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(Original Signature of Member)

119TH CONGRESS  
1ST SESSION

**H. R.**

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To amend the Americans with Disabilities Act of 1990 to require exhaustion of administrative remedies for certain claims, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. GRAVES introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend the Americans with Disabilities Act of 1990 to require exhaustion of administrative remedies for certain claims, and for other purposes.

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 “Protecting Small Busi-  
5       nesses from Predatory Website Lawsuits Act”.

1 **SEC. 2. AMENDMENT TO THE AMERICANS WITH DISABIL-**  
2 **ITIES ACT OF 1990 RELATING TO CONSUMER**  
3 **FACING WEBSITES AND MOBILE APPLICA-**  
4 **TIONS OWNED OR OPERATED BY A PRIVATE**  
5 **ENTITY.**

6 The Americans with Disabilities Act of 1990 (42  
7 U.S.C. 12101 et seq.) is amended by adding at the end  
8 the following new title:

9 **“TITLE VI—CONSUMER FACING**  
10 **WEBSITES AND MOBILE AP-**  
11 **PLICATIONS OWNED OR OP-**  
12 **ERATED BY A PRIVATE ENTI-**  
13 **TY**

14 **“SEC. 601. ADMINISTRATIVE REMEDIES.**

15 “(a) EXHAUSTION OF ADMINISTRATIVE REM-  
16 EDIES.—No individual may commence a civil action for  
17 the failure of a consumer facing website or mobile applica-  
18 tion to comply with the title III until all administrative  
19 remedies under this section have been exhausted.

20 “(b) NOTICE TO OWNER OR OPERATOR.—

21 “(1) NOTICE.—Prior to filing a complaint with  
22 the Attorney General under subsection (c), an indi-  
23 vidual must first notify the private owner or oper-  
24 ator of a consumer facing website or mobile applica-  
25 tion that such website or mobile application is not

1       in compliance with the standard for compliance  
2       under title III.

3           “(2) ADMINISTRATIVE COMPLAINT.—If, within  
4       180 days after receiving notice under subsection (b),  
5       the owner or operator of a consumer facing website  
6       or mobile application fails to bring such website or  
7       such application into compliance with title III, an in-  
8       dividual may file a complaint with the Department.

9           “(3) COPY OF COMPLAINT.—If an individual  
10      files a complaint with the Department of Justice (re-  
11      ferred to in this title as the ‘Department’) under  
12      paragraph (1), a copy of such complaint shall be  
13      provided to the owner or operator of a consumer fac-  
14      ing website or mobile application.

15           “(c) REPORTING OF VIOLATIONS TO ATTORNEY  
16      GENERAL.—

17           “(1) DEADLINE TO FILE COMPLAINT.—If an in-  
18      dividual files a complaint with the Department, such  
19      complaint shall be filed within the 180-day period  
20      beginning on the date after the 180-day period  
21      under subsection (b)(1) has terminated.

22           “(2) INVESTIGATION BY ATTORNEY GEN-  
23      ERAL.—Upon receiving a complaint of an alleged  
24      violation, the Attorney General shall complete an in-

1       vestigation within 360 days to determine whether a  
2       violation exists.

3           “(3) FINAL AGENCY DETERMINATION.—

4           “(A) COMPLIANCE DETERMINATION.—For  
5       the purpose of determining whether an indi-  
6       vidual may commence a civil action described in  
7       subsection (a), a determination that the owner  
8       or operator of a consumer facing website or mo-  
9       bile application is in compliance with title III  
10      during the 360-day period after a complaint is  
11      filed with the Department is a final determina-  
12      tion.

13           “(B) NO DETERMINATION.—For the pur-  
14       pose of determining whether an individual may  
15       commence a civil action described in subsection  
16       (a), the failure of the Attorney General to make  
17       a determination during the 360-day period after  
18       a complaint is filed with the Department shall  
19       be considered a final determination of compli-  
20       ance.

21   **“SEC. 602. DEFINITIONS.**

22       “In this Act:

23           “(1) CONSUMER FACING WEBSITE.—The term  
24       ‘consumer facing website’ means any website that is

1        purposefully made accessible to the public for com-  
2        mercial purposes.

3                “(2) MOBILE APPLICATIONS.—The term ‘mobile  
4        application’ means a consumer facing software appli-  
5        cation that can be executed on a mobile platform, or  
6        a web-based software application that is tailored to  
7        a mobile platform but is executed on a server.”.

8 **SEC. 3. CLERICAL AMENDMENT.**

9        The table of contents of the Americans with Disabil-  
10    ities Act of 1990 (42 U.S.C. 12101 et seq.) is amended  
11    by inserting after the item relating to section 515 the fol-  
12    lowing new item:

“TITLE VI—CONSUMER FACING WEBSITES AND MOBILE  
APPLICATIONS OWNED OR OPERATED BY A PRIVATE ENTITY

“Sec. 601. Administrative remedies.

“Sec. 602. Definitions.”.