

August 4, 2022

Written testimony of the National Disability Rights Network for the Senate Special Committee on Aging's hearing on website accessibility for persons with disabilities on July 28, 2022

Thank you for the opportunity to submit written testimony for the above referenced hearing. The National Disability Rights Network (NDRN) commends the committee for holding this hearing and writes to comment on the crucial need to uphold and advance the standards of Section 508 of the Rehabilitation Act.

NDRN is the non-profit membership association of Protection and Advocacy (P&A) and Client Assistance Program (CAP) agencies located in all 50 States, the District of Columbia, Puerto Rico, and the United States Territories. In addition, there is a P&A and CAP affiliated with the Native American Consortium which includes the Hopi, Navajo, and San Juan Southern Paiute Nations in the Four Corners region of the Southwest. P&A and CAP agencies are authorized under various federal statutes to provide legal representation and related advocacy services, and to investigate abuse and neglect of individuals with disabilities in a variety of settings. The P&A / CAP Network comprises the nation's largest provider of legally-based advocacy services for persons with disabilities. Work involving the enforcement of the ADA is an important component of the advocacy the P&A / CAP Network does throughout the year.

Section One—The Problem

Despite the legal obligations of Section 508 (29 U.S.C., 794(D)), too many federal websites lack accessibility for people with disabilities, including veterans and older Americans. The [Bureau of Labor Statistics](#) (BLS) reported in 2021 that 27% of veterans are individuals with disabilities. This means that over ¼ of our Nation's veterans may not be able to access fully and independently websites and web

portals. Essential tasks such as accessing benefits and employment resources and managing active and preventative healthcare appointments are difficult, if not impossible, without assistance from family members and friends. Jule Ann Lieberman, Assistive Technology Program Coordinator at Temple University, rightfully pointed out in her testimony not all veterans with disabilities live close enough to trusted family members or friends, or they may be wary of trusting others with their personal information. The burden of seeking out alternative methods of accessing these websites and portals should not be placed on veterans with disabilities; federal government websites must comply with section 508's standards, and should be user friendly and easy to navigate for veterans with disabilities and older Americans.

Section Two: Legislative History:

Section 508 of the Rehabilitation Act requires federal agencies to procure, maintain, and use information and communication technology (ICT) that is accessible to persons with disabilities. Subsequently, the U.S. Access Board developed standards to comply with this law. The law applies both to federal employers as well as federal websites that the general population may access. ICT is any equipment or system that is used to create, convert, duplicate, or access information. In other words, ICT encompasses more than websites. It may also include materials such as PDF documents or content such as webinars.

The four witnesses properly demonstrated how the federal government continues to neglect the enforcement of Section 508's requirements. The first witness, Eve Hill from Brown, Goldstein and Levy, accurately explained the significant barriers to federal employment of inaccessible websites and technology that continue to exist for millions of Americans with disabilities. She explained that thirty percent of federal agency websites are inaccessible for users with disabilities. The nationwide network of fifty-seven P&As and CAPs continuously receive reports of inaccessible federal and nonfederal websites. For example, NDRN closely follows the census every ten years; the information is vital to provide governmental services for persons with disabilities. However, NDRN has found that technology barriers exist that keep some persons with disabilities from fully and independently participating in the census process.

Section Three: Solutions and Benefits of Accessibility:

Despite the existence of Section 508 for twenty-four years, federal agencies continue to fail to comply with the requirements. Both the Social Security Administration (SSA) and the General Services Administration have been sued because of inaccessibility issues. The federal government must do more to both assist agencies to improve accessibility as well as hold accountable those agencies that fail to comply.

Eve Hill, as well as other witnesses, explained that compliance with the standards are not difficult; it is mostly a matter of coding. Consequently, the federal government must do more to insist that federal agencies comply with such standards. First, the federal government should provide assistance in training federal agencies to comply, as well as hire accessibility experts to make their sites accessible. Second, the U.S. Department of Justice must approach more agencies that fail to comply and force them to adhere to the standards. Third, federal agencies should be kept from posting information online until it is accessible for all Americans. Jule Ann Lieberman explained that during the COVID-19 pandemic, the CDC website relayed information for persons to register for a vaccine that was inaccessible. To accelerate accessibility design, the government could bar the introduction of websites and other ICT until it is fully accessible to all persons as well as those who use assistive technology such as screen reading software.

Greater enforcement of Section 508 by the federal government is not just imperative, but also paramount to ensuring equal access for all veterans and older Americans to federal websites. Equal access to websites and portals benefits everyone, not just those with disabilities. Moreover, accessibility is achievable, attainable, and is easy to implement. Useable and accessible federal websites are key in ensuring veterans with disabilities and older Americans can independently access any personal and sensitive information, providing security, confidentiality, and overall peace of mind.

Thank you for the opportunity to submit these comments. If you have any follow-up questions, please do not hesitate to reach out to Claire Stanley, Public Policy Analyst, at Claire.stanley@ndrn.org, or Stephanie Flynt, Public Policy Analyst, at stephanie.flynt@ndrn.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "Eric Buehlmann". The signature is fluid and cursive, with the first name "Eric" being more prominent than the last name "Buehlmann".

Eric Buehlmann
Deputy Executive Director for Public Policy
National Disability Rights Network