# **Websites and Software Applications Accessibility Act (H.R. 5813/S. 2984)**

***Issue—Websites are essential for everyday living, but most people with disabilities experience unnecessary accessibility barriers.***

**Websites and mobile applications are an essential part of modern living.** More than 311 million Americans use the internet,[[1]](#endnote-1) and 85 percent of Americans say that they access the internet at least once each day.[[2]](#endnote-2) That means that nearly the entire country is accessing websites and mobile applications every day. 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-two million Americans who currently have a disability.[[3]](#endnote-3) This means that millions of disabled Americans are using websites and mobile applications.

**Uncertainty about how to accomplish website accessibility is plaguing many small businesses.** 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. Businesses yearn for a clear definition of website accessibility to protect themselves from legal action taken by blind and disabled consumers unable to access their websites.

**Current law leaves small businesses responsible for inaccessible websites designed by third-party developers.** There is no protection in the law for a small business that paid a third-party developer to design and build its website. This leaves small businesses open to litigation that could hinder economic growth and have a chilling effect on others who may want to start their own small business.

**Accessibility is achievable, and the United States is failing to keep up with international accessibility standards.** Canada and the European Union have statutes defining accessibility. The United States has historically been a world leader on disability issues and technological innovation. Being a leader in website accessibility is no different, as the success of tomorrow’s economy will be based on inclusivity in competitive markets. The United States is losing out on economic gains as other nations take advantage of this opportunity.

***Solution—Websites and Software Applications Accessibility Act will:***

**Safeguard small businesses and establish a comprehensive statutory definition for “accessibility.”** Protects small businesses by holding third-party website developers accountable and by maintaining the current defenses of undue burden and fundamental alteration. 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 will aid in the construction, development, design, alteration, and modification of websites in accordance with the rules. The Attorney General, the Commission, and 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.

**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.

**GOAL—END WEBSITE AND SOFTWARE APPLICATION INACCESSIBILITY FOR AMERICANS WITH DISABILITIES.**

**Cosponsor the Websites and Software Applications Accessibility Act (H.R. 5813/S. 2984).**

**To cosponsor the Websites and Software Applications Accessibility Act in the Senate, contact:**

Stephanie DeLuca, Legislative Assistant for Senator Duckworth (D-IL)

Phone: 202-224-2854/ Email: stephanie\_deluca@duckworth.senate.gov

**To cosponsor the Websites and Software Applications Accessibility Act in the House, contact:**

Katie Teleky, Legislative Director for Representative Sarbanes (D-MD)

Phone: 202-225-4016/ Email: kathleen.teleky@mail.house.gov

**For more information, contact:**

Jeff Kaloc, Government Affairs Specialist, National Federation of the Blind

Phone: 410-659-9314, extension 2206 - Email: jkaloc@nfb.org

1. Statista. “Countries with the highest number of internet users as of January 2023.” August 2023. https://www.statista.com/statistics/262966/number-of-internet-users-in-selected-countries/#:~:text=Countries%20with%20the%20highest%20number%20of%20internet%20users%202023&text=As%20of%20January%202023%2C%20China,around%20311%20million%20internet%20users [↑](#endnote-ref-1)
2. Andrew Perrin & Madhu Kumar. “About three-in-ten U.S. adults say they are ‘almost constantly’ online.” March 26, 2021. https://www.pewresearch.org/short-reads/2021/03/26/about-three-in-ten-u-s-adults-say-they-are-almost-constantly-online/ [↑](#endnote-ref-2)
3. United States Census Bureau. “Anniversary of Americans with Disabilities Act: July 26, 2023.” https://www.census.gov/newsroom/facts-for-features/2023/disabilities-act.html [↑](#endnote-ref-3)