

Government Accessibility as a Key for Independence and Engagement:

*Recent Progress and
Opportunities for the Future*



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A Note from the Chairman

"... it is essential we build accessibility into federal, state, and local government infrastructure."



During my time as Chairman of the Special Committee on Aging, I have sought to improve government accessibility for people with disabilities. America is aging rapidly, and older adults are more likely to develop a disability. Accordingly, it is essential we build accessibility into federal, state, and local government infrastructure. Accessible government means that Americans with disabilities have the same opportunities to vote and run for office. It also means that people with disabilities have the same access to government data, services, and jobs – all of which increasingly rely on

technology, such as websites and apps. Congress must pass the Accessible Voting Act and ensure that local polling places are accessible. Congress must also enact legislation that updates the federal government's accessible technology law, and safeguard against efforts to undermine protections for accessibility at all levels of government. A strong Nation must make it possible for all Americans to participate in our democracy.

Introduction

People with disabilities have a right to equal access to their governments. Ensuring government infrastructure is accessible for people with disabilities is an essential part of securing that right. Accessible government infrastructure includes physical infrastructure, such as buildings. It also includes the digital infrastructure – kiosks, apps, websites, and other technology – critical to government programs in the 21st century.

Background

According to the Centers for Disease Control and Prevention (CDC), over 70 million adults in the United States have a disability.¹ Older adults are more likely to have a disability, and the number of older Americans is expected to increase from roughly 55 million to 94 million Americans over the next 40 years.² As America ages, ensuring all levels of government are accessible for people with disabilities and older adults will become increasingly important.

Ensuring that government services, data, and jobs are accessible for people with disabilities enables people with disabilities and older Americans to live with greater independence. Independence is important for older adults who wish to age in place, an idea that is overwhelmingly popular.³ Accessible government at the federal, state, and local levels is key for ensuring older adults can remain both engaged and in their own communities.

Although accessible government is key for maintaining independent engagement, government data, services, and jobs are not always accessible for Americans with disabilities or older adults. Examples of inaccessibility include how a blind Air Force veteran could not use his screen reader – a device that reads aloud the words on a screen – to access the web portal for the Department of Veterans Affairs (VA), how deaf community members were not properly sent an electronic warning about local wildfires, and how a voter with a disability was denied a booth where she could sit down.⁴ We must do better.

The Legal Framework for Accessibility

Several federal laws require government accessibility for people with disabilities. Section 508 of the *Rehabilitation Act of 1973* requires federal technology to be accessible for, and usable by, people with disabilities.⁵ The requirement largely applies to executive branch departments and agencies.⁶ Section 504 of the *Rehabilitation Act of 1973* prohibits people from being excluded from federal programs, benefits, or employment based on a disability.⁷ It applies to any program that receives federal funding, including local schools or hospitals.⁸ Title II of the *Americans with Disabilities Act* prohibits state and local governments from discriminating against people with disabilities in state and local programs, services, and other activities.⁹ These laws require that Americans with disabilities and older Americans have access to their government services, particularly when those services are offered on-line or through other digital and electronic means.

Recent Work by Chairman Casey and the Aging Committee to Strengthen Government Accessibility

Chairman Casey has worked to ensure that the federal government, and its state and local partners, live up to their obligations to make their jobs and services accessible. He has achieved results through legislation and by using his Chairmanship of the Special Committee on Aging to highlight problems and push for improvements.

Digital Accessibility at the Department of Veterans Affairs

In 2018, Chairman Casey was approached by blinded veterans who told him that they could not access VA websites using their screen readers. In response, Chairman Casey introduced bipartisan legislation, the *Department of Veterans Affairs Website Accessibility Act*. The bill was signed into law in 2020 and required VA to report on the accessibility of VA websites and intake kiosks. The resulting report indicated that fewer than 10 percent of VA websites were fully accessible for people with disabilities.¹⁰

VA's report to Congress was unacceptable. Chairman Casey worked with the Aging Committee's Ranking Member, and the bipartisan leadership of the House and Senate Veterans Affairs Committees, to push VA to improve.

Sustained pressure through letters, hearings, and meetings with VA officials compelled VA to reorganize its technology access office, expand its outreach to people with disabilities, and revoke hundreds of exceptions that had allowed the use of inaccessible VA technology.¹¹

To ensure continued progress, Chairman Casey worked with Senator Rick Scott to introduce *S. 2516, the Veterans Accessibility Act*. *The Veterans Accessibility Act* would establish a Veterans Advisory Committee on Equal Access at VA. The advisory committee would issue regular reports on VA's compliance with all federal disability laws. Veterans with disabilities would be among the advisory committee's members, ensuring that their voices are heard.

Section 508 Across the Federal Government

Chairman Casey has also examined Section 508 across the entire federal government. Unfortunately, the accessible technology shortfalls at VA are not unique. Many agencies use or have used inaccessible websites or other technology.¹² They include agencies with crucial services for the public such as the Social Security Administration, the CDC, and the Centers for Medicare and Medicaid Services.¹³

Even as agencies have been accused of not meeting Section 508 requirements, federal oversight of Section 508 has been lackluster. Prior to Chairman Casey's oversight, a governmentwide reporting requirement was not being met, Section 508 program maturity data was not being released to the public or Congress, and the federal government's strategic plan for Section 508 compliance had not been updated in nearly a decade.¹⁴

Chairman Casey again used his position as Aging Committee Chairman to push the federal government to do better through letters, agency meetings, and hearings.¹⁵ The Chairman's efforts culminated in *Unlocking the Virtual Front Door*, a Majority Staff report detailing barriers to accessible technology throughout the federal government.¹⁶ Again, the Chairman's efforts resulted in real improvements, including renewed reporting on Section 508 compliance, updated guidance for departments and agencies, and the public release of Section 508 program maturity data.¹⁷ Following the release of *Unlocking the Virtual Front Door*, Congress mandated an enhanced, government-wide Section 508 assessment that is posted online once a year.¹⁸

One recommendation in *Unlocking the Virtual Front Door* was for Congress to consider substantive changes to Section 508 for the first time since 1998.¹⁹ Chairman Casey introduced *S. 4766, the Section 508 Refresh Act*. *The Section 508 Refresh Act* would make changes to ensure newly purchased or developed federal technology is accessible before it is deployed. It would require regular testing to ensure that technology already in use remains accessible, and it would reform the Section 508 complaint process. It would also require the involvement of people with disabilities in the acquisition and accessibility testing of federal technology.

The Consequences Of Inaccessible Federal Technology

Jule Ann Lieberman



During the pandemic, Jule Ann Lieberman, a Pennsylvanian with vision loss, visited the CDC’s website to gather information about COVID-19 in her area. However, CDC presented the COVID-19 information in a graph with no text description – meaning the data could not be interpreted by Ms. Lieberman’s screen reader. Ms. Lieberman was forced to rely on others to provide her with the information in the graph. She is grateful for her incredibly supportive family but is concerned that repeated requests for help could become burdensome and potentially leave her with no access or information that is not timely. Later, Ms. Lieberman ran into similar problems accessing COVID-19 vaccination data through CDC’s website. Again, she was forced to seek sighted help to access the information she needed.

Accessible Government Technology at the State and Local Levels

Local services, such as schools, public transit, and tax collection have come to rely on technology as much as federal services. When local websites, kiosks, or other technology are not accessible for people with disabilities, they also create barriers to government data, programs, and jobs. The Biden Administration took an important step to bolster accessibility by establishing accessibility standards, through Title II of the ADA, for state and local government websites and apps.²⁰

In 2023, Chairman Casey held a hearing on accessible technology at all levels of government.²¹ Testimony to the Aging Committee discussed blind students who were unable to access educational materials through school websites.²² It discussed a woman who lost a state job opportunity when a government database was not accessible for her screen reader.²³ It discussed local prosecutors who nearly had cases thrown out because a law enforcement database did not work with assistive technology.²⁴ Following the hearing, Chairman Casey led a letter to the administration urging them not to include accessibility exemptions in their Title II rule that would have allowed accessibility barriers at the state and local levels.²⁵

State Assistive Technology Programs

People with disabilities must have the proper tools to engage with their government. In cases where public programs, data, or jobs rely on websites or apps, assistive technology such as screen readers may be essential. Chairman Casey has taken steps to help expand access to assistive technology.

In 2022, Chairman Casey passed the *21st Century Assistive Technology Act*, which increased funding for State Assistive Technology Programs. Assistive Technology Programs help people with disabilities gain access to assistive technology by providing people with disabilities with loanable technology and financial assistance to purchase their own devices.²⁶ Assistive Technology Programs help children and adults with disabilities, veterans, and people with debilitating diseases, such as cancer, access the technology they need to attend school, get into the workforce, or stay employed.

Accessible Voting

Although federal law requires that federal voting places and procedures be accessible for people with disabilities, the vast majority of polling places are inaccessible. For example, the Government Accountability Office found that only 17 percent of polling places were fully accessible in 2016.²⁷ Chairman Casey introduced *S. 3748, the Accessible Voting Act*, to create resources to help improve accessibility at polling places. Resources include establishing an office of accessibility within the Election Assistance Commission, establishing a new state grant program, and providing up-to-date voting information and resources. Chairman Casey's bill would also expand the ways voters can cast their ballots so that people can pick the option that is most accessible to them.

Future Steps to Make Government More Accessible

Although progress has been made in encouraging accessible technology at the federal, state, and local levels, work remains to be done. The following recommendations are steps that policymakers in the 119th Congress and beyond can take to ensure that older adults and people with disabilities have equal access to government:

- Monitor and follow up on Section 508 reports. The annual Section 508 assessment from the General Services Administration (GSA), as well as reports from the Government Accountability Office (GAO), federal agency inspectors general, and stakeholders, provide a status update on the accessibility of government services and the barriers to making federal technology accessible to all. Policymakers in the 119th Congress and beyond must monitor new reports on Section 508 compliance. Policymakers must also be sure to follow up when the reports indicate agency information, services, and programs are not accessible.

- Institutionalize Section 508 in the annual appropriations process. Review of agency compliance to make information, services, and programs accessible must be part of the annual appropriations process. Departments and agencies should include their Section 508 needs in their annual budget proposals. Congressional appropriators should be prepared to question agencies with known accessibility shortfalls about how the agencies plan to improve accessibility. Accessibility champions in the House and Senate also must advocate for the resources needed to make federal technology accessible. One way to advocate for resources is for Representatives and Senators to circulate an annual Section 508 letter to the Congressional appropriators. At a minimum, the letter should ask appropriators to approve the funding necessary for GSA to oversee Section 508 across the federal government.
- Reintroduce and pass the *Section 508 Refresh Act*. Congress last passed significant updates to Section 508 of the *Rehabilitation Act* over 25 years ago. Much of the federal government's services have become virtual and are not always accessible. The 119th Congress should seek bipartisan support for passage of the *Section 508 Refresh Act*, which would update requirements for accessible electronic services at the federal level. In order to ensure updated requirements meet the needs of all Americans with disabilities and older Americans, improvements to the *Section 508 Refresh Act* should be done in consultation with key disability and aging stakeholders.
- Reintroduce and pass the *Veterans Accessibility Act*. *The Veterans Accessibility Act* would give veterans with disabilities a voice in overseeing all accessibility laws at VA. It should be reintroduced and passed in the 119th Congress. Following passage, relevant committees and sponsors should monitor VA for proper implementation of the new law.

- Continue to hold hearings and conduct oversight on Section 508. Continued Congressional focus on government accessibility is necessary in the 119th Congress and beyond to ensure progress in making federal technology accessible for people with disabilities. In the Senate, the Special Committee on Aging, the Homeland Security and Governmental Affairs Committee, and the Health, Education, Labor, and Pensions Committee should examine how Section 508 is being implemented across the federal government. Other committees should hold hearings on the accessibility of technology at agencies under their jurisdiction. Committee oversight staff should likewise consider how to follow up on accessible technology shortfalls with the agencies under their jurisdiction.

- Improve and standardize accessibility across states. States should work together to ensure that websites and apps utilized by constituents and state and local workers comply with the Biden Administration's ADA Title II regulation. Access to government programs, data, and jobs should not differentiate by state and people from all over the country should be able to utilize and work for their state and local governments regardless of disability status. Congress and the federal government should carefully monitor the states to ensure compliance.

- Increase federal support for State Assistive Technology Act Programs. State Assistive Technology Act Programs expand access to technology that can help people with disabilities access government websites, apps, and other technology. They are crucial for community integration. Policymakers in the 119th Congress should continue to provide robust funding for State Assistive Technology Act programs, including by showing bipartisan support during the annual appropriations process.

- Pass legislation and conduct oversight on accessible voting. Policymakers in the 119th Congress should reintroduce and pass the *Accessible Voting Act* to make it easier for people with disabilities to vote. Relevant committees in the House and the Senate should also monitor accessibility shortfalls in voting at the state and local levels and respond with hearings and appropriate oversight.

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- 2 Administration for Community Living, *2020 Profile of Older Americans*, at 5, May 2021, https://acl.gov/sites/default/files/aging%20and%20Disability%20In%20America/2020Profileolderamericans.final_.pdf; "S0101 | Age and Sex," U.S. Census Bureau, last accessed November 25, 2024, <https://data.census.gov/cedsci/table?tid=ACSST1Y2021.S0101>.
- 3 Joanne Binette, "Where We Live, Where We Age: Trends in Home and Community Preferences," AARP, November 18, 2021, <https://www.aarp.org/pri/topics/livable-communities/housing/2021-home-community-preferences/>.
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- 5 "Section 508 of the Rehabilitation Act of 1973," U.S. General Services Administration, last updated May 2024, <https://www.section508.gov/manage/laws-and-policies/>.
- 6 "Do Section 508 Accessibility Standards Apply to My Website?" U.S. General Services Administration, December 12, 2017, <https://www.section508.gov/blog/do-section-508-accessibility-standards-apply-to-mywebsite/>.
- 7 "Section 504, Rehabilitation Act of 1973," Office of the Assistant Secretary for Administration & Management, U.S. Department of Labor, last accessed November 25, 2024, <https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-504-rehabilitation-act-of-1973>.
- 8 *Id.*
- 9 "State and Local Governments," Americans with Disabilities Act, U.S. Department of Justice Civil Rights Division, last accessed November 25, 2024, <https://www.ada.gov/topics/title-ii/>.
- 10 U.S. Department of Veterans Affairs, *VA Website Accessibility Act of 2019 (Public Law 116-213) Report on the Accessibility of Websites of The Department of Veterans Affairs To Individuals With Disabilities*, June 9, 2021, https://www.casey.senate.gov/imo/media/doc/report_on_the_accessibility_of_websites_of_the_department_of_veterans_affairs1.pdf.

11 Examples of efforts to push VA to improve include: “Casey Leads Bipartisan Letter Urging Veterans Affairs to Make Websites Accessible for People with Disabilities,” U.S. Senate Special Committee on Aging, 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>; “Casey, Tester, Takano: Veterans Affairs Must Do More to Make VA Websites Accessible for People with Disabilities,” U.S. Senate Special Committee on Aging, October 7, 2022, <https://www.aging.senate.gov/press-releases/casey-tester-takano-veterans-affairs-must-do-more-to-make-va-websites-accessible-for-people-with-disabilities>; “Following Damning Report, Casey, Colleagues Urge VA to Make Federal Websites More Accessible,” U.S. Senate Special Committee on Aging, March 14, 2024, <https://www.aging.senate.gov/press-releases/following-damning-report-casey-colleagues-urge-va-to-make-federal-websites-more-accessible>; and *Supra*, note 4, 2022 Aging Hearing.

12 U.S. Senate Special Committee on Aging Majority Staff, *Unlocking the Virtual Front Door: An Examination of Federal Technology’s Accessibility for People with Disabilities, Older Adults, and Veterans*, at 32-36, December 2022, (hereinafter “Aging Majority Staff Report”), https://www.aging.senate.gov/imo/media/doc/unlocking_the_virtual_front_door_-_full_report.pdf.

13 *Id.*, at 32-36.

14 29 U.S.C. §794d(d)(1); “Section 508 Surveys and Reports,” U.S. Department of Justice, Civil Rights Division, last updated February 27, 2023, <https://www.justice.gov/crt/section-508-home-page-0>; “Section 508 Program Maturity Report,” General Services Administration, last updated July 2023, (hereinafter “508 Maturity Report”), <https://www.section508.gov/manage/pmr/>; “Memorandum for the Chief Acquisition Officers, Senior Procurement Executives, Chief Information Officers, Small Agency Council Members,” Executive Office of the President, Office of Management and Budget, Archives of President Obama’s White House, January 24, 2013, <https://obamawhitehouse.archives.gov/sites/default/files/omb/procurement/memo/strategic-plan-508-compliance.pdf>.

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16 *Supra*, note 12, Aging Majority Staff Report.

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19 *Supra*, note 12, Aging Majority Staff Report, at 47-48.

20 “Fact Sheet: New Rule on the Accessibility of Web Content and Mobile Apps Provided by State and Local Governments,” U.S. Department of Justice Civil Rights Division, April 8, 2024, <https://www.ada.gov/resources/2024-03-08-web-rule/>.

21 *Supra*, note 4, 2023 Aging Hearing.

22 *Id.*, at 70-71.

23 *Id.*, at 32-33.

24 *Id.*, at 33.

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