

ARTICLE

Fourth Addendum: Access Board Issues Final Accessibility Standards for Electronic and Information Technology

July 5, 2000

I. Introduction

On December 21, 2000, the Architectural and Transportation Barriers Compliance Board ("Access Board") published its final accessibility standards for electronic and information technology covered by Section 508 of the Rehabilitation Act Amendments of 1998. These regulations can be found at 65 Federal Register 80499 (Dec. 21, 2000) and at the Access Board's website at .

The Federal Register Notice sets forth a lengthy section-by-section analysis of the regulations including a summary of interested party comments on the proposed standards and the Access Board's responses. In addition to the actual standards, the Access Board's website also includes the following related information:

- An "Economic Assessment" of the standards
- An Overview of the standards and Section 508
- Frequently-asked questions about Section 508 of the Rehabilitation Act Amendments of 1998
- Communication and information technology resources on accessibility matters

The effective date of the standards is February 20, 2001. Because of the substantial delay in the promulgation of the final rules, the enforcement date will not be until six months from publication of these final standards. This is because, on July 13, 2000, President Clinton signed into law the Military Construction Appropriations Act for fiscal year 2001 (P.L. 106-246) which amended Section 508 of the

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Rehabilitation Act to delay the effective date of enforcement to allow additional time for compliance with the final standards. Accordingly, complaints and lawsuits may not be filed until six months from the date of publication of these standards.

II. General Summary Of Standards

The final standards are divided into four major parts: (i) General, (ii) Technical Standards, (iii) Functional Performance Criteria, and (iv) Information, Documentation and Support. The standards provide both technical criteria specific to various types of technologies and performance-based requirements which focus on the functional capabilities of the covered technologies.

A. General

Subpart A of the regulations, which addresses "General" matters, defines the types of technology covered and sets forth provisions that establish a minimum level of accessibility. The "Application" section of the regulations (§ 1194.2) outlines the scope and coverage of the standards. As set forth in the rules, the standards cover the full range of electronic and information technologies in the federal government sector, including technology used in communications, duplication, computing, storage, presentation, control, transport and production. Specifically, this includes computers, software, networks, peripherals and other types of electronic office equipment. The standards define "electronic and information technology" in part as "any equipment or interconnected system or subsystem of equipment, that is used in the creation, conversion, or duplication of data for information."

This subpart also sets forth the general exemptions from the standards (§ 1194.3), provides definitions of critical terms (§ 1194.4), and provides guidance as to the types of alternatives or "equivalent facilitation" that are permitted so long as they result in "substantially equivalent or greater access" (§ 1194.5). Importantly, in accordance with Section 508, the final standards exempt electronic and information technology used for "intelligence activities, cryptologic activities related to national security, command and control of military forces, equipment that is an integral part of a weapon or weapons system, or systems which are critical to the direct fulfillment of military or intelligence missions." (§ 1194.3(a)) The regulations make clear that systems used for "routine administrative and business applications," which would include payroll, finance, logistics, and personnel management applications, are not exempt.

B. Technical Standards

The "Technical Standards" in Subpart B of the regulations provide accessibility criteria specific to various types of technologies. The Board divides the covered technologies into six categories as follows:

- Software applications and operating systems
- Web-based intranet and internet information and applications
- Telecommunications products
- Video and multimedia products

- Self-contained, closed products
- Desktop and portable computers

In particular, this Subpart provides technical specifications and performance-based requirements which focus on the functional capabilities of the covered technologies. According to the Access Board, this "dual approach recognizes the dynamic and continually evolving nature of the technology involved as well as the need for clear and specific standards to facilitate compliance."

As a summary of these technical standards, it is perhaps most appropriate to borrow from the Access Board's overview of these individual standards.

1. Software Applications and Operating Systems (§ 1194.21)

Most of the specifications for software pertain to usability for people with vision impairments. These provisions thus require alternative keyboard navigation and otherwise address animated displays, color and contrast settings, flash rate and electronic forms, among other things.

2. Web-Based Information or Applications (§ 1194.22)

The Access Board's criteria for web-based technology and information are based on access guidelines developed by the Web Accessibility Initiative of the Worldwide Web Consortium. Many of these provisions ensure access for people with vision impairments who rely on various assistive products to access computer-based information, such as screen readers and refreshable Braille displays. This section also addresses the usability of multimedia presentations, image maps, style sheets, scripting languages applets and plug-ins and electronic forms.

3. Telecommunication Productions (§ 1194.23)

The standards in this section are designed primarily to address access for people who are deaf or hard of hearing. The standards thus address compatibility with hearing aids, cochlear implants, assistive listening devices, and TTYs (devices that enable people with hearing or speech impairments to communicate over the telephone).

4. Video or Multimedia Products (§ 1194.24)

The multimedia products addressed in these standards encompass more than one media type, and include video programs, narrative slide productions and computer-generated presentations. These provisions address caption decoder circuitry and secondary audio channels for television tuners, including tuner cards for use in computers.

5. Self-Contained, Closed Products (§ 1194.25)

The regulations in this section cover products that generally contain embedded software but are often designed in such a way that a user cannot easily attach or install assistive technology. Examples of such products include information kiosks, information transaction machines, photocopiers, printers, calculators and facsimile machines. These standards require that access features be built into the

systems so users do not have to attach an assistive device in order to use the products.

6. Desktop and Portable Computers (§ 1194.26)

The provisions in this section focus on keyboards and other mechanically-operated controls, touch screens, use of biometric forms of identification and ports and connectors.

C. Functional Performance Criteria

The Functional Performance Criteria (§ 1194.31) are intended to provide the industry with the ability to make overall product evaluations and for technologies or components for which there is no specific requirement under the technical standards in Subpart B. These criteria address general operations (input and control), operation of mechanical mechanisms, and access to visual and audible information.

D. Information, Documentation and Support

These standards focus on access to information, documentation and support provided to end users of the covered technology (§1194.41). Such information includes user guides and installation guides, as well as customer support and technical support communications. Such information must be available in alternate formats upon request at no additional charge.

III. Government Assistance To Industry

Pursuant to Section 508, the Access Board and the General Services Administration ("GSA") are directed to provide technical assistance to individuals and federal agencies concerning the requirements of Section 508. As a result, the so-called "Federal Information Technology Accessibility Initiative" has been established as an interagency effort, coordinated by GSA, to offer technical assistance and to provide an informal means of cooperation and sharing of information on the implementation of Section 508.

The Board has contracted with a private company to develop training modules and technical assistance materials on the new standards. The materials to be developed under this contract include fax sheets, brochures, answers to frequently-asked questions, multimedia presentations, narrative slide shows, practical "how-to" tips on making websites accessible to people with disabilities and comprehensive annotated lists of reference materials. The training modules are intended to be available for use by speakers at workshops and conferences. The modules will be designed to meet the needs of a broad range of constituents, including federal managers, end users with disabilities, the procurement community, and producers of technology.

It is anticipated that the final standards will soon become part of the Federal Acquisition Regulation.

Read related articles on our site:

"Little Recognized Act May Soon Result In Accessibility Regulations For IT Equipment."

Addendum: Applicability Of Section 508 Of The Rehabilitation Act To Web Sites

Second Addendum: Proposed Access Standards For Electronic And Information Technology

Third Addendum: Access Board Receives Over 100 Comments On Proposed Standards For Electronic And Information Technology

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