

News from Trenton & Washington, DC

by Dave Garb, Legislative Committee Chair

A lot of decisions have happened in our nation's capital this past month. Here is a brief rundown of a few of the current actions that will have an effect on local governments, as well as decision that will change internet policies and protect consumers:

DOJ's ADA Rule for State and Local Governments

From NATOA:

April 8, 2024 - Attorney General Merrick Garland signed a final rule under Title II of the Americans with Disabilities Act (ADA) to ensure the accessibility of web content and mobile applications (apps) for people with disabilities.

This final rule clarifies the obligations of state and local governments to make their websites and mobile applications accessible. Every day, people across the country use the web and mobile apps to access public programs and services, including emergency information, courts, healthcare providers, schools, voting information, parking, permit applications, tax payments, and transit updates. If these technologies are not accessible, it can be difficult or impossible for people with disabilities to access critical services. Consequently, individuals with disabilities may be excluded from accessing public services that other people routinely use.

Web Content Accessibility Guidelines (WCAG) for state and local governments' web content and mobile apps:

<https://www.ada.gov/notices/2024/03/08/web-rule/>
<https://www.ada.gov/assets/pdfs/web-rule.pdf>
<https://www.w3.org/WAI/standards-guidelines/wcag/>

This table shows how much time a state or local government has to comply with this rule.

State and local government size Compliance date

0 to 49,999 persons Three years after the final rule is published

Special district governments Three years after the final rule is published

50,000 or more persons Two years after the final rule is published

FCC RESTORES NET NEUTRALITY

Reasserts Broadband Jurisdiction, Reestablishing National Open Internet Standard

Press Release from the FCC:

April 25, 2024—The Federal Communications Commission today voted to restore a national standard to ensure the internet is fast, open, and fair. Today's decision to reclassify broadband service as a Title II telecommunications service allows the FCC to protect consumers, defend national security, and advance public safety.

Through its actions today, the Commission creates a national standard by which it can ensure that broadband internet service is treated as an essential service. Today's vote also makes clear that the Commission will exercise its authority over broadband in a narrowly tailored fashion—without rate regulation, tariffing, or unbundling—to foster continued innovation and investment.

With today's vote, the Commission restores fundamental authority to provide effective oversight over broadband service providers, giving the Commission essential tools to:

- **Protect the Open Internet** – Internet service providers will again be prohibited from blocking, throttling, or engaging in paid prioritization of lawful content, restoring the rules that were

upheld by the D.C. Circuit in 2016.

- **Safeguard National Security** – The Commission will have the ability to revoke the authorizations of foreign-owned entities who pose a threat to national security to operate broadband networks in the U.S. The Commission has previously exercised this authority under section 214 of the Communications Act to revoke the operating authorities of four Chinese state-owned carriers to provide voice services in the U.S. Any provider without section 214 authorization for voice services must now also cease any fixed or mobile broadband service operations in the United States.
- **Monitor Internet Service Outages** – When workers cannot telework, students cannot study, or businesses cannot market their products because their internet service is out, the FCC can now play an active role.

For further information on Net Neutrality, including the history of this proceeding starting in 2004 when the then Chairman of the agency challenged the broadband industry to preserve “Internet Freedoms” followed by more than a decade of work to secure these protections, visit:

<https://www.fcc.gov/net-neutrality>.

FCC, FTC Formalize Partnership for Protecting the Open Internet

Press Release from the FCC:

On April 30, 2024, FCC Release: The FCC and the Federal Trade Commission have signed a Memorandum of Understanding (MOU) to coordinate consumer protection efforts following the FCC’s restoration of Net Neutrality.

For the full press release, please go to: <https://www.fcc.gov/document/fcc-ftc-formalize-partnership-protecting-open-internet>

The FCC’s recent decision to reclassify broadband service as a Title II telecommunications service allows the FCC to protect consumers, defend national security, and advance public safety. The FCC will return to its traditional position as the enforcer of essential rules as they apply to broadband service providers, a critical part of telecommunications infrastructure. This includes prohibitions against blocking, throttling, and paid prioritization practices; transparency requirements; consumer protections related to internet service outages; and basic consumer privacy protections which have long applied to phone networks.

The MOU terminates the 2017 Restoring Internet Freedom FCC-FTC Memorandum of Understanding. It clarifies that commitments under prior MOUs, including the 2003 Memorandum of Understanding regarding Telemarketing Enforcement, as well as the 2015 FCC-FTC Consumer Protection Memorandum of Understanding, remain in effect and are not altered or invalidated by the new MOU.

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