

VA WEBSITE ACCESSIBILITY ACT OF 2019

JUNE 25, 2019.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. TAKANO, from the Committee on Veterans' Affairs,
 submitted the following

R E P O R T

[To accompany H.R. 1199]

[Including cost estimate of the Congressional Budget Office]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 1199) to direct the Secretary of Veterans Affairs to conduct a study regarding the accessibility of websites of the Department of Veterans Affairs to individuals with disabilities, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 1199, the “VA Website Accessibility Act of 2019,” was introduced by Representative Elaine Luria, Chair of the Subcommittee on Disability Assistance and Memorial Affairs, on February 13, 2019. H.R. 1199 would direct the Secretary of Veterans Affairs to conduct a study regarding the accessibility of websites of the Department of Veterans Affairs to individuals with disabilities.

BACKGROUND AND NEED FOR LEGISLATION

According to the Blinded Veterans Association, there are an estimated over 130,000 legally blinded veterans in the United States, and another 1.5 million with low-vision. 20 USC 794d §508 (Section 508), of the Rehabilitation Act establishes requirements for electronic and information technology developed, maintained, procured, or used by the federal government. Section 508 requires federal electronic and information technology to be accessible to people with disabilities, including employees, and members of the public.

For veterans, Section 508 requires VA websites to be accessible to people with disabilities. While it would seem clear that VA should comply with Section 508, VA has a long history of stating that they are “working towards compliance” while continually failing to ensure that all of their websites are accessible to the blind via use of electronic readers. This was especially concerning last year when the veteran crisis line was updated, and the chat feature became non-compliant—leaving blind veterans unable to access this life-saving resource.

Blinded veterans continue to face undue challenges accessing VA websites and mobile applications which are often the gateway to VA services and benefits. When reader apps or other devices do not work on VA websites as required by law, these veterans should not have to rely on friends and relatives to gain access and file benefits claims.

Barriers visually impaired veterans have encountered on VA websites include:

- Tables that are not designed so they can be navigated cell by cell to allow users of screen-readers and magnification software to read them;
- Buttons that are too small, or hidden among other items, thus making them hard to locate;
- Elements (such as checkboxes and buttons) that are not properly labeled;
- Pop-Ups that interfere with the user’s ability to navigate the web page by redirecting the focus of a screen-reader and cannot easily be dismissed;
- Forms that are not designed to allow a screen-reader or magnification program to be used while filling them out; and a problem specific to the VA.gov website,
- Password requirements that exceed industry standards. This creates major challenges, especially for seniors and others with cognitive challenges who need to create and remember unnecessarily complex passwords.

H.R. 1199 does not propose any changes to Section 508. It requires VA to examine all websites (including attached files and web-based applications) to determine whether such websites are ac-

cessible to individuals with disabilities in accordance with Section 508. Websites are defined to include VA medical center informational kiosks. In addition, H.R. 1199 requires VA to compile a complete list of non-compliant websites and kiosks and submit a plan to Congress to make these websites compliant with the requirements of Section 508 of the Rehabilitation Act.

HEARINGS

On May 1, 2019, the Subcommittee on Disability Assistance and Memorial Affairs conducted a legislative hearing on various bills introduced during the 116th Congress, including H.R. 1199.

The following witnesses testified:

The Honorable Mark Takano, U.S House of Representatives, 41st Congressional District of California; The Honorable David P. Roe, U.S House of Representatives, 1st Congressional District of Tennessee; The Honorable Conor Lamb, U.S House of Representatives, 17th Congressional District of Pennsylvania; The Honorable Greg Steube, U.S. House of Representatives, 17th District of Florida; The Honorable Julia Brownley, U.S. House of Representatives, 26th Congressional District of Florida; Mr. Matthew Sullivan, Deputy Under Secretary for Finance and Planning, National Cemetery Administration; accompanied by Mr. Kevin Friel, Deputy Director for Pension and Fiduciary, Veterans Benefits Administration; Dr. Patricia Hastings, Deputy Chief Consultant, Post Deployment Health Service, Veterans Health; Mr. Derrick Curtis, Director, Software Testing & 508, Enterprise Portfolio Management Division, Office of Information Technology; Ms. Melanie Brunson, Government Relations Officer, Blinded Veterans Association; Mr. Karl R. Horst, Major General, U.S. Army (Ret), President and Chief Executive Officer, Congressional Medal of Honor Foundation; Ms. Allison Adelle Hedge Coke, Distinguished Professor of Creative Writing, University of California, Riverside; Mr. Carlos Fuentes, Director, National Legislative Service, Veterans of Foreign Wars; Mr. Rick Weidman, Executive Director, Policy and Government Affairs, Vietnam Veterans of America; Mr. Chanin Nuntavong, Veterans Affairs and Rehabilitation Division Director, The American Legion; Mr. Shane L. Liermann, Assistant National Legislative Director, Disabled American Veterans; and Dr. David A. Butler, Director, Office of Military and Veterans Health, Health and Medicine Division, The National Academies of Sciences, Engineering, and Medicine; accompanied by Dr. Ourania Kostis, Senior Program Officer, Principal Investigator, Radiation Effects Research Foundation, The National Academies of Sciences, Engineering, and Medicine.

Statements for the record were submitted by:

The Honorable Doug LaMalfa, U.S. House of Representatives, 1st Congressional District of California; Mr. John Wells, Executive Director, The Military-Veterans Advocacy; Mr. Keith Kiefer, National Commander, National Association of Atomic Veterans; Mr. Robert Celestial, SGT, U.S. Army Retired (D.A.V.), Veteran who participated in Enewetak Cleanup; Mr. Ken Brownell, Veteran who participated in Enewetak Cleanup; and The American Federation of Government Employees, AFL-CIO.

SUBCOMMITTEE CONSIDERATION

There was no Subcommittee consideration of H.R. 1199.

COMMITTEE CONSIDERATION

On May 8, 2019, the Full Committee met in an open markup session, a quorum being present, and ordered H.R. 1199 reported favorably to the House of Representatives by voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report the legislation and amendments thereto. There were no recorded votes taken on amendments or in connection with ordering H.R. 1199 reported to the House. A motion by Ranking Member David P. Roe of Tennessee to report H.R. 1199 favorably to the House of Representatives was agreed to by voice vote.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee establishes the following performance goals and objectives for this legislation: to remove barriers to accessing benefits for disabled veterans by requiring that the Department of Veterans Affairs conduct a study regarding the accessibility of websites of the Department to individuals with disabilities and provide a report to Congress describing those that are noncompliant along with a plan to bring them into compliance.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

EARMARKS AND TAX AND TARIFF BENEFITS

H.R. 1199 does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate on H.R. 1199 prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate for H.R. 1199

provided by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

H.R. 1199, VA Website Accessibility Act of 2019			
As ordered reported by the House Committee on Veterans' Affairs on May 8, 2019			
By Fiscal Year, Millions of Dollars	2019	2019-2024	2019-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Deficit Effect	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	*
Pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 1199 would require the Department of Veterans Affairs (VA) to review all of its websites to determine if they comply with requirements in current law that they be accessible to individuals with disabilities. The bill would require VA to report to the Congress on its findings, and describe its plans to bring its websites into compliance.

Using information about the cost of similar studies, CBO estimates that the study and report required under the bill would cost less than \$500,000 over the 2019–2024 period; such spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Logan Smith. The estimate was reviewed by Leo Lex, Deputy Assistant Director for Budget Analysis.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates regarding H.R. 1199 prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act would be created by H.R. 1199.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to Article I, section 8 of the United States Constitution, H.R. 1199 is authorized by Congress' power to "provide for the common Defense and general Welfare of the United States."

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that H.R. 1199 does not relate to the terms and conditions of employment or access to public services or accommodations within the legislative branch.

STATEMENT ON DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 1199 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Sec. 1. Short title. The Act may be cited as the “VA Website Accessibility Act of 2019”.

Sec. 2. (a) Directs the Secretary to examine all VA websites to ensure they are accessible to individuals in accordance with the Rehabilitation Act of 1973 within 180 days of enactment.

(b) Requires the Secretary to provide Congress with a report within 90 days that includes:

- (1) a list of noncompliant sites,
- (2) a description of why those sites are noncompliant, and
- (3) the plan to bring the site to compliance.

(c) Includes under the definition of VA website the VA kiosks used at medical facilities for appointment check in.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):