

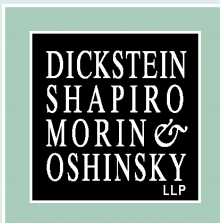


THE ADVISOR

Timely legal and business information for government contractors.

JULY 1999

VOLUME 1 ■ ISSUE 1



Legal Innovators

On August 7, 2000, Federal agencies will be required to make electronic and information technology accessible to people with disabilities.

Our attorneys guide clients through the maze of regulations to maximize a company's ability to secure government contracts. If you would like more information on this issue or have questions regarding any other government contracts issue, please contact us.

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Government Contractor Practice Points

If you sell, resell, or license software to the Federal or state governments, then August 7, 2000 is a date to remember.

On August 7, 2000, Federal agencies will be required to make electronic and information technology accessible to people with disabilities. This mandate also applies to states that receive Federal funds under the Technology Related Assistance for Individuals with Disabilities Act. Previously, Section 508 of the Rehabilitation Act of 1973 established non-binding guidelines for technology accessibility. Now, following the 1998 Amendments to the Act, Section 508 requires that when Federal agencies develop, procure, maintain, or use electronic and information technology they must ensure that it is accessible to people with disabilities.

Federal agencies must comply with these technology accessibility standards for all electronic and information technology acquired on or after August 7, 2000. Technology developed or acquired for a Federal agency by a contractor must also comply with the standards.

A Federal agency does not have to comply with the technology accessibility standards if it would impose

The Access Board has indicated that an information technology system is "accessible" to people with disabilities if it can be used in a variety of ways that do not depend on a single sense or ability.

an "undue burden" to do so. This is consistent with the Americans with Disabilities Act and other Federal civil rights legislation where the term "undue burden" has been defined as "significant difficulty or expense." Section 508 also contains a limited exemption for national security systems; however, routine business and administrative systems used for defense-related purposes by defense agencies and personnel are not exempt.

By February 7, 2000, the Architectural and Transportation Barriers Compliance Board (the "Access Board") will issue standards defining which electronic and information technology is covered. The

Access Board is required to consult with the Departments of Education, Commerce, and Defense, the General Services Administration, and the Federal Communications Commission, as well as representatives from the electronic information technology industry and disability organizations.

The Access Board intends to use definitions from existing laws, statutes, and regulations, like the Clinger-Cohen Act and the Brooks Act, to define the "information technology" covered and whether an information system is "accessible." For example, it is anticipated that "electronic and information technology" will include computer hardware, software, networks, and peripherals, as well as 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.

The Access Board has indicated that an information technology system is "accessible" to people with disabilities if it can be used in a variety of ways that do not depend on a single sense or ability. For example, a system that provides output only in audio format would not be accessible to people with hearing impairments, and a system that requires mouse actions to navigate would not be accessible to people who cannot use a mouse because of a dexterity or visual impairment. ■

The Government Contracts practice of the Technology Group of Dickstein Shapiro Morin & Oshinsky LLP assists clients in obtaining and maintaining a competitive edge in government procurements.

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