

United States Senate

SPECIAL COMMITTEE ON AGING

WASHINGTON, DC 20510-6400

(202) 224-5364

March 14, 2024

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

Dear Secretary McDonough:

We write with concern about a recent watchdog report that identified widespread accessibility barriers at the Department of Veterans Affairs (VA), potentially hindering veterans with disabilities from obtaining the services and benefits they have earned. January's audit by the Office of Inspector General (OIG) was the latest evidence that VA must improve its compliance with Section 508 of the Rehabilitation Act of 1973, which requires the federal government's technology to be accessible for, and useable by, people with disabilities. As the OIG's audit stated, "until VA addresses all compliance issues, the information access provided to individuals with disabilities may not be comparable to the access provided to those without disabilities."¹ It is critical that VA take immediate steps to ensure people with disabilities have equal access to the Department's information and communication technology, as required by law. We therefore request you provide information about the steps VA plans to take to address the OIG's findings and recommendations.

The OIG's recent audit, prompted in part by the Special Committee on Aging's bipartisan oversight, found that fewer than 12 percent of VA's external websites, and fewer than 10 percent of VA's internal websites, were fully compliant with Section 508 requirements.² The audit went on to detail several other shortfalls in compliance and policy at VA that reduced the accessibility of its technology, including:

- VA did not ensure compliance with Section 508 requirements throughout the Department;³
- VA failed to track more than 200,000 internal and external websites via a departmental registry, as required by the Department's own policies;⁴

¹ Department of Veterans Affairs Office of Inspector General, *VA Should Enhance Its Oversight to Improve the Accessibility of Websites and Information Technology Systems for Individuals with Disabilities*, January 17, 2024 (VA OIG 22-03909-19), at iii, (hereinafter "OIG Web Accessibility Audit"), <https://www.vaogig.gov/sites/default/files/reports/2024-01/vaogig-22-03909-19.pdf>.

² *Id.*, at 12-13.

³ *Id.*, at 6.

⁴ *Id.*, at 9-10, 14-15.

- Some VA information technology systems were not assessed at all for Section 508 compliance;⁵
- VA could not fully monitor website accessibility for roughly two years due to contract problems with a technology vendor;⁶
- VA failed to timely update key technology policies, including its Section 508 compliance policy, and one directive that had not been updated in more than 10 years.⁷

The OIG noted that it is not just veterans with disabilities and their family members who are affected by inaccessible websites and technology. OIG wrote that “VA must make information from its websites, related resources, and data systems (unless otherwise prohibited) accessible to a broader audience ... [including] VA employees and contractors, members of the public, Congress, veterans service organizations, and any other stakeholders seeking information or services and data from VA.”⁸ OIG set out six recommendations for VA to address the audit’s findings. The recommendations called on VA to develop and implement a strategy to track websites so that web policies are enforced; increase Department-wide education on accessibility policy requirements; and update relevant VA policies on accessibility and web development.⁹

OIG’s findings underscore that accessibility barriers at VA have persisted across multiple administrations despite public reports and bipartisan concern from Congress. In 2014, a House subcommittee received testimony about accessibility barriers of VA technology, including data showing that major public-facing websites were not fully compliant with Section 508 requirements.¹⁰ In 2016, an OIG audit cited inadequate policy guidance, inadequate processes to ensure Section 508 compliance, and inadequate oversight of contractors, as reasons for VA’s failure to address nearly 200 compliance issues before the launch of a careers website.¹¹ Following enactment of the bipartisan VA Website Accessibility Act,¹² VA reported to Congress in 2021 that there were widespread accessibility shortfalls among the Department’s websites.¹³ However, VA’s lack of specificity about remedial steps in that report prompted the Aging Committee’s bipartisan leaders to seek additional information in 2022,¹⁴ contributing to OIG’s

⁵ *Id.*, at 6, 15-16.

⁶ *Id.*, at 7.

⁷ *Id.*, at 16-17.

⁸ *Id.*, at i.

⁹ *Id.*, at 17.

¹⁰ *Assessing Inadequacies in VA Data Usage for and Services Provided to Visually-Impaired Veterans, Before the Subcommittee on Oversight and Investigation, House Committee on Veterans’ Affairs*, 113th Congress, 2014, <https://www.govinfo.gov/content/pkg/CHRG-113hhr88981/pdf/CHRG-113hhr88981.pdf>. See “Web sites from July 2012 memo,” at 56.

¹¹ Department of Veterans Affairs Office of Inspector General, *Review of Alleged Noncompliance With Section 508 of the Rehabilitation Act on MyCareer@VA Web Site*, April 7, 2016 (VA OIG 15-02781-153), <https://www.oversight.gov/sites/default/files/oig-reports/VAOIG-15-02781-153.pdf>.

¹² “Bipartisan Casey, Moran Bill to Ensure VA Website Accessibility Passes House, Goes to President for Signature,” Senator Bob Casey, November 17, 2020, <https://www.casey.senate.gov/news/releases/bipartisan-casey-moran-bill-to-ensure-va-website-accessibility-passes-house-goes-to-president-for-signature>.

¹³ Department of Veterans Affairs, *Report on the Accessibility of Websites of the Department of Veterans Affairs to Individuals with Disabilities*, https://www.casey.senate.gov/imo/media/doc/report_on_the_accessibility_of_websites_of_the_department_of_veterans_affairs1.pdf.

decision to launch an audit.¹⁵ Most recently, a 2023 governmentwide review of Section 508 compliance echoed OIG’s findings that VA needed to take additional steps to ensure its technology was accessible.¹⁶

In light of this history, we are encouraged that VA plans to take up OIG’s recommendations to improve Section 508 compliance. We are further encouraged that OIG viewed VA’s corrective action plans to be “generally responsive.”¹⁷ Going forward, we request that you keep our offices informed about VA’s progress toward addressing the audit’s recommendations. In addition, we request that you provide answers to the following questions no later than May 14, 2024:

1. The OIG expressed concern that VA did not provide sufficient detail to address the audit’s first recommendation, which called on the Department to “develop and implement a strategy with milestones for identifying all VA websites, confirm their inclusion in VA’s Web Registry as the current system designated by policy, and certify the accuracy of entries annually or as changes occur.” Please provide additional details about VA’s plan to address this recommendation.
2. According to the audit, “VA policy requires that under secretaries, assistant secretaries, and other key officials, with assistance from the chief information officer, ensure that all systems and applications developed, procured, and maintained or used by VA have been analyzed, tested, and evaluated in coordination with its Section 508 Office for compliance with the law.” What steps is your office taking to ensure that progress is being made toward improving accessibility of the Department’s websites and other technology?
3. The audit noted that VA established a Web Governance Board, which serves “as the final authority on all web-related content outlined in its policies.” However, a review of the board’s materials shows that Section 508 compliance is mentioned just once.¹⁸ It is therefore not clear what, if any, attention the board has paid to accessibility shortfalls amongst VA’s websites. Given the board’s important role in carrying out web policy, and the accessibility concerns raised by the OIG’s audit:
 - a. What steps does the board plan to take to improve accessibility of VA websites?

¹⁴ “Casey Leads Bipartisan Letter Urging Veterans Affairs to Make Websites Accessible for People with Disabilities,” 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>.

¹⁵ *Supra*, note 1, OIG Web Accessibility Audit, at 6.

¹⁶ General Services Administration, *FY 23 Section 508 Assessment*, December 2023, at D-190-194, <https://assets.section508.gov/files/reports/cr-2023/FY%2023%20Governmentwide%20Section%20508%20Assessment%20Report.pdf>.

¹⁷ *Supra*, note 1, OIG Web Accessibility Audit, at 19.

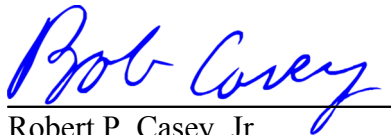
¹⁸ “Web Governance Board (WGB),” Department of Veterans Affairs, VA Web Governance, last updated April 5, 2023, <https://digital.va.gov/web-governance/web-governance-board-wgb/>.

- b. Does the board plan to create a subcommittee or workgroup—powers provided for in its charter¹⁹—to examine VA websites’ compliance with Section 508 and track improvements?
- c. Does the board include members with disabilities to ensure that users who affected by accessibility barriers have a voice? If not, what steps will VA take to include members with disabilities in the board’s efforts?

Thank you for your attention to this important matter.

If you or your staff have questions, please contact Doug Hartman on Senator Casey’s Aging Committee staff at 202-224-5364.

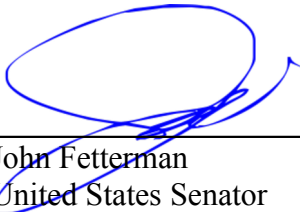
Sincerely,



Robert P. Casey, Jr.
United States Senator
Chairman, Special Committee
on Aging



Richard Blumenthal
United States Senator



John Fetterman
United States Senator



Elizabeth Warren
United States Senator

¹⁹ “Charter,” Department of Veterans Affairs, VA Web Governance, last updated March 24, 2023, <https://digital.va.gov/web-governance/web-governance-board-wgb/about/charter/>.