

RIN Data

DOJ/CRT**RIN:** 1190-AA61**Publication ID:** Fall 2014**Title:** Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of Public Accommodations**Abstract:**

The Department of Justice is considering proposed revisions to the regulation implementing title III of the Americans with Disabilities Act (ADA) in order to address the obligations of public accommodations to make goods, services, facilities, privileges, accommodations, or advantages they offer via the Internet, specifically at sites on the World Wide Web (Web), accessible to individuals with disabilities. The ADA requires that public accommodations provide individuals with disabilities with full and equal enjoyment of their goods, services, facilities, privileges, advantages, and accommodations. 42 U.S.C. 12182. The Internet as it is known today did not exist when Congress enacted the ADA. Today the Internet, most notably the sites on the Web, plays a critical role in the daily personal, professional, and business life of most Americans. Increasingly, private entities of all types are providing goods and services to the public through websites that operate as places of public accommodation under title III of the ADA. Many websites of public accommodations, however, render use by individuals with disabilities difficult or impossible due to barriers posed by websites designed without accessible features. Being unable to access websites puts individuals with disabilities at a great disadvantage in today's society, which is driven by a global marketplace and unprecedented access to information. On the economic front, electronic commerce, or "e-commerce," often offers consumers a wider selection and lower prices than traditional "brick-and-mortar" storefronts, with the added convenience of not having to leave one's home to obtain goods and services. Beyond goods and services, information available on the Internet has become a gateway to education. Schools at all levels are increasingly offering programs and classroom instruction through websites. Many colleges and universities offer degree programs online; some universities exist exclusively on the Internet. The Internet also is changing the way individuals socialize and seek entertainment. Social networks and other online meeting places provide a unique way for individuals to meet and fraternize. These networks allow individuals to meet others with similar interests and connect with friends, business colleagues, elected officials, and businesses. They also provide an effective networking opportunity for entrepreneurs, artists, and others seeking to put their skills and talents to use. Websites also bring a myriad of entertainment and information options for Internet users—from games and music to news and videos. The ADA's promise to provide an equal opportunity for individuals with disabilities to participate in and benefit from all aspects of American civic and economic life will be achieved in today's technologically advanced society only if it is clear to businesses, educators, and other public accommodations, that their websites must be accessible. Consequently, the Department is proposing to amend its title III regulation to expressly address the obligations of public accommodations to make the websites they use to provide their goods and services to the public accessible to and usable by individuals with disabilities under the legal framework established by the ADA. The proposed regulation will propose the scope of the obligation to provide accessibility when persons with disabilities attempt to access websites of public accommodations, as well as propose the technical standards necessary to comply with the ADA.

Agency: Department of Justice(DOJ)**Priority:** Economically Significant**RIN Status:** Previously published in the Unified Agenda**Agenda Stage of Rulemaking:** Proposed Rule Stage**Major:** Yes**Unfunded Mandates:** No**CFR Citation:** [28 CFR 36](#)**Legal Authority:** [42 USC 12101, et seq](#)**Legal Deadline:** None**Statement of Need:**

Many people with disabilities use "assistive technology" to enable them to use computers and access the Internet. Individuals who are blind or have low vision who cannot see computer monitors may use screen readers—devices that speak the text that would normally appear on a monitor. People who have difficulty using a computer mouse can use voice recognition software to control their computers with verbal commands. People with other types of disabilities may use still other kinds of assistive technology. New and innovative assistive technologies are being introduced every day. Websites that do not accommodate assistive technology, for example, can create unnecessary barriers for people with disabilities, just as buildings not designed to accommodate individuals with disabilities can prevent some individuals from entering and accessing services. Web designers may not realize how simple features built into a website will assist someone who, for instance, cannot see a computer monitor or use a mouse. In addition, in many cases, these websites do not provide captioning for videos or live events streamed over the Web, leaving persons who are deaf or hard of hearing unable to access the information that is being provided. Although the Department has been clear that the ADA applies to websites of private entities that meet the definition of "public accommodations," inconsistent court decisions, differing standards for determining Web accessibility, and repeated calls for Department action indicate remaining uncertainty regarding the applicability of the ADA to websites of entities covered by title III. For these reasons, the Department plans to propose amendments to its regulation so as to make clear to entities covered by the ADA their obligations to make their websites accessible. Despite the need for action, the Department appreciates the need to move forward deliberately. Any regulations the Department adopts must provide specific guidance to help ensure Web access to individuals with disabilities without hampering innovation and technological advancement on the Web.

Summary of the Legal Basis:

The ADA requires that public accommodations provide individuals with disabilities with full and equal enjoyment of their goods, services, facilities, privileges, advantages, and accommodations. 42 U.S.C. 12182. Increasingly, private entities of all types are providing goods and services to the public through websites that operate as places of public accommodation under title III of the ADA.

Alternatives:

The Department intends to consider various alternatives for ensuring full access to websites of public accommodations, including alternative implementation schedules and technical requirements applicable to certain Web features or based on a covered entity's size. The Department will solicit public comment addressing its proposed alternatives.

Anticipated Costs and Benefits:

The Department anticipates that this rule will be "economically significant." The Department believes that revising its title III rule to clarify the obligations of public accommodations to provide accessible websites will significantly increase the opportunities of individuals with disabilities to access the variety of goods and services public accommodations offer on the Web, while increasing the number of customers that access the websites to procure the goods and services offered by these public accommodations. In drafting this NPRM, the Department will attempt to

minimize the compliance costs to public accommodations, while ensuring the benefits of compliance to persons with disabilities. At this stage in the process, the Department is not yet able to provide a preliminary estimate of costs and benefits.

Risks:

If the Department does not revise its ADA title III regulations to address website accessibility, persons with disabilities will continue to be unable to access the many goods and services of public accommodations available on the Web to individuals without disabilities.

Timetable:

Action	Date	FR Cite
ANPRM	07/26/2010	75 FR 43460
ANPRM Comment Period End	01/24/2011	
NPRM	06/00/2015	

Additional Information: See also RIN 1190-AA65 which was split from this RIN of 1190-AA61.

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Small Entities Affected: Businesses

Federalism: No

Included in the Regulatory Plan: Yes

RIN Data Printed in the FR: No

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