



## TWENTY-FIRST CENTURY WEBSITES & 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 313 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> 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 million Americans who currently have a disability.<sup>3</sup> Based on the numbers above, it is more than reasonable to assume that the vast majority of them are trying to use 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, no further action was taken to substantially advance website accessibility. Without regulations in place, blind and disabled Americans are not reliably able to electronically access businesses, apply for jobs, and work at places due to the barriers created by inaccessible websites and mobile applications.

**The past few years have seen a significant increase in the prevalence of so-called “click-by” lawsuits.** Accessibility is readily achievable, but many businesses that are required by law to make their websites accessible 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 accessibility standards and to be able to expand their potential customer pool to consumers they were not reaching before.

## ***Solution—Twenty-First Century Websites & Applications Accessibility Act will:***

**Direct the US Access Board to promulgate accessibility guidelines.** The US Access Board will have six months following the enactment of the legislation to issue a notice of proposed rulemaking regarding website and mobile application accessibility, then an additional six months to issue the final rule.

**Promulgate guidelines that strive to harmonize with Section 508 standards.** The Section 508 standards promulgated by the US Access Board on January 18, 2017, are established regulations for website and technology accessibility. Therefore, the guidelines promulgated by the Access Board should harmonize with these standards.

**Authorize the Department of Justice and the Equal Employment Opportunity Commission to investigate the accessibility of websites and mobile applications.** Either of its own volition or via a logged complaint pertaining to inaccessibility, the Department of Justice and the Equal Employment Opportunity Commission will have the authority to investigate accessibility concerns and commence civil action if necessary.

## **GOAL—END WEBSITE AND MOBILE APPLICATION INACCESSIBILITY FOR BLIND AMERICANS.**

### ***Cosponsor the Twenty-First Century Websites & Applications Accessibility Act when introduced.***

**To cosponsor the Twenty-First Century Websites & Applications Accessibility Act in the Senate, contact:**

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<sup>1</sup> Statista. "Countries with the highest number of internet users as of December 2019." June 2020.

<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 2018." 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.