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Senate ACCESSIBLE FEDERAL TECHNOLOGY

Mr. CASEY. Madam President, I rise today to recognize the 51st anniversary of the Rehabilitation Act of 1973, and the importance of the law to equal access for people with disabilities, including equal access to Federal technology.

When it was signed into law on September 26, 1973, the Rehabilitation Act prohibited discrimination on the basis of disability by the Federal Government, in federally funded programs, and by Federal contractors. Passage of the Rehabilitation Act committed the Federal Government to ensuring that every person, including people with disabilities, have access to government programs and services. As with any legislation, enforcement is key. In the years following passage, people with disabilities needed to advocate that the Federal Government issue regulations and implement the law in order to ensure Federal services and products are accessible. Four years after passage, no regulations had been issued. At the beginning of April 1977, disability advocates started a month-long national protest, pressuring President Carter and his Cabinet. The protests lasted 26 days and resulted in implementation of the first Rehabilitation Act regulations. The Rehabilitation Act and the resulting regulations laid the groundwork for the passage of the Americans with Disabilities Act in 1990.

The Rehabilitation Act helped make the Federal Government more accessible for people with disabilities, but with time, new accessibility barriers emerged. Those accessibility barriers were related to America's information revolution, which has changed society at a rapid pace. In response to the emerging digital revolution, Senator Orrin Hatch led efforts in 1986 to establish guidelines on electronic accessibility, resulting in a new section of the Rehabilitation Act: section 508. In 1998, Senator Chris Dodd and Representative ANNA ESHOO led efforts to further strengthen section 508's accessibility requirements for digital information, services, and tools offered by Federal Agencies. The Rehabilitation Act amendments in 1998 were the last significant congressional changes to Section 508.

Section 508 requires technology at Federal Departments and Agencies to be accessible for, and usable by, people with disabilities, including Federal employees who have disabilities. Section 508 requires the United States Access Board to develop the specific standards that Department and Agency technology must meet to be accessible for people with disabilities. Technology covered by section 508 includes websites, apps, and electronic documents, as well as physical technology such as kiosks, computers, and telecommunications equipment. Examples of accessible technology include websites, apps, or PDFs that can work with a screen reader or other

assistive technology. They include video communications systems that are capable of incorporating sign language. They include kiosks that are properly positioned for a wheelchair user and provide an option for speech output.

Accessible Federal technology is important to ensure all Americans can benefit from government resources, and demographic changes mean more Americans will be disadvantaged if Federal technology is not accessible. Our Nation is rapidly aging, and older adults are more likely to have a disability. That means a larger population will be relying on accessible Federal technology for access to Federal employment, information, and services in the coming decades. Accessible Federal technology also benefits people without disabilities. For example, an accessible Federal website also benefits someone browsing on a small screen, someone browsing with a broken arm, or someone in a noisy environment who cannot hear an online video.

Despite the importance of accessible technology, the Federal Government has a poor record of meeting its obligations under section 508. In 2018, I was approached by blinded veterans who informed me that they could not access Department of Veterans Affairs' websites using their screen readers. In response, I introduced bipartisan legislation, the Department of Veterans Affairs Website Accessibility Act. When it was signed into law in 2020, the VA Website Accessibility Act required the VA to report on the accessibility of the VA's websites and intake kiosks. The resulting report, released in 2021, had stark findings—fewer than 10 percent of the VA's websites were fully accessible for people with disabilities. The report also included a wholly inadequate plan for bringing the VA's websites into section 508 compliance.

The VA's web accessibility report was a wakeup call; the Federal Government must do better. To start, I used my position as chairman of the Senate Special Committee on Aging to push the VA to improve. I am pleased that my efforts had bipartisan support from the ranking member of the Aging Committee and from the bipartisan leadership of the House and Senate Committees on Veterans Affairs. In response to a letter signed by the bipartisan leadership of three committees and two subcommittees, the VA released a revised website accessibility report, with an updated plan for making VA websites accessible. I also requested that the VA conduct regular section 508 compliance updates for bipartisan House and Senate staff, which the VA has done since March 2022. The VA's recurring progress reports for congressional staff help ensure that the VA's efforts to improve stay on track.

Unfortunately, the shortfalls at the VA are not unique. In recent years, a long list of agencies has settled

lawsuits alleging that their websites and technology are not accessible. Further, since 1998, the Federal Government's reporting and oversight for section 508 has ranged from lackluster to non-existent. The Department of Justice is required by law to report every 2 years on the Federal Government's section 508 compliance but, prior to my oversight, had not done so since 2012. The General Services Administration routinely collected data on Federal website accessibility but did not make that information available to the public or Congress. The Office of Management and Budget maintained a strategic plan for Federal section 508 compliance, but that strategic plan had not been updated since 2013, despite Federal accessibility shortfalls and rapid technological change.

Since 2022, I have authored multiple letters to Federal departments and Agencies urging them to improve section 508 compliance, oversight, and transparency. Many letters were bipartisan, demonstrating the continued, broad interest in accessible Federal technology. I also led two Aging Committee hearings on accessible government technology that included people with disabilities as witnesses. Their testimony helped the committee understand the real-world impact when Federal technology does not allow for equal access. In December 2022, I released *Unlocking the Virtual Front Door*, an Aging Committee majority staff report that lays out many of the Federal accessibility failures that I have outlined today. *Unlocking the Virtual Front Door* includes a set of recommendations for the Federal Government and for Congress for making Federal technology accessible.

I am pleased that improvements have been made in response to my oversight of section 508 compliance. The VA reorganized its technology access office, expanded its outreach to people with disabilities, and bolstered its efforts to make its technology accessible. The VA also reevaluated over 300 exceptions that it had granted to allow the use of inaccessible technology and revoked all but 18. The Department of Justice, meanwhile, released its first report on the Federal Government's section 508 compliance since 2012, and the General Services Administration committed to new section 508 oversight and transparency efforts. The Office of Management and Budget has released updated guidance for Departments and Agencies on meeting section 508 standards, replacing its outdated 2013 strategic plan. Department and Agency inspectors general have also taken an interest in accessible technology, which resulted in a January 2024 inspector general report on technology at the VA.

While there has been progress toward making the Federal Government's technology accessible for people with disabilities, significant shortfalls remain. The Justice Department's latest section 508 report, released in January 2023, found that 1 in 10 public-facing websites at major Departments and Agencies are not fully accessible for people with disabilities. A December 2023 General Services Administration assessment likewise noted that the Federal Government's section 508 compliance is "well below expectations." There are also continued, troubling reports of specific electronic accessibility failures within the Federal Government. For example, there are allegations that the new electronic health record system at the VA is not accessible for people with disabilities. The VA has come a long way since I began my oversight of section 508. The VA must

continue to show that it is serious about section 508 by prioritizing accessibility for all new information and communications technology, including its EHR system.

The reports and data that have been released in response to my oversight of section 508 highlight a need to do more. One recommendation in *Unlocking the Virtual Front Door* was for Congress to significantly update section 508 for the first time since 1998. That is why I have introduced S. 4766, the Section 508 Refresh Act of 2024. My legislation would make changes to ensure that newly purchased or developed Federal technology is accessible before it is deployed. It would also reform the Federal Government's section 508 complaint process by giving the experts with the Access Board a prominent role. The Section 508 Refresh Act would require regular testing to ensure that Federal technology already in use remains fully accessible over time, and it would require Departments and Agencies to appoint qualified, dedicated section 508 officers. Critically, my legislation would also require the involvement of people with disabilities in the acquisition and accessibility testing of Federal technology. People with disabilities who work for the Federal Government or use Federal resources are the ones who are harmed when Federal technology is not accessible. It is essential for them to have a seat at the table when Federal technology is being acquired, designed, implemented, and tested.

The need to reform section 508 is real. My own constituents have testified to the Aging Committee about the impact when Federal technology does not allow equal access for all Americans. Ms. Jule Ann Lieberman of Devon, PA, is an expert on assistive technology. Yet, during the COVID-19 pandemic, she could not access local prevalence data on the Centers for Disease Control and Prevention website because it was inaccessible for her screen reader. Although Ms. Lieberman was able to ask a family member for help, she explained to the committee that "repeated requests for help become burdensome for those who support me, potentially leaving me with either no access or not timely information." Sadly, Ms. Lieberman ran into yet another accessibility barrier later in the pandemic, when she could not use her screen reader to access COVID-19 vaccination resources on the CDC website.

Mr. Ron Biglin is a blind Air Force veteran from Clarks Summit, PA. Mr. Biglin can fish, kayak, and do online banking. However, Mr. Biglin could not use the internet to access his VA health benefits. When Mr. Biglin tried to do so, the VA's online portal, My HealtheVet, would not work with his screen reader. Mr. Biglin told the Aging Committee that, "when you are visually impaired you want to be as independent as possible and having problems getting on VA websites takes away this independency." In response to my oversight, the VA worked to resolve the issues that Mr. Biglin was having with My HealtheVet. However, to safeguard equal access, we must ensure that all Federal Departments and Agencies build accessibility into their technology from the start.

I remain committed to ensuring that Federal technology is accessible for people with disabilities and that all Americans have equal access to Federal jobs, information, and benefits. I look forward to working with my colleagues in Congress on continued section 508 oversight and to advance the Section 508 Refresh Act.