) of subsection (a), as the case may be, or a complaint filed by a covered entity that is a public entity, public accommodation, or testing entity of a violation of subsection (c), of section 4 (including a related provision of the final rule issued
under section 5(a)), the Attorney General may conduct an investigation. The investigation shall consist of a review of the corresponding website or application owned, operated, or utilized for covered use by such a covered entity, or provided to such a covered entity by a commercial provider, to determine whether the covered entity or commercial provider has violated the corresponding provision of section 4.

(ii) Other investigation and review.—In addition, the Attorney General shall, on the Attorney General’s own authority, investigate practices that may be violations of, and undertake periodic reviews of compliance of such covered entities and commercial providers with, the corresponding provision of section 4 (including a related provision of the final rule issued under section 5(a)).

(iii) Determination of violation.—If, after investigation or review under this subparagraph, the Attorney General determines that such a covered entity or commercial provider has violated
the corresponding provision of section 4
(including a related provision of the final
rule issued under section 5(a)), the Attorney
General may take administrative ac-
tion (including administrative resolution of
a claim of such a violation) or bring a civil
action in a district court of the United
States.

(B) INTERVENTION.—If the Attorney Gen-
eral brings such a civil action based on a com-
plaint filed by an individual, class of individ-
uals, or entity, described in subparagraph (A),
including a covered entity described in subpara-
graph (A) alleging a violation by a commercial
provider, such individual, class, or entity shall
have the right to intervene in such civil action.

(2) CIVIL ACTION BY OTHERS.—An individual,
class, or entity, described in paragraph (1)(A), in-
cluding a covered entity described in paragraph
(1)(A) alleging a violation by a commercial provider,
may bring a civil action alleging a violation of para-
graph (2) or (3) of subsection (a), or subsection (c),
as the case may be, of section 4 (including a related
provision of the final rule issued under section 5(a))
in an appropriate State or Federal court without
first filing a complaint with the Department or exhausting any other administrative remedies.

(b) Employment Entities.—

(1) Civil action by commission and attorney general.—

(A) In general.—

(i) Investigation after a complaint.—On receiving a complaint filed by a qualified individual, a class of qualified individuals, or an entity representing a qualified individual or such a class, of a violation of subsection (a)(1), or a complaint filed by an employment entity of a violation of subsection (c), of section 4 (including a related provision of the final rule issued under section 5(b)), the Commission may conduct an investigation. The investigation shall consist of a review of the corresponding website or application owned, operated, or utilized for covered use by an employment entity, or provided to an employment entity by a commercial provider, to determine whether the employment entity or commercial provider has violated the corresponding provision of section 4.
(ii) **Other Investigation and Review.**—In addition, the Commission shall, on the Commission’s own authority, investigate practices that may be violations of, and undertake periodic reviews of compliance of employment entities and commercial providers with, the corresponding provision of section 4 (including a related provision of the final rule issued under section 5(b)).

(iii) **Determination of Violation.**—If, after investigation or review described in this subparagraph, the Commission determines that an employment entity or commercial provider has violated the corresponding provision of section 4 (including a related provision of the final rule issued under section 5(b)), the Commission may take administrative action (including administrative resolution of a claim of such a violation) or bring a civil action in a district court of the United States.

(B) **Intervention.**—If the Commission brings such a civil action based on a complaint filed by a qualified individual, class of qualified
individuals, or entity, described in subparagraph (A), including an employment entity alleging a violation by a commercial provider, such qualified individual, class, or entity shall have the right to intervene in such civil action.

(2) Civil action by others.—A qualified individual, class, or entity, described in paragraph (1)(A), including an employee or employment entity alleging a violation by a commercial provider, may bring a civil action alleging a violation of subsection (a)(1) or subsection (c), as the case may be, of section 4 (including a related provision of the final rule issued under section 5(b)) in an appropriate State or Federal court without first filing a complaint with the Commission or exhausting any other administrative remedies.

(3) Functions of the Attorney General.—The Attorney General shall carry out any function of the Commission under this subsection that the Attorney General carries out under section 107 of the ADA (42 U.S.C. 12117).

(c) Relief.—

(1) Civil action by attorney general or commissioner.—In a civil action brought under
subsection (a)(1) or (b)(1), the Attorney General or
Commissioner may seek—

(A) a civil penalty and all appropriate in-
junctive relief to bring the affected website or
application into compliance with section 4; and

(B) on behalf of affected individuals, all
economic and noneconomic damages including
compensatory and punitive damages.

(2) CIVIL ACTION BY OTHERS.—In a civil action
brought under subsection (a)(2) or (b)(2), the plain-
tiff may seek all appropriate injunctive relief de-
scribed in paragraph (1)(A) and the damages de-
scribed in paragraph (1)(B).

(3) ATTORNEY’S FEES.—The prevailing plain-
tiff (other than the United States) shall also be
awarded reasonable attorney’s fees and costs.

SEC. 8. RECOMMENDATIONS.

(a) ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Attorney General and
the Commission shall establish a standing advisory
committee (referred to in this section as the “Com-
mittee”) on accessible websites and applications. The
Committee shall be operated and receive resources in
accordance with the provisions of the Federal Advi-
sory Committee Act (5 U.S.C. App.), as an advisory
committee under the authority of the Attorney General and Commission.

(2) COMPOSITION.—In establishing the Committee, the Attorney General and the Commission—

(A) shall include on the Committee—

(i) individuals with disabilities (comprising a majority of the members of the Committee) who are—

(I) individuals who are blind (including who have low vision), deaf, hard of hearing, or deafblind;

(II) individuals who have speech disabilities;

(III) individuals with physical disabilities including those with limited to no manual dexterity; and

(IV) individuals who have disabilities not specified in any of subclauses (I) through (III); and

(ii) experts regarding accessible websites and applications for individuals with disabilities; and

(B) may include on the Committee representatives of—

(i) State and local government;
(ii) covered entities;
(iii) commercial providers;
(iv) testing entities; and
(v) other entities determined to be appropriate by the Attorney General and the Commission.

(3) FUNCTIONS.—The Committee shall provide responsive, advice and guidance to the Attorney General and the Commission, for purposes of carrying out this Act, by—

(A) conducting public meetings twice per year, at a minimum;
(B) submitting reports and recommendations to the Attorney General and Commission, and making the reports and recommendations publicly available, every 2 years at a minimum;
(C) otherwise assisting the Attorney General and Commission in identifying and understanding the impact and implications of innovations with regard to accessible websites and applications.

(b) CONFERRING.—The Attorney General and the Commission, in carrying out this Act, may confer with the National Council on Disability, the Architectural and Transportation Barriers Compliance Board, or any other
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1 Federal department or agency that may have relevant ex-

2 pertise or experience.

3 SEC. 9. TECHNICAL ASSISTANCE.

4 (a) PURPOSE.—It is the purpose of this section to

5 establish a technical assistance center to provide, to cov-

6 ered entities, commercial providers, individuals with dis-

7 abilities, and other members of the public, information,

8 resources, and technical assistance regarding—

9 (1) the design, development, construction, alter-

10 nation, modification, or addition of accessible websites

11 and applications in accordance with this Act; and

12 (2) the rights of individuals with disabilities,

13 covered entities, and commercial providers to access

14 websites and applications in accordance with the

15 ADA (42 U.S.C. 12101 et seq.) and this Act.

16 (b) SUPPORT FOR TRAINING AND TECHNICAL AS-

17 SISTANCE.—From amounts made available under section

18 12, the Attorney General, in coordination with the Com-

19 mission, the Secretary of Education, and other heads of

20 Federal agencies, as appropriate shall award, on a com-

21 petitive basis, at least 1 grant, contract, or cooperative

22 agreement to a qualified training and technical assistance

23 provider to support the development, establishment, and

24 procurement of accessible websites and applications.

25 (c) APPLICATION.—
(1) IN GENERAL.—To be eligible to receive a grant, contract, or cooperative agreement under this section, an entity shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require.

(2) INPUT.—In awarding a grant, contract, or cooperative agreement under this section and in reviewing the activities proposed under the applications described in paragraph (1), the Attorney General, in coordination with the Commission, the Secretary of Education, and other heads of Federal agencies, as appropriate—

(A) shall consider the input of—

(i) individuals with disabilities who are—

(I) individuals who are blind (including individuals who have low vision), deaf, hard of hearing, or deafblind;

(II) individuals who have speech disabilities;

(III) individuals with physical disabilities, including individuals with limited to no manual dexterity; and
(IV) individuals who have disabilities not specified in any of subclauses (I) through (III); and (ii) experts regarding accessible websites and applications for use by individuals with disabilities; and (B) may consider on the input of— (i) State and local government; (ii) covered entities; (iii) commercial providers; (iv) testing entities; and (v) other entities determined to be appropriate by the Attorney General, in coordination with the Commission, the Secretary of Education, and other heads of Federal agencies, as appropriate.

(d) Authorized Activities.—

(1) Use of Funds.—

(A) Requests for Information.—An entity receiving a grant, contract, or cooperative agreement under this section shall support a training and technical assistance program that addresses information requests, concerning accessible websites and applications, from covered
entities and commercial providers, including requests for information regarding—

(i) effective approaches for developing, establishing, and procuring accessible websites and applications;

(ii) state-of-the-art, or model, Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, receipt of funding for, and access to, accessible websites and applications; and

(iii) examples of policies, practices, procedures, regulations, or judicial decisions that have enhanced or may enhance access to and receipt of funding for accessible websites and applications.

(B) COORDINATION.—An entity receiving a grant, contract, or cooperative agreement under this section may also provide technical assistance and training, concerning accessible websites and applications, for covered entities and commercial providers by—

(i) facilitating onsite and electronic information sharing using state-of-the-art
internet technologies such as real-time on-line discussions, multipoint video conferencing, and web-based audio or video broadcasts, on emerging topics regarding accessible websites and applications;

(ii) convening experts to discuss and make recommendations with regard to national emerging issues regarding accessible websites and applications;

(iii) sharing best practices and evidence-based practices in developing, establishing, and procuring accessible websites and applications;

(iv) supporting and coordinating activities designed to reduce the financial costs of purchasing technology needed to access accessible websites and applications; and

(v) carrying out such other activities as the Attorney General, in coordination with the Commission, the Secretary of Education, and other heads of Federal agencies, as appropriate may require.

(C) COLLABORATION.—In developing and providing training and technical assistance
under this section, an entity receiving a grant, contract, or cooperative agreement under this section shall collaborate with—

(i) organizations representing individuals with disabilities;

(ii) organizations or entities that provide services for individuals with disabilities, such as centers for independent living, as defined in section 702 of the Rehabilitation Act of 1973 (29 U.S.C. 796a);

(iii) entities, such as the World Wide Web Consortium, who develop international standards for accessible websites and applications;

(iv) entities or individuals with expertise and experience in enforcing disability rights law; and

(v) other entities and technical assistance providers determined to be appropriate by the Attorney General, in coordination with the Commission, the Secretary of Education, and other heads of Federal agencies, as appropriate.
SEC. 10. STUDY AND REPORT ON EMERGING TECHNOLOGIES.

(a) Study and Report.—

(1) In general.—The National Council on Disability (in this section referred to as the “Council”) shall conduct a study and prepare a report on—

(A) the effect that emerging technologies have on the ability of individuals with disabilities to participate in employment, education, government, health care, commerce, culture, and other aspects of society; and

(B) the effectiveness of this Act in achieving its purpose.

(2) Consideration of effect on individuals with particular barriers.—In conducting the study and preparing the report, the Council shall consider the effect of emerging technologies on individuals with disabilities who use those technologies and have particular barriers to such participation and communication, such as individuals with disabilities using those technologies—

(A) who have limited language or limited English language;
(B) who have significant or targeted disabilities (including people who are blind, deaf, or deafblind);

(C) who have disabilities limiting communication;

(D) whose household income is at or below 200 percent of the poverty line, as defined by the Federal poverty guidelines of the Department of Health and Human Services;

(E) who lack access to broadband services and technology; or

(F) who are multiply marginalized due to race, ethnicity, national origin, age, sex, sexual orientation, gender identity, or socioeconomic status.

(b) Submission of Report.—Five years after the date of enactment of this Act, the Council shall submit the report required under subsection (a) to the appropriate committees of Congress, which shall at minimum include the Committee on Health, Education, Labor, and Pensions and the Committee on the Judiciary of the Senate and the Committee on Education and Labor and the Committee on the Judiciary of the House of Representatives.
SEC. 11. RULES OF CONSTRUCTION.

(a) Other Provisions of Law.—Nothing in this Act shall be construed to affect the scope of obligations imposed by any other provision of law, including—

(1) section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), title II or III of the ADA (42 U.S.C. 12131 et seq.), and section 1557 of the Patient Protection and Affordable Care Act (42 U.S.C. 18116), that, consistent with this Act, prohibits an exclusion, denial, or any other discrimination described in section 4(a) by a covered entity, including any public accommodation, whether or not the entity has a physical location or is digital only, and whether or not such exclusion, denial, or discrimination takes place in a physical or digital location; and


(b) Relationship to Other Laws.—Nothing in this Act shall be construed to invalidate or limit the remedies, rights, and procedures of any Federal law or law of any State or political subdivision of any State or jurisdiction, that provides greater or equal protection for the rights of individuals with disabilities than is afforded by this Act.
(c) **CONSISTENT REGULATIONS.**—Regulations promulgated under this Act shall be consistent with, and shall not contain a standard less protective of individuals with disabilities than, the standards contained in—

1. any regulations issued by the Attorney General or the Commission pursuant to—

   (A) title I of the ADA (42 U.S.C. 12111 et seq.) for digital access to an item related to an activity described in section 102 of the ADA (42 U.S.C. 12112), by covered entities;

   (B) title II of the ADA (42 U.S.C. 12131 et seq.) for digital access to services, programs, or activities, or information related to such services, programs, or activities of covered entities; or

   (C) title III of the ADA (42 U.S.C. 12181 et seq.) for digital access to goods, services, facilities, privileges, advantages, accommodations, or information related to such goods, services, facilities, privileges, advantages, or accommodations of covered entities; and

2. the regulations issued by the Federal Communications Commission for video programming and communications services provided via websites and applications.
(d) Prohibition on Notification Requirement.—The Attorney General and the Commission shall not include, in the accessibility regulations, any requirement that an individual shall notify a covered entity of an allegation of a violation of this Act prior to commencing a civil action under this Act.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) $5,000,000 for each of fiscal years 2024 through 2028 to carry out sections 5, 6, 7, and 8;

(2) $15,000,000 for each of fiscal years 2024 through 2028 to carry out section 9; and

(3) $150,000 for the period of fiscal years 2024 through 2028 to carry out section 10.

SEC. 13. EFFECTIVE DATE.

This Act shall take effect 6 months after the date of enactment of this Act, except that section 4 shall apply to covered entities or commercial providers 12 months after that date of enactment.