

United States Senate

WASHINGTON, DC 20510

August 11, 2022

The Honorable Eugene L. Dodaro
Comptroller General of the United States
United States Government Accountability Office
441 G Street NW
Washington, D.C., 20548

Dear Mr. Dodaro:

Recent congressional oversight leaves us concerned about the federal government's efforts to meet its legal obligations to ensure that its electronic and information technology, including websites, is accessible for people with disabilities. Accessibility challenges appear to exist across the government, raising important questions about the effectiveness of accountability mechanisms intended to monitor the accessibility of federal technology and whether they are being properly carried out. Given these concerns, we ask the Government Accountability Office (GAO) to examine how the federal government is complying with laws requiring the availability of accessible technology and how it evaluates whether legal requirements are being met.

For nearly a quarter century, Section 508 of the Rehabilitation Act of 1973 has required the government to make its electronic and information technology accessible to people with disabilities.¹ Accessibility is important to a broad swath of taxpayers who rely every day on information and services provided by the federal government. About 26 percent of the American public has a disability and disabilities are more common among individuals over the age of 65, a rapidly growing segment of our Nation's population.² As such, Section 508 compliance is critical to ensuring a sizable share of the American public, including individuals with disabilities and seniors, can access government information and technology.

Despite the long-standing requirements of Section 508, recent oversight of the Department of Veterans Affairs (VA) has identified significant accessibility gaps, raising questions about whether similar shortcomings exist across the federal government. The Department of Veterans Affairs Website Accessibility Act of 2019³ required VA to produce a report to Congress on the

¹ 29 U.S.C. §794d; Section 508 was added to the Rehabilitation Act in 1986, at which time it included non-binding standards for accessible government electronic and information technology. Further amendments in 1998 strengthened those standards and made them a requirement. See "Section 508 of the Rehabilitation Act of 1973," General Services Administration, updated March 2022, <https://www.section508.gov/manage/laws-and-policies/>. See also Department of Justice, "Title IV—Rehabilitation Act Amendments of 1998 Section 508: Electronic and Information Technology," n.d., <https://www.justice.gov/sites/default/files/crt/legacy/2009/02/18/deptofed.pdf>.

² "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>; see also Administration for Community Living, *2020 Profile of Older Americans*, May 2021, <https://acl.gov/sites/default/files/Aging%20and%20Disability%20in%20America/2020ProfileOlderAmericans.Final.pdf>.

³ Department of Veterans Affairs Website Accessibility Act of 2019, Pub. L. No. 116-213 (2019).

department's compliance with Section 508 requirements. That report found that only 8 percent of VA's internet sites and 6 percent of its intranet sites are fully compliant with Section 508.⁴

We are concerned that VA's lack of compliance with Section 508 may extend to other federal departments and agencies. While there is little available information, third party reports suggest that Section 508 shortcomings do occur in other federal departments and agencies. For instance, a 2021 report found that the homepages for 30 percent of the most popular federal websites were not fully accessible. Nearly half of those sites (48 percent) failed an accessibility test on at least one of their three most popular sub-pages. Further, one-third of popular federal websites lacked easily discoverable contact information to report accessibility issues.⁵ Anecdotal evidence similarly suggests ongoing accessibility barriers. For example, experts from the National Association of the Deaf describe how early COVID-19 videos from the Department of Health and Human Services sometimes lacked proper captioning and were not available in American Sign Language.

Both legal requirements and government-wide guidance require departments and agencies to conduct certain types of accessibility oversight and enforcement. The Department of Justice (DOJ) is required by law to submit a report to the President and Congress every two years with information and recommendations on Section 508 compliance.⁶ However, DOJ has not issued these statutorily required biennial reports since 2012, a concern recently raised in a bipartisan letter to the Attorney General.⁷ And while the Office of Management and Budget requires 24 agencies to assess and report their compliance with Section 508's standards twice a year, the information collected through this process is not made public.⁸ The lack of public reporting and accountability leaves Congress and taxpayers without adequate information about the rate of compliance with disability access requirements across government websites and other information technology.

Given the importance of accessible technology for universal access to government information, we ask GAO to assess Section 508 oversight efforts and compliance across the federal government. Specifically, we would like GAO to answer the following questions:

- (1) To what extent have agencies consistently assessed and reported how they implement requirements related to Section 508? How do selected agencies assess their compliance

⁴ Department of Veterans Affairs, *Report on the Accessibility of Websites of the Department of Veterans Affairs to Individuals with Disabilities*, September 2021, https://www.casey.senate.gov/imo/media/doc/report_on_the_accessibility_of_websites_of_the_department_of_veterans_affairs1.pdf, at 2.

⁵ Information Technology & Innovation Foundation, *Improving Accessibility of Federal Government Websites*, June 3, 2021, <https://itif.org/publications/2021/06/03/improving-accessibility-federal-government-websites>.

⁶ Rehabilitation Act of 1973, 29 U.S.C. § 794d (d)(2) (1998).

⁷ "Section 508 Surveys and Reports," Dept. of Justice, last reviewed November 17, 2021 <https://www.justice.gov/crt/section-508-home-page-0>; see also

"Casey Leads Bipartisan Letter Demanding Answers from Department of Justice on Lack of Web Accessibility for People with Disabilities: United States Senate Special Committee on Aging," U.S. Senate Special Committee on Aging, 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>.

⁸ "Policy & Management: Monitor and Report Progress," Section 508, General Services Administration, last reviewed May 2022, <https://www.section508.gov/manage/reporting/>.

with Section 508 standards, including any mechanisms they provide for the public to report problems?

- (2) Are federal agencies charged with providing technical assistance or overseeing compliance with Section 508 standards and reporting requirements fulfilling their respective responsibilities?
- (3) Are agencies and departments, including DOJ, meeting their Congressionally mandated oversight responsibilities under Section 508? Please also detail any Section 508 reporting and accountability mechanisms that may have lapsed or sunset.
- (4) What avenues for recourse are typically available for a member of the public or a government employee to report and resolve non-compliance with Section 508? How do federal departments and agencies typically track and respond to reports of non-compliance with Section 508 that are reported by federal employees or members of the public? Do they maintain records of those reports, and, if so, how long do they typically keep those records?
- (5) How does the United States Access Board ensure that its technical assistance reflects the most current accessibility standards?
- (6) How do selected agencies incorporate and oversee accessibility requirements in contracts for electronic and information technology products and services?
- (7) The Office of Management and Budget issued a plan in 2013 to improve Section 508 compliance and oversight.⁹ How well are the elements of the plan working to achieve the goals of improved compliance?

Thank you for your attention to this important matter.

Sincerely,



Robert P. Casey, Jr.
Chairman
Senate Special Committee
on Aging



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



Richard Burr
Ranking Member
Senate Committee on
Health, Education, Labor
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Mike Braun
Member
Senate Special Committee on Aging



Kirsten Gillibrand
Member
Senate Special Committee on Aging

⁹ Office of Management and Budget, "Strategic Plan for Improving Management of Section 508 of the Rehabilitation Act," January 24, 2013, <https://obamawhitehouse.archives.gov/sites/default/files/omb/procurement/memo/strategic-plan-508-compliance.pdf>.