

[117H1100]

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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

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

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 investigation 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.”.