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POINT PAPER

27 June 2000

SUBJECT: New Accessibility Requirements for Information
Technology Purchases

PURPOSE: To Update AMC Staff on New Accessibility Requirements
for Information Technology Purchases

FACTS:

O THE LAW NOW REQUIRES COMPARABLE ACCESSIBILITY FOR ALL FEDERAL
INFORMATION TECHNOLOGY.

O Congress recently amended section 508 of the Rehabilitation Act to "beef up" the extent to which federal electronic and information technology must be accessible to disabled employees and disabled members of the public.

O All federal electronic and information technology developed or procured after the law's effective date must be comparably accessible to disabled employees and disabled members of the public as to their able-bodied counterparts -- unless to do so would represent an "undue burden". (29 USC 794d)

oo The effective date is sixth months after final standards are published. So far, only the draft standards have been published.

O To the extent there is an "undue burden", the law requires that agencies provide disabled employees and disabled members of the public an alternative means of access to the data or information.

O THE LAW APPLIES TO ALL FEDERAL INFORMATION TECHNOLOGY, INCLUDING
WEB SITES; HOWEVER IT DOES NOT APPLY TO NATIONAL SECURITY SYSTEMS.

O "Federal electronic and information technology" includes federal hardware, software, printers, fax machines, copy machines, telecommunications, web sites, and information kiosks.

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- oo It does not include national security systems or technology or systems that are an integral part of a weapons system.

- oo In addition, it does not include contractor-purchased information technology that is incidental to the performance of a Government contract, although it does include contract deliverables.

O AFTER THE STANDARDS GO INTO EFFECT, DISABLED EMPLOYEES AND DISABLED MEMBERS OF THE PUBLIC WILL BE ABLE TO SUE AGENCIES FOR NON-COMPLIANCE.

O Disabled employees and disabled members of the public will be able bring suit against an agency for failure to make information technology comparably accessible. They may do this in one of two ways:

- oo Through an administrative complaint with the agency;
or

- oo Through a private lawsuit in Federal District Court.

O AN "ACCESS BOARD" WILL ISSUE FINAL STANDARDS - WHICH WILL BE INCORPORATED INTO THE FEDERAL ACQUISITION REGULATION.

O On 31 March 2000, a specially-established "Access Board" issued proposed standards for all federal electronic and information technology. (65 Fed. Reg. 17,346 (2000)(to be codified at 36 C.F.R. Part 1194))

O The standards are extremely detailed. Some general highlights include:

- oo A requirement that all computer work stations be at least compatible with "assistive devices" such as screen readers or refreshable Braille displays;

- oo A requirement that all web pages be capable of being read by assistive devices through text equivalents of

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any images, color-prompts, or image-based documents such as PDF files; and

oo A requirement that all software be capable of being used through keystroke or voice-recognition commands, instead of mouse-only direction.

O The "Access Board" is currently considering comments from agencies and members of the public. Six months after the Board publishes the final standards, they will be incorporated into the Federal Acquisition Regulation.

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