

Excerpts from the Proposed Access Standards for Electronic and Information Technology: An Overview

The Law: Section 508

In 1998, Congress amended the Rehabilitation Act and strengthened provisions covering access to information in the Federal sector. As amended, section 508 of the Rehabilitation Act requires access to the Federal government's electronic and information technology. The law covers all types of electronic and information technology in the Federal sector and is not limited to assistive technologies used by people with disabilities. It applies to all Federal agencies when they develop, procure, maintain, or use such technology. Federal agencies must ensure that this technology is accessible to employees and the public to the extent it does not pose an "undue burden." The law directs the Access Board to develop access standards for this technology that will become part of the Federal procurement regulations.

The scope of section 508 is limited to the Federal sector. It does not apply to the private sector, nor does section 508 impose requirements on the recipients of Federal funds. However, the Department of Education interprets the Assistive Technology Act (AT Act), to require States receiving assistance under the AT Act State Grant program to comply with section 508, including the Access Board's standards. The Department of Education, the agency responsible for administering the AT Act, plans to issue guidance to explain specifically how the proposed standards would apply to the States for purposes of the AT Act. Thus, while section 508, on its face, is "limited to the Federal sector," recipients of Federal funds under the AT Act must also comply with section 508.



“Undue Burden”

A Federal agency does not have to comply with the technology accessibility standards if it would impose an undue burden to do so. This is consistent with language used in the Americans with Disabilities Act (ADA) and other civil rights legislation, where the term ‘undue burden’ has been defined as “significant difficulty or expense.” However, the agency must explain why meeting the standards would pose an undue burden for a given procurement action, and must still provide people with disabilities access to the information or data that is affected.

What's Covered ... and What's Not

Section 508 covers the full range of electronic and information technologies in the Federal sector, including those used for communication, duplication, computing, storage, presentation, control, transport and production. It covers computers, software, networks, peripherals and other types of electronic office equipment. It's definition of electronic and information technology includes “any equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information.”

Section 508 exempts systems used for military command, weaponry, intelligence, and cryptologic activities (but not routine business and administrative systems used for other defense-related purposes or by defense agencies or personnel).

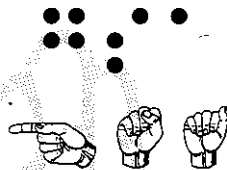
*For the full text of the proposed access standards, visit www.access-board.gov
If you have questions about the proposal, you can contact the Access Board at section508nprm@access-board.gov*



FEDERAL ACCESSIBILITY INITIATIVE

Section 508 Initiative Partners:

U.S. General Services Administration
U.S. Department of Agriculture
U.S. Census Bureau
U.S. Department of Defense
U.S. Department of Education
U.S. Social Security Administration
Access Board
Internal Revenue Service
U.S. Department of Justice
National Science Foundation
U.S. Department of Transportation
U.S. Department of Veteran's Affairs



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