

Websites and Software Applications Accessibility Act

U.S. Senator Tammy Duckworth (D-IL)

Section-by-Section

The “Websites and Software Applications Accessibility Act” would clarify that it is unlawful for the entities currently covered by the ADA to maintain inaccessible websites and applications that exclude or otherwise discriminate against people with disabilities. It would establish a clear, enforceable accessibility standard, and establish a technical assistance center and advisory committee to provide advice and guidance on accessible websites and applications.

Section 1: Short Title

- Establishes the short title, “Websites and Software Applications Accessibility Act.”

Section 2: Findings and Purposes

- Affirms that the Americans with Disabilities Act (ADA) prohibits discrimination against individuals with disabilities in the use of websites, software applications (applications) and other digital technologies and that, without equal access to websites and applications, many individuals with disabilities are excluded from equal participation in and equal access to all aspects of society.
- Expresses that the purpose of the bill is to require the Department of Justice (DOJ) and the Equal Employment Opportunity Commission (EEOC) to set, enforce and periodically update standards for websites and applications. It is necessary for Congress to ensure that all websites and applications are covered consistent with current and future technological trends.

Section 3: Definitions

- Defines accessibility, application and website in the context of this legislation and the covered entities to which this bill applies.

Section 4: Access to Websites and Applications

- Prohibits discrimination related to use of websites and applications owned, operated or utilized by covered entities.
- Requires covered entities to ensure that websites and applications

meet the regulations promulgated under the legislation.

- Requires that commercial providers that develop, maintain or update websites and applications to follow the accessibility regulation established by the legislation.
- Provides affirmative defenses for covered entities and commercial providers.

Section 5: Rulemaking

- Requires the Department of Justice (DOJ) and Equal Employment Opportunity Commission (EEOC) each to issue regulations regarding the accessibility of websites and applications within 2 years.
 - Such regulations would include standards for accessible website and applications.
- Requires DOJ and the EEOC to publicly post the outcome of enforcement actions.

Section 6: Periodic Review

- Requires the DOJ and EEOC to report to Congress on complaints received and activities carried out under this legislation.
- Requires DOJ and EEOC to update regulations if it is determined that the legislation's purposes are not being achieved or that updates to the regulation are necessary based on changing practice or standards.

Section 7: Enforcement and Administrative Action, and Private Right of Action

- Establishes the authority of the Attorney General and EEOC to investigate and bring civil actions regarding violations of this legislation.
- Establishes a private right of action.
- Establishes that plaintiffs may seek a wide variety of monetary damages in addition to injunctive relief and that plaintiffs, other than the United States and EEOC, may recover attorney fees and all litigation and other costs.

Section 8: Recommendations

- Provides authority for DOJ and EEOC to establish an advisory committee on technology to provide advice and guidance on the activities established by this legislation.

Section 9: Technical Assistance

- Requires the Attorney General, in coordination with the EEOC, to award, on a competitive basis at least 1 grant, contract or cooperative agreement to a qualified training and technical assistance provider to support the development, deployment and procurement of accessible websites and software applications.

Section 10: Study and Report on Emerging Technologies

- Directs the National Council on Disability to conduct a study and report on the effect of emerging technologies on the ability of people with disabilities to participate in all aspects of society and on the effectiveness of this legislation.

Section 11: Rules of Construction

- Establishes the relationship between this legislation and other laws, including that this legislation does not preempt laws that afford individuals with disabilities greater protections.
- Requires regulations promulgated pursuant to this legislation be consistent with other regulations regarding digital access promulgated under the ADA or by the Federal Communication Commission.
- Prohibits the establishment of a regulatory requirement that an individual must notify a covered entity of a violation prior to bringing a civil action.

Section 12: Authorization of Appropriations

- Authorizes over \$100 million over 5 years to carry out the legislation.

Section 13: Effective Date

- Sets an effective date 6 months after enactment, except that Section 4 takes effect 12 months after enactment.