

## Policy & Management

# Section 508 of the Rehabilitation Act, as amended

## 29 U.S.C. §794d. Electronic and Information Technology

### a. Requirements for Federal departments and agencies

#### 1. Accessibility

##### A. Development, procurement, maintenance, or use of electronic and information technology

When developing, procuring, maintaining, or using electronic and information technology, each Federal department or agency, including the United States Postal Service, shall ensure, unless an undue burden would be imposed on the department or agency, that the electronic and information technology allows, regardless of the type of medium of the technology —

- i. individuals with disabilities who are Federal employees to have access to and use of information and data that is comparable to the access to and use of the information and data by Federal employees who are not individuals with disabilities; and
- ii. individuals with disabilities who are members of the public seeking information or services from a Federal department or agency to have access to and use of information and data that is comparable to the access to

and use of the information and data by such members of the public who are not individuals with disabilities.

**B. Alternative means efforts**

When development, procurement, maintenance, or use of electronic and information technology that meets the standards published by the Access Board under paragraph (2) would impose an undue burden, the Federal department or agency shall provide individuals with disabilities covered by paragraph (1) with the information and data involved by an alternative means of access that allows the individual to use the information and data.

**2. Electronic and information technology standards**

**A. In general**

Not later than 18 months after August 7, 1998, the Architectural and Transportation Barriers Compliance Board (referred to in this section as the "Access Board"), after consultation with the Secretary of Education, the Administrator of General Services, the Secretary of Commerce, the Chairman of the Federal Communications Commission, the Secretary of Defense, and the head of any other Federal department or agency that the Access Board determines to be appropriate, including consultation on relevant research findings, and after consultation with the electronic and information technology industry and appropriate public or nonprofit agencies or organizations, including organizations representing individuals with disabilities, shall issue and publish standards setting forth

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- i. for purposes of this section, a definition of electronic and information technology that is consistent with the definition of information technology specified in section 11101(6) of title 40; and
- ii. the technical and functional performance criteria necessary to implement the requirements set forth in

paragraph (1).

#### **B. Review and amendment**

The Access Board shall periodically review and, as appropriate, amend the standards required under subparagraph (A) to reflect technological advances or changes in electronic and information technology.

### **3. Incorporation of standards**

Not later than 6 months after the Access Board publishes the standards required under paragraph (2), the Federal Acquisition Regulatory Council shall revise the Federal Acquisition Regulation and each Federal department or agency shall revise the Federal procurement policies and directives under the control of the department or agency to incorporate those standards. Not later than 6 months after the Access Board revises any standards required under paragraph (2), the Council shall revise the Federal Acquisition Regulation and each appropriate Federal department or agency shall revise the procurement policies and directives, as necessary, to incorporate the revisions.

### **4. Acquisition planning**

In the event that a Federal department or agency determines that compliance with the standards issued by the Access Board under paragraph (2) relating to procurement imposes an undue burden, the documentation by the department or agency supporting the procurement shall explain why compliance creates an undue burden.

### **5. Exemption for national security systems**

This section shall not apply to national security systems, as that term is defined in section 11103(a) of title 40.

### **6. Construction**

**A. Equipment** In a case in which the Federal Government provides access to the public to information or data through electronic and information technology, nothing in this section shall be construed to require a Federal department or agency —

- i. to make equipment owned by the Federal Government available for access and use by individuals with disabilities covered by paragraph (1) at a location other than that where the electronic and information technology is provided to the public; or
2. to purchase equipment for access and use by individuals with disabilities covered by paragraph (1) at a location other than that where the electronic and information technology is provided to the public.

**B. Software and peripheral devices**

Except as required to comply with standards issued by the Access Board under paragraph (2), nothing in paragraph (1) requires the installation of specific accessibility-related software or the attachment of a specific accessibility-related peripheral device at a workstation of a Federal employee who is not an individual with a disability.

**b. Technical assistance**

The Administrator of General Services and the Access Board shall provide technical assistance to individuals and Federal departments and agencies concerning the requirements of this section.

- c. Agency evaluations** Not later than 6 months after August 7, 1998, the head of each Federal department or agency shall evaluate the extent to which the electronic and information technology of the department or agency is accessible to and usable by individuals with disabilities described in subsection (a)(1) of this section, compared to the access to and use of the technology by individuals described in such subsection who are not individuals with disabilities, and submit a report containing the evaluation to the Attorney General.

**d. Reports**

1. **Interim report** Not later than 18 months after August 7, 1998, the Attorney General shall prepare and submit to the President a report containing information on and recommendations regarding the extent to which the electronic and information technology of the

Federal Government is accessible to and usable by individuals with disabilities described in subsection (a)(1) of this section.

2. **Biennial reports** Not later than 3 years after August 7, 1998, and every 2 years thereafter, the Attorney General shall prepare and submit to the President and Congress a report containing information on and recommendations regarding the state of Federal department and agency compliance with the requirements of this section, including actions regarding individual complaints under subsection (f) of this section.

**e. Cooperation**

Each head of a Federal department or agency (including the Access Board, the Equal Employment Opportunity Commission, and the General Services Administration) shall provide to the Attorney General such information as the Attorney General determines is necessary to conduct the evaluations under subsection (c) of this section and prepare the reports under subsection (d) of this section.

**f. Enforcement**

**1. General**

- A. **Complaints** Effective 6 months after the date of publication by the Access Board of final standards described in subsection (a)(2) of this section, any individual with a disability may file a complaint alleging that a Federal department or agency fails to comply with subsection (a)(1) of this section in providing electronic and information technology.

**B. Application**

This subsection shall apply only to electronic and information technology that is procured by a Federal department or agency not less than 6 months after the date of publication by the Access Board of final standards described in subsection (a)(2) of this section.

**2. Administrative complaints**

Complaints filed under paragraph (1) shall be filed with the Federal department or agency alleged to be in noncompliance. The Federal

department or agency receiving the complaint shall apply the complaint procedures established to implement section 794 of this title for resolving allegations of discrimination in a federally conducted program or activity.

### **3. Civil actions**

The remedies, procedures, and rights set forth in sections 794a(a)(2) and 794a(b) of this title shall be the remedies, procedures, and rights available to any individual with a disability filing a complaint under paragraph (1).

#### **g. Application to other Federal laws**

This section shall not be construed to limit any right, remedy, or procedure otherwise available under any provision of Federal law (including sections 791 through 794a of this title) that provides greater or equal protection for the rights of individuals with disabilities than this section.

(Pub. L. 93–112, title V, §508, as added Pub. L. 99–506, title VI, §603(a), Oct. 21, 1986, 100 Stat. 1830; amended Pub. L. 100–630, title II, §206(f), Nov. 7, 1988, 102 Stat. 3312; Pub. L. 102–569, title V, §509(a), Oct. 29, 1992, 106 Stat. 4430; Pub. L. 105–220, title IV, §408(b), Aug. 7, 1998, 112 Stat. 1203; Pub. L. 106–246, div. B, title II, §2405, July 13, 2000, 114 Stat. 555.)

## **29 U.S.C. §794d–1. Reports on accessibility of electronic information to individuals with disabilities**

a.

1. Not later than 100 days after December 29, 2022, the Director of the Office of Management and Budget (in this section referred to as the "Director"), in coordination with the Architectural and Transportation Barriers Compliance Board and the Administrator of General Services (in this section referred to as the "Administrator"), shall disseminate amended or updated criteria and instructions to any Federal department or agency (in this section referred to as an

"agency") covered by section 794d of this title for the evaluation required pursuant to paragraph (3)(B).

2. Such criteria and instructions shall —

A. include, at minimum, requirements that information technologies and digital services must—

- i. conform to the technical standards referenced in subsection (a)(2)(A) of such section 794d of this title, as determined by appropriate conformance testing; and
- ii. be accessible to and usable by individuals with disabilities as determined from consultation with individuals with disabilities, including those with visual, auditory, tactile, and cognitive disabilities, or members of any disability organization; and

B. provide guidance to agencies regarding the types and format of data and information to be submitted to the Director and the Administrator pursuant to paragraph (3), including how to submit such data and information, the metrics by which compliance will be assessed in the reports required in subsection (b), and any other directions necessary for agencies to demonstrate compliance with accessibility standards for electronic and information technology procured and in use within an agency, as required by such section 794d of this title.

3. Not later than 225 days after December 29, 2022, the head of each agency shall —

- A. evaluate the extent to which the electronic and information technology of the agency are accessible to and usable by individuals with disabilities described in subsection (a)(1) of such section 794d of this title compared to the access to and use of the technology and services by individuals described in such section who are not individuals with disabilities;
- B. evaluate the electronic and information technology of the agency in accordance with the criteria and instructions provided in paragraph (1); and

C. submit a report containing the evaluations jointly to the Director and the Administrator.

b.

1. Not later than 1 year after December 29, 2022, and annually thereafter, the Administrator, in consultation with the Director, shall prepare and submit to the Committees on Appropriations and Homeland Security and Governmental Affairs of the Senate and the Committees on Appropriations and Oversight and Reform of the House of Representatives a report that shall include —
  - A. a comprehensive assessment (including information identifying the metrics and data used) of compliance by each agency, and by the Federal Government generally, with the criteria and instructions disseminated under subsection (a)(1);
  - B. a detailed description of the actions, activities, and other efforts made by the Administrator over the year preceding submission to support such compliance at agencies and any planned efforts in the coming year to improve compliance at agencies; and
  - C. a list of recommendations that agencies or Congress may take to help support that compliance.
2. The Administrator shall ensure that the reports required under this subsection are made available on a public website and are maintained as an open Government data asset (as that term is defined in section 3502 of title 44).

(Pub. L. 117–328, div. E, title VII, §752, Dec. 29, 2022, 136 Stat. 4719.)

**NOTE:** The preceding page is a reprint of Section 508 of the Rehabilitation Act:

- [29 U.S.C. §794d. Electronic and information technology | GovInfo.gov](#)



- [29 U.S.C. §794d-1. Reports on accessibility of electronic information to individuals with disabilities | GovInfo.gov](#)



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