

United States Senate

WASHINGTON, DC 20510

October 7, 2022

The Honorable Robin Carnahan
Administrator
U.S. General Services Administration
1800 F St, NW
Washington, DC 20405

Dear Administrator Carnahan:

We write seeking information that the General Services Administration (GSA) maintains regarding the accessibility of federal technology and websites. Section 508 of the Rehabilitation Act of 1973 requires government electronic and information technology to be accessible for individuals with disabilities.¹ We are examining federal compliance with Section 508 in light of recent congressional oversight that has identified accessibility gaps in federal websites and other technologies. GSA plays a critical role in ensuring that federal technology and websites are accessible for seniors and people with disabilities by analyzing Section 508 compliance, information that agencies report to the Office of Management and Budget (OMB) twice a year.² Given the current absence of public, government-wide evaluations of federal technology accessibility,³ it is critical that GSA's timely data and analysis be made available to Congress so that we may better evaluate compliance with and the effectiveness of existing accessibility laws and programs.

One-in-four Americans live with a disability and roughly 40 percent of America's seniors have a disability.⁴ Older adults and people with disabilities are especially reliant on federal benefits, like Medicare and Social Security. As such, it is critically important that they are able to access federal websites, through which they share secure information, apply for program enrollment and more. The COVID-19 pandemic accelerated a shift toward using the virtual front door—websites and mobile apps—to deliver government services, making it even more important that federal technology be accessible for seniors and people with disabilities.

Accessible websites and technology are extremely important to these populations—and the federal employees who provide them services—yet there is mounting evidence the government is not meeting its obligations as required by Section 508. The Aging Committee recently received testimony highlighting the barriers older adults and people with disabilities face when trying to

¹ The Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq. (1973).

² "Policy & Management: Monitor and Report Progress," General Services Administration, last modified May 2022, <https://www.section508.gov/manage/reporting/>.

³ U.S. Senate Special Committee on Aging, "Casey Leads Bipartisan Letter Demanding Answers from Department of Justice on Lack of Web Accessibility for People with Disabilities," press release, June 30, 2022, <https://www.aging.senate.gov/press-releases/casey-leads-bipartisan-letter-demanding-answers-from-department-of-justice-on-lack-of-web-accessibility-for-people-with-disabilities>.

⁴ "Disability Impacts All of Us," Centers for Disease Control and Prevention, last reviewed September 16, 2020, <https://www.cdc.gov/ncbddd/disabilityandhealth/infographic-disability-impacts-all.html>.

access federal technology.⁵ Witnesses cited multiple examples of lawsuits alleging inaccessible technology filed against federal agencies that resulted in settlements.⁶ The Social Security Administration, Centers for Medicare & Medicaid Services, Small Business Administration and Department of Education are among the agencies that entered settlements in recent years, underscoring the widespread nature of accessibility barriers.⁷

Hearing testimony also cited the example of a federal employee who worked “for years on an inaccessible program that is central to her job.” However, when the agency replaced that inaccessible program, it selected another inaccessible program.⁸ In another case, an agency “failed to act on [an] employee’s formal Section 508 complaint for eight years.”⁹ This testimony follows a Congressionally mandated report from the Department of Veterans Affairs (VA) showing that over 90 percent of VA websites are not fully accessible for people with disabilities.¹⁰ Taken together, this evidence shows the need for continued oversight and transparency so Congress and taxpayers can better track the government’s progress. Further information is needed to identify and craft adequate policy solutions, and to ensure all Americans and federal employees can utilize fully accessible information technology.

Federal law requires the Department of Justice (DOJ) to submit biennial reports to Congress and the President on Section 508 compliance, but it has not done so since 2012.¹¹ GSA appears to maintain and analyze similar information, which would be useful for Congress as it studies the accessibility of federal technology.¹² A 2013 strategic plan to improve federal technology accessibility instructs GSA to use agency compliance data to conduct “interagency analysis, trending, and planning to improve collaboration across agencies, reduce redundancies, and develop solutions and recommendations for improving Section 508 management across the Federal government.”¹³

Given the current lack of public information on Section 508 compliance, we request that GSA provide the most recent Section 508 data and analysis it has collected and urge the agency to

⁵ *Click Here: Accessible Federal Technology for People with Disabilities, Older Americans, and Veterans, Before the U.S. Senate Special Committee on Aging*, 117th Cong. 20 (2022) (hereinafter “Accessible Federal Technology Hearing”), available at <https://www.aging.senate.gov/hearings/click-here-accessible-federal-technology-for-people-with-disabilities-older-americans-and-veterans>.

⁶ *Id.*, statement of Anil Lewis.

⁷ *Id.*

⁸ *Id.*, statement of Eve Hill.

⁹ *Id.*

¹⁰ U.S. Senate Special Committee on Aging, “Casey Leads Bipartisan Letter Urging Veterans Affairs to Make Websites Accessible for People with Disabilities,” press release, June 7, 2022, <https://www.aging.senate.gov/press-releases/casey-leads-bipartisan-letter-urging-veterans-affairs-to-make-websites-accessible-for-people-with-disabilities>. See also Department of Veterans Affairs, *Report on the Accessibility of Websites of the Department of Veterans Affairs to Individuals with Disabilities*, n.d. [hereinafter “VA Report to Congress”], available at https://www.casey.senate.gov/imo/media/doc/report_on_the_accessibility_of_websites_of_the_department_of_veterans_affairs1.pdf.

¹¹ “Section 508 Home Page,” Department of Justice, updated November 17, 2021, <https://www.justice.gov/crt/section-508-home-page-0>.

¹² There is broad bipartisan interest in improving the accessibility of federal technology and other websites. Since June 2022, letters regarding Section 508 compliance to VA, DOJ and the Government Accountability Office have been signed by 11 senators and eight House members, including the chairs and ranking members of five committees and three subcommittees.

¹³ Office of Management and Budget, *Strategic Plan for Improving Management of Section 508 of the Rehabilitation Act*, at 4, (Jan. 24, 2013) (hereinafter “2013 Accessibility Plan”), <https://obamawhitehouse.archives.gov/sites/default/files/omb/procurement/memo/strategic-plan-508-compliance.pdf>.

consider making all future reports public. We further request that GSA provide all summary reports, trend analysis, or other analyses or recommendations from 2019 through 2022 that found “ways to improve collaboration across agencies, reduce redundancies, and develop solutions to improve the management of government accessibility programs.”¹⁴

In addition, we request responses to the following questions no later than November 14, 2022:

1. In a recent letter to Members of Congress, VA explained the impact of a lapsed contract related to Section 508 monitoring and compliance.¹⁵ One impact was an “[i]nability to collect timely website/webpage metrics mandated by Federal law for agency and outside stakeholders to include Office of Management and Budget (OMB), Department of Justice (DOJ), and Congress.”¹⁶
 - a. On what date did GSA become aware that VA was not collecting “timely website/webpage metrics” that it was required to report to OMB? What, if any, actions has GSA taken to address this issue?
 - b. Since 2019, how many agencies have failed to provide mandated metrics for GSA’s biannual report? How are agencies held accountable when they do not submit required data to GSA?
 - c. What process is in place for GSA, working by itself, with OMB or with other agencies, to respond when an agency submits incomplete or out-of-date data, or fails to submit data entirely?
2. Recent testimony to the Aging Committee demonstrated that taxpayers and federal employees frequently face accessibility barriers when using federal technology, while raising concern about the adequacy of reporting mechanisms to address such issues. The government’s Section 508 strategic plan in 2013 instructed agencies to provide “the public with a standard feedback mechanism and statement available on agency websites.” Agencies also must “include an accessibility statement on all inter- and intranet websites,” that “at a minimum, include contact information for the agency Section 508 program, date of the last update, and the ability for website visitors to provide comments and/or feedback regarding the agency Section 508 program.”¹⁷ Please provide GSA’s most recent findings regarding fulfillment of these requirements.
3. Recent testimony to the Aging Committee recommended that accessibility data analyzed by the GSA “should be shared with the Justice Department for its Section 508 report, to avoid forcing the Department to reinvent the wheel” when developing its statutorily required biennial reports.¹⁸ From GSA’s standpoint, would such information-sharing be

¹⁴ *Supra*, note 2.

¹⁵ Secretary McDonough to Senator Casey, July 31, 2022. *See* VA Responses to Section 508 Compliance Questions (hereinafter “VA Response”) at VA-013, available on the Aging Committee website.

¹⁶ *Id.*

¹⁷ *Supra*, note 13, at 3.

¹⁸ *Supra*, note 5, Accessible Federal Technology Hearing, statement of Eve Hill.

feasible? Are steps needed to allow for such information-sharing, including, but not limited to, funding, staffing or statutory authority?

Thank you for your attention to this important matter.

Sincerely,



Bob Casey, Jr.
Chairman
Special Committee on Aging



Tim Scott
Ranking Member
Special Committee on Aging



Gary Peters
Chairman
Committee on Homeland Security and
Government Affairs



Rob Portman
Ranking Member
Committee on Homeland Security and
Government Affairs



Patty Murray
Chair
Committee on Health, Education, Labor and
Pensions

cc: The Honorable Shalanda Young, Director, Office of Management and Budget