



April 9, 2024

SUBMITTED ELECTRONICALLY

The Honorable Tammy Duckworth
c/o Stephanie DeLuca
524 Hart Senate Office Building
U.S. Senate
Washington, DC 20510

The Honorable Elizabeth Warren
c/o Tess Byars
309 Hart Senate Office Building
U.S. Senate
Washington, DC 20510

The Honorable Edward Markey
c/o Tara Wilson
255 Dirksen Senate Office Building
U.S. Senate
Washington, DC 20510

RE: Support for S. 2984, the Websites and Software Applications Accessibility Act of 2023

Dear Senators Duckworth, Markey, and Warren:

The undersigned members of the Independence Through Enhancement of Medicare and Medicaid (“ITEM”) Coalition write to express our strong support for S. 2984, the Websites and Software Applications Accessibility Act of 2023 (the “Act”), which would require that websites and applications used by covered entities (employment entities, public entities, public accommodation, or testing entities) to communicate or interact with applicants, employees, participants, customers, or other members of the public be readily accessible to and useable by individuals with disabilities. We applaud your leadership in sponsoring this bill to prohibit discrimination against individuals with disabilities with respect to participation or denial of services, accessibility, employment, and equal enjoyment related to websites and software applications. We look forward to working with you and your colleagues to enact this important legislation.

The ITEM Coalition is a national consumer- and clinician-led coalition advocating for access to and coverage of assistive devices, technologies, and related services for persons with injuries, illnesses, disabilities, and chronic conditions of all ages. Our members represent individuals with a wide range of disabling conditions, as well as the providers who serve them, including low vision, limb loss and limb difference, multiple sclerosis, spinal cord injury, brain injury, stroke, paralysis, cerebral palsy, visual impairments, and other life-altering conditions. Many of these individuals use low vision devices and services to remain as functional and independent as possible.

Websites and mobile apps now play an integral role for entities in providing services and information to all members of the community. Websites and mobile apps have the potential to virtually level the playing field for people with disabilities and, to date, have enabled people with disabilities to have greater access to services, health care, and other societal benefits. State and local government entities are increasingly providing services to the public via their websites or mobile apps, particularly during and after the COVID-19 public health emergency. For example, government entities utilize their websites and mobile apps to announce important public health information; schedule health care visits, including vaccination appointments; apply for state-run health care programs; file complaints in connection with the provision of healthcare services; and provide information regarding health insurance and providers in the community.

However, these web- and mobile app-based services are not equally accessible to individuals with disabilities. For instance, websites and mobile apps may lack features that enable individuals to convert the visual information on a website into speech via a screen reader. Similarly, websites or mobile apps that do not allow text to be resized or do not provide enough contrast create significant barriers for individuals with low vision.

The Websites and Software Applications Accessibility Act of 2023 includes critical provisions—directed towards employment, public accommodation and testing, and covered entities as well as commercial providers—designed to improve access to websites and applications for individuals with disabilities. We strongly support the provisions of this bill, which would:

- Establish accessibility standards for the covered entities listed above with respect to websites and software applications made available to individuals with disabilities.
- Establish a private right of action for individuals with disabilities who have been discriminated against under the Act.
- Establish a technical assistance center to help fulfill the purpose of the Act.
- Create a grant program for technical assistance providers and small entities.
- Establish an advisory committee to provide advice, financial assistance, and guidance concerning the creation and maintenance of accessible websites and applications.
- Authorize a study and report on the effect that emerging technologies have on individuals with disabilities' ability to participate in all several of society.
- Require the establishment of enforcement standards to ensure accessibility for individuals with disabilities.

Establishing these standards, resources, and grant programs would advance health equity for people with disabilities by allowing them more equal access and participation in the digital world. This legislation would also reduce the significant barriers for individuals with low vision who use websites and applications and push their rights forward in the rapidly changing technological world.

We strongly support this impactful legislation, and we thank you for introducing legislation that would expand the protections and rights for individuals with disabilities, as well as resources for

the entities that affect these individuals' accessibility, including those living with low vision. We stand ready to assist your offices to enact this bill into law.

For additional information about the ITEM Coalition, please contact the ITEM Coalition coordinators, Peter Thomas or Leela Baggett at Peter.Thomas@PowersLaw.com or Leela.Baggett@PowersLaw.com.

Sincerely,

The Undersigned Members of the ITEM Coalition

Access Ready Inc.

All Wheels Up

American Association on Health and Disability

American Congress of Rehabilitation Medicine

American Council of the Blind

American Macular Degeneration Foundation

American Music Therapy Association

American Occupational Therapy Association

American Physical Therapy Association

American Therapeutic Recreation Association

Amputee Coalition*

Assistive Technology Industry Association

Association for People Supporting Employment First (APSE)

Association of Assistive Technology Act Programs

Association of University Centers on Disabilities

Autistic Women & Nonbinary Network

Blinded Veterans Association

Center for Medicare Advocacy

Council of State Administrators of Vocational Rehabilitation (CSAVR)

Epilepsy Foundation

Hearing Loss Association of America

Helen Keller Services

International Eye Foundation

Lakeshore Foundation

Long Island Center for Independent Living, Inc.

National Association for the Advancement of Orthotics and Prosthetics

National Disability Rights Network (NDRN)

National Multiple Sclerosis Society

Perkins School for the Blind

Prevent Blindness

Prevention of Blindness Society of Metropolitan Washington

RESNA

Spina Bifida Association*

Team Gleason*

The Support Sight Foundation

The Viscardi Center

The Vision Council

United Cerebral Palsy

United Spinal Association*

VisionServe Alliance

Other Supporting Organizations:

EyeSight Foundation of Alabama

**** ITEM Coalition Steering Committee Member***