

United States Senate

WASHINGTON, DC 20510

April 9, 2024

The Honorable Charles Schumer
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

Dear Majority Leader Schumer and Minority Leader McConnell:

We write today concerning the accessibility of Senate technology for people with disabilities. Accessible technology allows everyone to access government resources, but recent Congressional oversight found that government technology is often inaccessible for people with disabilities. The Senate’s work has increasingly shifted to electronic formats, and we must guarantee equal access to Senate information and resources – both in person and remotely. Accordingly, we ask leadership to work in coordination with the Senate Sergeant at Arms and other relevant internal and external Senate stakeholders to ensure the Senate’s electronic resources are accessible for all Americans, including those with disabilities.

When designed properly, technology can enable equal access to information and services for people with disabilities. For example, accessible websites, apps, electronic documents (such as PDFs), and kiosks can work with screen readers, which speak aloud the text on a screen for a blind user.¹ Another example of frequently used accessible technology is a telephone that includes a screen with captioning options for a person who is deaf or hard of hearing.² Accessible government technology is important for ensuring that people with disabilities are equally served by their government and for ensuring public employees with disabilities can do their jobs. Because older adults are more likely to have a disability,³ designing accessibility into government technology will grow in importance as America ages.⁴

The Special Committee on Aging has shined a spotlight on the accessibility of government technology for people with disabilities, finding there is substantial room for progress. A majority

¹ “Tools and Techniques,” W3C, last updated May 15, 2017, <https://www.w3.org/WAI/people-use-web/tools-techniques/>; Elizabeth Whitaker, “Creating an Accessible Kiosk Experience,” *Freedom Scientific Blog*, July 2, 2020, <https://blog.freedomscientific.com/creating-an-accessible-kiosk-experience/>. Note that there is a wide range of assistive technology that helps people with different types of disabilities access electronic resources. To be fully accessible, websites, apps, and other technology may also require features beyond compatibility with assistive technology, such as captions for videos or proper color contrast.

² “Telecommunications Relay Service – TRS,” Federal Communications Commission, last updated August 15, 2022, <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

³ “Prevalence of Disabilities and Health Care Access by Disability Status and Type Among Adults – United States, 2016,” Centers for Disease Control and Prevention, last reviewed September 16, 2020, <https://www.cdc.gov/ncbddd/disabilityandhealth/features/kf-adult-prevalence-disabilities.html>.

⁴ The number of adults age 65 or older is projected to increase by roughly 40 million people over the next 40 years. See Administration for Community Living, *2020 Profile of Older Americans*, May 2021, at 5, https://acl.gov/sites/default/files/Profile%20of%20OA/2020ProfileOlderAmericans_RevisedFinal.pdf.

staff report entitled *Unlocking the Virtual Front Door*,⁵ two committee hearings,⁶ and bipartisan letters to federal departments⁷ have revealed failures by departments and agencies across the federal government to make their technology fully accessible for people with disabilities, as required by law.⁸ The report included recommendations for executive agencies and Congress, including a recommendation that Congress ensure its own technology is accessible.⁹

The United States Senate can and must do more to ensure that its websites, electronic documents, and other technologies are fully accessible for people with disabilities. For example, the Senate does not routinely scan its websites for accessibility errors.¹⁰ Automated scans can help to catch accessibility errors that are introduced over time.¹¹ The Senate's office of Printing, Graphics, and Direct Mail (PGDM) has an accessibility team, but that team is small and has limited capacity, and as such has reported they do not build accessibility into PDF documents unless the requesting office specifically asks.¹² Finally, the new customer kiosks installed at the Senate's Dirksen Cafeteria appear to lack accessibility features, such as a headphone jack or auditory voicing of on-screen information. Similar devices have created accessibility barriers at federal departments and agencies.¹³ As the Senate urges federal agencies to improve, we should strive to do so as well.

The United States Senate *must* ensure its technology is accessible for people with disabilities as both a matter of equal access and a legal necessity. Inaccessible technology disadvantages people with disabilities when they seek to contact their Senators,¹⁴ use Senate services while visiting

⁵ Senate Special Committee on Aging Majority Staff, *Unlocking the Virtual Front Door*, December 2022, (hereinafter "Aging Majority Staff Report"), https://www.aging.senate.gov/imo/media/doc/unlocking_the_virtual_front_door_-_full_report.pdf.

⁶ *Click Here: Accessible Federal Technology for People with Disabilities, Older Americans, and Veterans, Before the Senate Special Committee on Aging*, 117th Congress, 2022, <https://www.govinfo.gov/content/pkg/CHRG-117shrg49440/pdf/CHRG-117shrg49440.pdf>; *Unlocking the Virtual Front Door: Ensuring Accessible Government Technology for People with Disabilities, Older Adults, and Veterans, Before the Senate Special Committee on Aging*, 118th Congress, 2023, <https://www.govinfo.gov/content/pkg/CHRG-118shrg53747/pdf/CHRG-118shrg53747.pdf>.

⁷ Examples include: "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> and "Casey Leads Bipartisan Letter Demanding Answers from Department of Justice on Lack of Web Accessibility for People with Disabilities," Senate Special Committee on Aging, June 30, 2022, <https://www.aging.senate.gov/press-releases/casey-leads-bipartisan-letter-demanding-answers-from-department-of-justice-on-lack-of-web-accessibility-for-people-with-disabilities>.

⁸ *Supra*, note 5, Aging Majority Staff Report, at 32. The Aging Committee's majority staff report primarily examined the federal government's compliance with Section 508 of the Rehabilitation Act of 1973, which requires technology at federal departments and agencies to be accessible for, and usable by, people with disabilities. See 29 U.S.C. § 794d.

⁹ *Id.*, at 46-48.

¹⁰ Senate Sergeant at Arms office, e-mail to Senate Aging Committee majority staff, December 2, 2022, (on file with the Committee).

¹¹ The Office of Management and Budget recommends routine automated scanning to check for website accessibility problems. See: Shalanda D. Young, Office of Management and Budget, *Memorandum for the Heads of Executive Departments and Agencies*, December 21, 2023 (M-24-08), at 8, (hereinafter "OMB Accessibility Memorandum"), <https://www.whitehouse.gov/wp-content/uploads/2023/12/M-24-08-Strengthening-Digital-Accessibility-and-the-Management-of-Section-508-of-the-Rehabilitation-Act.pdf>.

¹² Senate Office of Printing, Graphics, and Direct Mail, Microsoft Teams conversation with Senate Aging Committee and Senate Health, Education, Labor, and Pensions Committee majority staff, November 6, 2023.

¹³ *Supra*, note 5, Aging Majority Staff Report at 31-33; Ruth Reader, "Congress Ordered Agencies to Use Tech that Works for People with Disabilities 24 Years Ago. Many Still Haven't," *Politico*, August 21, 2022, <https://www.politico.com/news/2022/08/21/congress-people-with-disabilities-00052955>.

¹⁴ Online resources play an important role for those seeking to contact a U.S. Senator. The Senate website notes that "web contact forms are available on most senators' websites" and provides a room and telephone directory in PDF format. See "Contacting U.S. Senators," United States Senate, last accessed March 11, 2024, <https://www.senate.gov/senators/senators-contact.htm>; "United States Senate, 118th Congress, Suite and Telephone List," United States Senate, last accessed March 11, 2024,

their Senators,¹⁵ or fulfill duties while working for a Senate office.¹⁶ Many Senate employment resources are online,¹⁷ and the Americans with Disabilities Act (ADA)¹⁸ protects people with disabilities from discrimination in “applying for jobs, hiring, firing, and job training.”¹⁹ The ADA also prohibits discrimination against people with disabilities in public services and accommodations,²⁰ areas where technology plays an increasingly significant role. Accordingly, we ask leadership to work to implement the following changes:

1. Review and update accessibility standards for the acquisition and development of Senate technology, in consultation with the United States Access Board and organizations that represent people with disabilities. Senate contractors, such as those running on-campus restaurants, should also be required to demonstrate that their technology is fully accessible for people with a broad range of disabilities before implementing new technology for the Senate community and the public.
2. Build into upcoming budgets the capability to begin, in a timely fashion, routine accessibility scans for all online Senate resources and remediate any accessibility barriers as soon as possible. *Unlocking the Virtual Front Door* and the Office of Management and Budget (OMB) recommend routine scans paired with manual testing for federal departments and agencies.²¹ Routine scanning is an important first step in holding the Senate to the same standards we demand from federal departments and agencies, and a remediation plan to address problems found by scans and manual testing will result in a more accessible Senate for the public and employees.
3. Establish mandatory training on electronic accessibility for Senate employees, and regularly promote accessibility training documents. Senate employees should be familiar with why accessibility is important and how staff can generate accessible electronic documents. This type of knowledge and training is akin to cyber security and harassment training that is currently required of Senate employees.

https://www.senate.gov/general/resources/pdf/senators_phone_list.pdf.

¹⁵ For example, visitors to the Senate (and Senate employees) must now use the potentially inaccessible kiosks at the Dirksen Cafeteria and the Senate Carryout to order certain food. See Katherine Tully-McManus, “Robots in the Senate,” *Inside Congress* (*Politico* newsletter), December 18, 2023, <https://www.politico.com/newsletters/huddle/2023/12/18/senators-get-more-impatient-with-secret-border-ukraine-talks-00132345>.

¹⁶ Software, like intertrac on Capitol Hill, is used for critical Senate responsibilities such as responding to constituent mail, scheduling meetings, and arranging tours. See “intertrac® on Capitol Hill,” ComputerWorks, last accessed March 11, 2024, <https://computerworks.com/solutions/solutionsgov/>.

¹⁷ “Employment,” United States Senate, last accessed March 11, 2024, <https://www.senate.gov/visiting/employment.htm>.

¹⁸ Note that the Congressional Accountability Act of 1995 applies protections from the Americans with Disabilities Act to the legislative branch. See Christine J. Back, Congressional Research Service, *The Congressional Accountability Act of 1995 Reform Act: An Overview*, December 11, 2019, at 1, <https://www.crs.gov/reports/pdf/LSB10384/LSB10384.pdf>; “Access to Services for People with Disabilities,” Office of Congressional Workplace Rights, last accessed March 11, 2024, <https://www.ocwr.gov/the-congressional-accountability-act/access-to-public-services-and-accommodations/>. See also 2 U.S.C. § 1311 and 2 U.S.C. § 1331.

¹⁹ “Americans with Disabilities Act,” Department of Labor, last accessed March 11, 2024, <https://www.dol.gov/general/topic/disability/ada>. See also 42 U.S.C. § 12112.

²⁰ “State and Local Governments,” Department of Justice, last accessed March 11, 2024, <https://www.ada.gov/topics/title-ii/>; “Businesses that are Open to the Public,” Department of Justice, last accessed March 11, 2024, <https://www.ada.gov/topics/title-iii/>. See also 42 U.S.C. § 12132 and 42 U.S.C. § 12182.

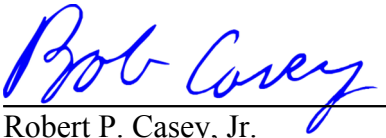
²¹ *Supra*, note 5, Aging Majority Staff Report, at 46-47; *Supra*, note 11, OMB Accessibility Memorandum, at 8-9.

4. Work with Senate appropriators, Senate PGDM, the Office of Congressional Accessibility Services, and other stakeholders to establish a central resource for document accessibility. These resources could include a website and helpline to provide technical assistance to Senate staff. PGDM should be staffed as necessary to provide assistance and build accessibility into all documents PGDM is asked to design.

These changes to safeguard the accessibility of Senate technology are necessary to serve all Americans and all Senate employees equally. The Senate would not require someone in a wheelchair to walk up a flight of stairs. Yet, its information, materials, and services are equally denied to a person with a disability if Senate technology is not fully accessible.

We appreciate your consideration of this matter. Please reach out to Doug Hartman with Aging Committee staff at 202-224-5364 or Stephanie DeLuca with Senator Duckworth's office at 202-224-2854 if you have any questions.

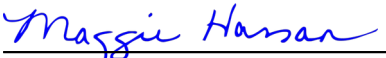
Sincerely,



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



Tammy Duckworth
United States Senator



Margaret Wood Hassan
United States Senator



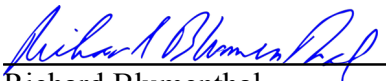
John Fetterman
United States Senator



Amy Klobuchar
United States Senator



Bernard Sanders
United States Senator



Richard Blumenthal
United States Senator