



# Websites and Software Applications Accessibility Act

***Issue--Websites are required by law to be accessible, but without implementing regulations most businesses and retailers have little understanding of what accessible means.***

**Websites and mobile applications are an essential part of modern living.** More than 307 million Americans use the internet,<sup>1</sup> and 81 percent of Americans say that they access the internet at least once each day.<sup>2</sup> That means that nearly the entire country is accessing websites and mobile applications every day. However, the need to access websites and mobile applications doesn't stop when it reaches Americans with disabilities. According to the American Community Survey, conducted by the United States Census Bureau, there are approximately forty-one million Americans who currently have a disability.<sup>3</sup> This means that millions of disabled Americans are using websites and mobile applications.

**The Department of Justice announced its intention to publish accessible website regulations more than a decade ago.** On July 26, 2010, the twentieth anniversary of the passage of the Americans with Disabilities Act (ADA), the government published an advance notice of proposed rulemaking to address website accessibility.<sup>4</sup> After that initial announcement, the Department of Justice failed to publish a notice of proposed rulemaking, and by extension, final regulations. Without these final regulations in place, blind and disabled Americans face significant difficulty in electronically accessing businesses, applying for jobs, or working due to the barrier of website inaccessibility.

**The past few years have seen a significant increase in the prevalence of so-called “click-by” lawsuits.** Many businesses are required by law to make their websites accessible but claim to have no clear-cut definition of what “accessible” actually means. Meanwhile, people with disabilities must cope with inaccessible websites. ADA Title III lawsuits, which include website accessibility suits, hit record numbers in 2019, topping 11,000 for the first time.<sup>5</sup> The number of lawsuits has been increasing steadily since 2013, when the figure was first tracked.<sup>6</sup> Businesses yearn for a clear definition of website accessibility and to be able to expand their potential customer pool to consumers they were not reaching before.

## ***Solution--Websites and Software Applications Accessibility Act will:***

**Direct the Department of Justice (DOJ) and Equal Employment Opportunity Commission (EEOC) to promulgate accessibility regulations.** The DOJ and EEOC will have twelve months following the enactment of the legislation to issue a notice of proposed rulemaking regarding website and mobile application accessibility, then an additional twelve months to issue the final rule.

**Establish a comprehensive statutory definition for “accessibility.”** A comprehensive and clear-cut definition of “accessibility” will end any confusion regarding the requirements that covered entities and commercial providers need to meet.

**Establish a technical assistance center to provide technical assistance to covered entities, commercial providers, and individuals with disabilities.** The technical assistance centers aid in the construction, development, design, alteration, and modification of websites in accordance with the rules. The Attorney General, the Commission, the Secretary of Education will award a grant program to a qualified technical assistance provider to support the development, establishment, and procurement of accessible websites and applications.

**Ensure that accessibility regulations keep pace with new and emerging technologies.** A periodic review of the regulations is required and the DOJ and EEOC are required to update the regulations if necessary.

## **GOAL--END WEBSITE AND SOFTWARE APPLICATION INACCESSIBILITY FOR BLIND AMERICANS.**

### **Cosponsor the Websites and Software Applications Accessibility Act.**

**To cosponsor, the Websites and Software Applications Accessibility Act in the Senate, contact:**  
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### **For more information, contact:**

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<sup>1</sup> Statista. “Countries with the highest number of internet users as of January 2022.” July 2022. <https://www.statista.com/statistics/262966/number-of-internet-users-in-selected-countries/>

<sup>2</sup> Andrew Perrin & Madhu Kumar. “About three-in-ten U.S. adults say they are ‘almost constantly’ online.” July 25, 2019. <https://www.pewresearch.org/fact-tank/2019/07/25/americans-going-online-almost-constantly/>

<sup>3</sup> United States Census Bureau, American Community Survey. “The number of non-institutionalized, male or female, all ages, all races, regardless of ethnicity, with all education levels in the United States reported a disability in 2019.” Compiled by Cornell University. <https://www.disabilitystatistics.org/reports/acs.cfm?statistic=1>

<sup>4</sup> Federal Register. “Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities and Public Accommodations.” July 26, 2010. <https://www.federalregister.gov/documents/2010/07/26/2010-18334/nondiscrimination-on-the-basis-of-disability-accessibility-of-web-information-and-services-of-state>

<sup>5</sup> Minh Vu, Kristina Launey, & Susan Ryan. “2019 Was Another Record-Breaking Year for Federal ADA Title III Lawsuits.” February 20, 2020. <https://www.adatitleiii.com/2020/02/2019-was-another-record-breaking-year-for-federal-ada-title-iii-lawsuits/>

<sup>6</sup> Ibid.