Federal contractor compliance with the Section 508 final rule

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A provision of the Rehabilitation Act of 1973, known as Section 508, requires the federal government to make all electronic information and technology (EIT) such as online materials and websites accessible to persons with disabilities. The requirement extends to EIT that has been developed by outside vendors, referred to as contractors, that must comply with Section 508 when providing EIT to the government. Thus, contractors must be knowledgeable with the accessibility features required for compliance with Section 508 and its related regulations when supplying EIT for the government. This article explains Section 508 and its related regulations, how these affect contractors, and how contractors can comply.

Section 508 of the Rehabilitation Act of 1973

The Rehabilitation Act of 1973 focused initially on employment rights. Section 501 prohibited the federal government from discriminating against individuals with disabilities in hiring and employment, and Section 503 required that any company that received a federal contract in excess of $2,500 "take affirmative action to employ and advance in employment qualified handicapped individuals."[1]

Over the next 25 years, technology changed the workplace dramatically. By 1998, computers and other electronic devices were used for word processing, information storing and sharing, and electronic messaging. Public-facing websites conveyed information to consumers. Congress enacted the Federal Electronic and Information Technology Accessibility and Compliance Act, and this became the new Section 508 of the Rehabilitation Act.[2] This law required that any EIT developed, procured, maintained, or used by federal departments or agencies be accessible and usable by federal employees with disabilities to the same extent as by nondisabled federal employees. Section 508 also required that individuals with disabilities seeking information or services from the federal government have access to and use of EIT comparable to the access and use of individuals without disabilities.

Section 508 required the Architectural and Transportation Barriers Compliance Board (the Access Board), which was created the same year that the Rehabilitation Act became law, to generate technical criteria by which compliance with the new law would be measured. This technical criteria, known as the *Electronic and Information Technology (EIT) Accessibility Standards*, became regulation on June 21, 2001.[3] The standards were consistent with the Web Content Accessibility Guidelines (WCAG) 1.0, a "technology-neutral set of accessibility guidelines for Web content" published by the Web Accessibility Initiative of the World Wide Consortium.[4]

Section 508 also required the government to revise the Federal Acquisition Regulation (FAR), the set of rules by which federal agencies procure their supplies and services, to incorporate the Access Board criteria. FAR Subpart 39.2 – Electronic and Information Technology, was implemented on June 25, 2001, and requires federal agencies to adhere to Section 508 when buying EIT.

In 2017, the Access Board revised its guidelines to include accessibility criteria for telecommunications equipment. The updated requirements, referred to as the "ICT Final Rule," became effective March 23, 2018, and incorporated revised WCAG 2.0 standards. The FAR has not been similarly updated, but the expectation is that federal agencies "start proactively incorporating the Revised 508 Standards now into their procurement planning and execution."[5]

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