

Congress of the United States
Washington, DC 20510

October 7, 2022

The Honorable Denis McDonough
Secretary
U.S. Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

Dear Secretary McDonough:

Thank you for your July 31, 2022, response to our letter regarding the Department of Veterans Affairs' (VA) compliance with Section 508 of the Rehabilitation Act of 1973, which requires federal websites and other federal electronic and information technology to be accessible for people with disabilities.¹ We appreciate your commitment to improving the accessibility of VA's technology and support your efforts. We plan to closely monitor the Department's implementation efforts as you work toward those improvements.

VA's response provided substantial new information about VA's efforts to improve its websites for people with disabilities, as required by the VA Website Accessibility Act. We particularly appreciate the more clearly articulated plans for prioritizing fixes for the most-used VA websites, including the more actionable remediation plans for websites maintained by the Veterans Benefits Administration (VBA) and the National Cemetery Administration (NCA). Furthermore, during a briefing to Committee staff on September 7, 2022 (September briefing), VA provided additional relevant information on many of these topics. However, there are several areas where we are requesting more information and would like to emphasize the importance of continued focus. We seek a clear commitment from VA to broaden outreach to people with disabilities, bolstering efforts to address these longstanding issues. We also write seeking additional details about VA's plans to bridge accessibility gaps going forward and ask that the Department focus attention on several outstanding issues.

First, we are concerned that VA has not provided plans to expand outreach on disability access issues beyond existing relationships with Veterans Service Organizations (VSOs). VA stated that "[i]ntroducing separate engagement channels will require additional Section 508 staff and potentially overcomplicates issue resolution."² We encourage the Department to continue its outreach to VSOs, which serve an important role representing veterans. We also firmly believe outreach to disability groups would benefit veterans and non-veterans in the Department's workforce. The Department's own checklist of functional performance, which VA provided in its response, notes the need to ensure that technology is accessible for people without vision and

¹ 29 U.S.C. § 794d

² Secretary McDonough to Senator Casey, July 31, 2022 (hereinafter "McDonough Letter"). See VA Responses to Section 508 Compliance Questions (hereinafter "VA Response") at VA-012.

with limited vision; without perception of color; without hearing and with limited hearing; without speech; with limited manual manipulation; with limited reach and strength; with limited language, cognitive and learning abilities.³ It is not clear that VA is engaging groups with expertise in these areas of disabilities beyond blindness, limiting the Department's ability to ensure technology meets accessibility requirements and functions well for end users. We urge VA to revisit its engagement plans and report back to us how it will conduct outreach to a diverse array of disability groups.

Second, VA provided additional information regarding contracts that have lapsed or are otherwise not in place, creating compliance gaps with federal accessibility laws. VA reported that one contract was cancelled in September 2021 due to the "vendor's failure to comply with the terms agreed upon in the initial task order" resulting in the loss of capacity to scan multiple websites and the ability to "collect timely website/webpage metrics mandated by Federal law for agency and outside stakeholders."⁴ During the September briefing, VA indicated that a subsequent automated scanning contract remains in protest. The Department's justifications for these contract decisions do not alleviate our concern that important work, particularly scanning and remediation, is not being adequately performed. It is important that VA retain capability to perform these critical tasks, and we ask that the Department provide us with (1) an update regarding when the automated scanning contract is awarded and commences work, (2) the name of the new vendor and (3) which contractors or offices are performing each element of the former Section 508 compliance contract.

Third, we believe that VA should focus resources on expediting its remediation plans, responding to reported accessibility issues and instituting infrastructure to address accessibility shortfalls. For example, while the NCA's updated remediation plan is a significant improvement, it reported that fixing 950 un-accessible PDFs will not be completed until 2026—roughly one per day.⁵ We encourage NCA to more quickly address such seemingly straightforward issues. Similarly, we are concerned that less than one-third of the service tickets filed by VA employees in 2021 have been addressed to date, suggesting that VA is not responding quickly to accessibility barriers its workforce experiences.⁶ Lastly, rather than ensuring existing check-in kiosks at VA health centers are accessible to people with disabilities, veterans requiring accessibility services must "complete appointment check-in activities by seeing a staff member."⁷ However, VA staff training "to assist individuals with disabilities" is optional rather than mandatory.⁸ It appears that the current dispersion of Section 508 responsibilities is ineffective and we support the creation of an Accessibility Office, which VA is considering.⁹ Such an office would raise the profile of disability access internally and is likely to better guide efforts across the Department. Please keep our offices apprised of the progress and timeline of establishing such an office.

³ McDonough Letter, Attachment 5, "Evaluation of Technical Criteria for Section 508," at VA-069-VA-071.

⁴ McDonough Letter, VA Response, at VA-013.

⁵ McDonough Letter, Attachment 1, "National Cemetery Administration Remediation Plan," June 23, 2022, at VA-024.

⁶ McDonough Letter, VA Response, at VA-009.

⁷ *Id.*, at VA-021.

⁸ *Id.*

⁹ *Id.*, at VA-010.

Finally, VA stated that “[i]n future versions of our Section 508 compliance report, the Department will seek to match compliance reporting to measures we believe best reflect the overall accessibility of VA’s web presence (i.e., by taking into account the relative usage of the pages and tools).”¹⁰ We share your belief that VA should prioritize website remediation based on relative usage—a point highlighted in a recent hearing before the Senate Special Committee on Aging (Aging Committee).¹¹ However, Congress and taxpayers should remain apprised of the full scope of VA’s Section 508 compliance. Reporting should not be limited only to those sites most frequently used by employees and the public. An audit VA provided in response to our letter showed that regional benefits office sites, human resources pages and the Department’s portal for jobseekers are among the public-facing websites that currently fall at or below 50 percent of compliance with accessibility requirements. A second audit showed that dozens of internal websites used by VA employees are similarly noncompliant, including the VA’s phonebook, which was scored at zero percent compliance. Accordingly, we ask that VA continue to report the total number of websites that are not compliant with Section 508 rather than self-selecting how compliance is measured.

We greatly appreciate your efforts to improve the accessibility of VA’s technology and the significant amount of information your staff undertook to provide information in response to our questions. Yet, there is clearly more work to do, as evidenced by Mr. Ron Biglin’s statement to the Aging Committee. Mr. Biglin, a blind Pennsylvania Air Force veteran, reported that the VA’s health portal, My HealtheVet, does not work with screen-reading software the Department provided him.¹² We want to ensure that all disabled veterans, and the VA employees who work for them, are on a level playing field when accessing technology.

We request a response to this letter by November 14, 2022 and look forward to working with VA as it ensures its websites, apps and other technology are accessible for all Americans.

Sincerely,



Bob Casey, Jr.
Chairman
U.S. Senate Special
Committee on Aging

Jon Tester
Chairman
U.S. Senate Committee
on Veterans’ Affairs

Mark Takano
Chairman
U.S. House Committee
on Veterans’ Affairs

¹⁰ McDonough Letter, at VA-001.

¹¹ *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) (statement of Eve Hill).

¹² *Id.*, statement of Ron Biglin.