

Addendum: Applicability of Section 508 of the Rehabilitation Act to Web Sites

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Following up the article entitled "Little Recognized Act May Soon Result in Accessibility Regulations for IT Equipment," the question has been asked whether Section 508 of the Rehabilitation Act applies to Web sites.

If the Web site belongs to a Federal agency, the answer is "yes." Section 508 is being interpreted to require Federal agencies which provide information to their employees or to the public through Web sites to make certain that those sites are readily available to all persons with Internet or intranet access, including persons with disabilities.

The prior article noted that Section 508 does not generally apply to the private sector. However, this accessibility provision could apply to a private sector Web site if the site is provided under contract to a covered Federal entity. Thus, in an example given by the Access Board, a private company might be under contract with a Federal agency to collect and analyze data and make the information available to the public on a Web site. In that example, the Web site (or the portion of the site used to satisfy the contractual obligation) would be subject to Section 508. The contractor's general Web site (or the portion not devoted to contract performance) would not fall under Section 508.

This does not mean that no other laws could impose accessibility requirements on private sector Web sites. For example, disability advocates contend that the Americans with Disabilities Act, passed in 1990, applies to such Web sites. A subcommittee of the House Judiciary Committee heard testimony on this issue earlier this month from disability groups and business and online industry

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Fifth Addendum: Congressman Davis Requests GSA To Issue Guidance Confirming Prohibition On Agency Requirement Of Contractor Certifications Of Section 508 Compliance