



United States Senate Special Committee on Aging

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Testimony of Anil Lewis, Executive Director of Blindness Initiatives for the National Federation of the Blind

I would like to thank the Chair Casey, Ranking Member Scott, and all of the other members of the Special Committee on Aging for this opportunity to offer testimony on Section 508 and web accessibility. This is an extremely important topic pertaining to the fundamental ability for people with disabilities to live, work, and play in our communities. My name is Anil Lewis, and I'm the executive director of Blindness Initiatives for the National Federation of the Blind, the transformative civil rights organization of blind people in America. The National Federation of the Blind recognizes web accessibility as a critical civil right for the blind and other Americans with disabilities. Moreover, the tools and strategies that are used to provide access to information and services to people with disabilities also has a mutually beneficial impact on the quality of life for all Americans, including the ever-growing population of older Americans.

Our federal government, through a network of agencies/departments provide information and services designed to "...promote the general welfare, and secure the blessings of liberty..." that every American has the fundamental right to access. Section 508 of the Rehabilitation Act is a statute that seeks to ensure the right of Americans with disabilities to accessible federal electronic and information technology (EIT). This statute, with the promise of creating so many opportunities for people with disabilities, is failing due to lack of proper implementation and enforcement, and in many instances, this makes it even more difficult for people with disabilities to access information and services than before.

I became blind in 1989 due to Retinitis Pigmentosa, and my fundamental right to independently access public information and services was extremely frustrating at best. With the onset of my blindness, I was eligible for, and needed access to, my disability insurance benefits from the Social Security Administration in order to maintain a financial floor that would hopefully keep me from sinking into poverty. However, the extremely long wait times on the phone or the long lines at the SSA office made it very difficult to secure these services and resulted in financial hardship that should have been avoided. The process of tapping into the vocational rehabilitation services that would enable me to acquire the training and support to re-enter the workforce was plagued with inaccessible forms, handbooks, and other documentation that created significant challenges and delays in my ability to benefit from these services. The same was true in my attempts to access

mainstream job training and employment resources from the Department of Labor and to access any information about the medical services and benefits I was eligible to receive through the Centers for Medicare and Medicaid Services. Once gainfully employed, I was still confronted with an inability to independently and effectively access the information and forms necessary for me to file my income taxes with the Internal Revenue Service.

This is only a representative sample of the barriers that I and other people with disabilities have faced in our effort to access essential public services. My eventual success should not be interpreted as a demonstration that these systems work, because my experience is more the exception than the rule. Many are unable to endure the frustration, indignity, disrespect, and intolerance that result from lack of independent access to essential services and supports, which is definitely a contributing factor to the over 70 percent unemployment/underemployment rate of people with disabilities, who could otherwise be contributing, tax-paying citizens. Moreover, remediating inaccessible technology consumes additional time, money, and other resources that could be used to implement new strategies and create greater opportunities.

The experience I described was in 1989, and there has been a significant reduction in the in-person and other resources formerly used to support those methods of accessing public information and services. Today, the primary method of accessing information and/or services from most, if not all, federal agencies is through the use of a website, smartphone application, or other type of information and communication technology. When coded correctly, access technology like screen readers that convert the digital text to synthesized speech and large print, and refreshable Braille displays that convert the digital information to Braille, would allow independent access to this information by the blind, low vision, deafblind, those who are illiterate, and non-English speakers. The appropriate implementation of this technology holds the hope of creating greater accessibility and independence for so many. However, this hope is unrealized due to improper implementation and enforcement of Section 508, leaving people with disabilities unable to capitalize on the new systems and even more overwhelmed and underserved because of the diminished capacity of the previous systems.

The Social Security Administration offers good and bad examples of providing equal access. In one instance, the introduction of technology has made it more difficult for a blind person to access SSA services. Formerly, I would go into a Social Security office, pull a number and wait an indefinite time alongside other citizens. This was frustrating, but equal. With the implementation of the new Social Security kiosks, which are inaccessible to the blind, I am confronted with the option of coordinating my visit with a sighted friend or family member, or asking a complete stranger to enter my Social Security number into the inaccessible kiosk to be added to the service cue. In another instance SSA has demonstrated the benefit of accessibility through the creation of one of the most accessible websites within the federal government. At one time, it was extremely easy to use my screen reader to access the information provided at <https://www.ssa.gov/>. Unfortunately, this was only as long as the individuals familiar with the technology were on staff. The access continues to diminish as the trained staff retires, or leaves for other employment.

The National Federation of the Blind has been contacted by thousands of blind and low-vision individuals that are experiencing difficulty in accessing public information and services. We are

unable to address each and every situation, but we do try to strategically engage in a manner that creates systemic change. The following are examples of some of our advocacy:

Internal Revenue Service

- July 15, 2020, [IRS to Implement Process to Provide Accessible Tax Notices to the Blind](#)
- July 15, 2020, [Rose v. Mnuchin Settlement Agreement](#)
- July 25, 2019, [Blind Taxpayers Sue the IRS](#)
- July 24, 2019, [Rose v. Mnuchin Complaint](#)

Social Security Administration

- March 12, 2020, [Blind Americans Settle Lawsuit against Social Security Administration](#)
- August 28, 2017, [The National Federation of the Blind and Two Blind Individuals File Lawsuit against SSA for Lack of Accessible Kiosks](#)
- November 11, 2014, [National Federation of the Blind Praises Social Security Class Action Settlement](#)
- August 24, 2009, [National Federation of the Blind and Blind Social Security Beneficiary File Complaint with Social Security Administration](#)

Centers for Medicare and Medicaid Services

- April 20, 2018, [Medicare Information to Become Accessible to Blind Beneficiaries](#)
- April 20, 2018, [NFB-CMS Settlement Agreement](#)

U.S. Department of Education Student Loans

- October 8, 2014, [National Federation of the Blind Reaches Agreement with U.S. Department of Education](#)

Small Business Administration

- June 16, 2014, [National Federation of the Blind and Blind Business Owner Resolve Enforcement Action with Small Business Administration](#)
- July 22, 2009, [National Federation of the Blind and Blind Business Owner File Complaint with Small Business Administration](#)

US Department of Agriculture

- February 14, 2019, [Clark v. Perdue Complaint](#)

US Department of Veterans Affairs

- November 9, 2021, [McDuffie v. McDonough Settlement Agreement](#)

Department of Homeland Security's Customs and Border Protection

- March 27, 2013, [National Federation of the Blind Assists Federal Employee Experiencing Discrimination](#)

It is important to note that these are only a representative sample of the inaccessible experiences of thousands of blind Americans.

Inaccessibility creates barriers for people with disabilities seeking information and services, but also creates barriers for people with disabilities to obtain and advance in employment with the federal government. The NFB has been contacted by many federal employees that are currently working in jobs that have significant accessibility barriers. Rather than correcting the inaccessibility, flawed “accommodations” are attempted that leave the disabled employee unable to independently and efficiently perform the job tasks. This results in an adverse, frustrating work environment that makes it impossible for the employee to demonstrate sufficient competence to be considered for any opportunities for lateral or upward mobility. It takes courage for the individuals referenced above to actively advocate for accessibility. Unfortunately, in many instances, the individuals are afraid of retaliation and losing their jobs, and the National Federation of the Blind is unable to assist them beyond continuing to advocate to the employer for the enculturation of accessibility. In cases where blind individuals proceed with filing complaints of discrimination, federal agencies can take years to investigate a complaint and longer yet to resolve the accessibility barriers. This is evident in *Clark v. Perdue*, in which a blind USDA employee, Michelle Clark, proceeded with filing a federal lawsuit against her employer after the USDA sat on her 508 complaint for four and a half years without any action. The Court finally ordered the agency to do its job and investigate the complaint. Michelle’s story is not unique, and federal employees face delays regularly.

Enculturation of accessibility is not difficult, nor is it more expensive than operating in a manner that does not consider accessibility. These are false assumptions that result from the continued use of antiquated methods and that do not leverage current knowledge and resources. A simple analogy to describe the current strategy being used by many public agencies to create accessible information is like someone using a typewriter to create a document (using Wite-Out to make corrections) and then finally giving the document to someone who knows how to use word processing software to create an accessible digital document. Of course the person only trained in using the typewriter thinks that using word processing software is difficult, and of course it is more expensive to use resources to create a printed document and then convert it to an accessible digital document. It seems unbelievable that anyone would be using this strategy, but there are many public agencies spending significant time and money to remediate inaccessible documents created through an antiquated process, rather than investing in the training necessary to teach someone to create a “born accessible” document during the initial design and development process.

Beyond the federal government, information and communication technology has become the primary method most people use to access banking, healthcare (telehealth), travel, news, social media, rideshare, food delivery and so many other services. The federal government can be the exemplar and catalyst for private- and public-sector accessibility by continuing to prioritize the employment of people with disabilities, while providing the appropriate accessible infrastructure

that facilitates retention and lateral and upward mobility. After all, active employment of people with disabilities continues to make the issue relevant, and offers internal expertise for suggestions and feedback. Moreover, by requiring accessibility throughout the federal procurement process, the federal government can encourage industry to acquire the resources to create accessible tools and content. This, in turn, will require our educational systems to do a better job of integrating training in accessibility within the mainstream educational programs for information technology professionals, as prescribed by the Teach Access movement, which promotes the common sense understanding that “accessible coding is just good coding.” The resulting websites and apps are easier to use by everyone and allow for better integration with other systems.

Moreover, our advocacy for the enculturation of accessibility in technology development has benefited and will benefit more than just the blind. A recent exciting example of this is the collaboration between the National Federation of the Blind and the National Institutes of Health to develop accessible COVID-19 test kits. NIH recognizes that in order for it to be truly impactful, people with disabilities should be active participants in the design and development process. We have received information that the technology developers are excited about working to integrate accessibility into these test kit devices. Moreover, we are excited that accessibility will become an expectation in their work to develop future medical technology. The resulting multimodal means of accessing medical information is technology that can be used more effectively by everyone, including the ever-growing population of older Americans in this country.

I sincerely hope that we can work together to meet the equal access expectation set forth by Section 508 toward the improved quality of life for people with disabilities and older citizens to live, work, and play in our communities. More importantly, I hope we recognize the value it has for the improved quality of life of every American citizen.

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