

To: Office of Technical and Informational Services, Access Board
1331 F Street NW, Suite 1000
Washington, DC 20004-1111
Fax: 202-272-0081
ictrule@access-board.gov

Date: June 15, 2010

Subject: Docket number 2010-1 or RIN number 3014-AA37 comments regarding
Advanced Notice of Proposed Rulemaking

The Department of Homeland Security's Office of the Chief Information Officer (OCIO) and the Office of Accessible Systems & Technology (OAST) provide the comments below to assist in clarifying the proposed update to the information and communications technology accessibility standards referenced in docket number 2010-1.

Comments to Board questions:

Question 1: The Board developed the draft using the organizational approach recommended by the Committee in which the provisions are organized primarily by the features or capabilities of a product, instead of discrete product types. The Board seeks comments on the usability and effectiveness of this approach, as well as alternative organizational approaches.

Response:

The intention of the Board appears to be to segment Standards by product capability and/or feature; however this is not fully achieved in the draft Standards. For example, Chapter 4, “Platforms, Applications, and Interactive Content”, only identifies a capability or feature for one of the three included elements, “interactive content”. We suggest this chapter be renamed “User-interface elements of Interactive Platforms, Applications and Electronic content”, to clearly identify the capability/feature organization of the Standards. Additionally, we suggest that Chapter 5, “Electronic Documents”, be renamed as “User-interface elements of Applications and electronic documents”. We suggest that Chapter 6 be renamed from “[Synchronized Media Content and Players](#)”, to “Electronic content with synchronized Media and Applications Which Play synchronized Media”. These change we believe will assist in improving the usability of these Standards overall. Accurate selection of Standards is critical for clear communication among all stakeholders and success in delivering equal access to information and data for people with disabilities. It is our opinion that organization of the Standards by capability and product feature is beneficial to manufacturers and purchasers of information and communications technologies because it will allow a more accurate matching of Standards to products with associated functionality.

Question 2: The Board seeks input on what implementation time frames would be reasonable, specifically whether some provisions should have differing implementation dates.

Response:

In general staggered implementation phase in dates creates increased complexity of overall implementation and confusion among all stakeholders. The less complicated the process of implementation is, the easier it is to communicate to the various audiences who must understand. We do not see any specific Standards, Sections of Standards, or other provisions which should be identified distinctly apart from the whole for alternate implementation timelines. Some individual Standards do appear to require industry to increase the accessibility level of products currently in the marketplace; however such changes are best addressed through the existing “best meets” evaluation processes, rather than multiple time lines for enforcement.

Question 3: To improve usability, the Board titled each provision and located advisory notes next to the associated requirements. Are there any other format changes that will make the draft easier to use?

Response:

The titles and advisory format highlight the Board's intention for each Standard clearly; however, an addendum document is needed to clearly identify the connection from the existing Standards to the proposed Standard or Standard(s). Such a document may be considered supplemental material and could be included as advisory. The purpose of this information is to educate all stakeholders who are familiar with current Standards, to expedite understanding of the new Standards relationship to the prior Standards. Just as the Board previously included a statement relating the WCAG 1.0 guidelines and 36 CFR 1194.22 Standards in the preamble, a full mapping of the WCAG 2.0 guidelines and matching Standards is needed in this update to facilitate full understanding of their relationships. Such a WCAG 2.0 to Section 508 Standards mapping should be regulatory, not advisory as it would be regularly used when evaluating product's for Section 508 compliance.

Question 4: The Board seeks feedback on the overall organization of the draft, especially how aspects of technology are addressed by the chapter organization. For example, should software (Chapter 4) and electronic documents (Chapter 5) be combined? Or, should all requirements for audio output, including conversation functionality and status indicator sounds (Chapter 8), be combined with text messaging capability (Chapter 9) into one chapter?

Response:

Chapters 4 and 5 are very inter-related, however re-sequencing of the provisions within each Chapter, and possibly reversing the sequence of these two chapters may improve the ease of use for simple electronic documents authors overall by lowering the number of standards which must be reviewed to identify the full set of applicable standards. Alternately combining both Chapters 4 and 5, and sequencing the provisions within each to group standards for interactive and non-interactive elements together may also improve the usability of this part of the Standard for the two major types of content.

Question 5: The draft requirement which the Board is considering for access to electronic content in the draft is limited to certain official communications by Federal agencies. Other types of communications and electronic content are not addressed. The Board seeks comment on this draft requirement and what other types of content including social media (i.e., YouTube and Twitter) should be addressed and the benefits and costs of extending coverage to other forms of electronic content. The Board is interested in comments from agencies about how this provision could be implemented across large and diverse institutions. How should attachments to official email messages be handled? The Board is also interested in information on the benefits and costs associated with this change, particularly from Federal agencies. How should this provision apply to records requested from the National Archives and Records Administration who is prohibited from altering archival records?

Response:

We fully support this scoping for how electronic content should be included in application of these Standards. The “official agency communications” text from e103.3.1, and the associated exception for archival materials cover the need to ensure equal access to information and data for people with disabilities, while also clearly acknowledging the fundamental alteration condition of such archival material. Clearly identifying this scope for electronic content is critical to ensure that the intent of providing equal access to information and data is not lost by setting arbitrary technology only-driven boundaries. In large diverse Federal organizations, ensuring electronic content is accessible for people with disabilities down to this level of granularity requires leadership, policies, procedures, oversight, tools, and education of content producers. Additionally, the diversity of content producers requires that the process of ensuring accessibility is limited for most content to an activity which does not interfere with the ability to complete work in a timely fashion. Inclusion of requirements for authoring tools recognizes that to meet the more clearly defined scope regarding electronic content, tools must improve. Inclusion of more specifically defined electronic content Standards which are up-to-date with technology strengthens the government ability to provide accessible information and data to the diverse audiences, and delivery channels which are currently in use.

Social media presents operational challenges to Federal users due to the consumer produced content, and the non-contractual usage that is assumed when an agency just makes use of such a service without a set of requirements and agreements in place. Despite this, when agencies do use social media to deliver official agency communications to employees or members of the public who may have disabilities, such content must be accessible. Consumer produced content is not covered by “official agency communication”, since consumers are not Federal employees. The only situation which violates this is when the government makes use of the consumer produced content, and presents it to others as “from” the agency. When this happens, ensuring conformance with applicable Standards should, and is required by e103.3.1. Social media technology is not inherently different than other Web applications, and therefore can meet the Standards.

When Section 508 compliance is applied to “official agency communications”, at the individual level, for example a Federal employee exchanging emails with a member of the public, judgement and agency policies and procedures must be relied upon to ensure compliance. However, agency provisioning of improved authoring tools which allow accessibility evaluation can mitigate this added work load. In general it is the content producer’s responsibility to ensure the accessibility of information, however in some situations when there is an intermediary between content producer and recipient, the intermediary may need to fall back on the producer to obtain accessible products. There is not a clear perfect world solution to this for every situation, but through sound policies and procedures for both official agency communications and content production, accessibility as a whole can be dramatically improved. Clearly defining that such content is covered is important to ensuring that appropriate policies, procedures, and oversight is applied to this effort moving forward.

Question 6: The Board seeks comment on removing these exceptions and the impact of removing them, including the benefits and costs associated with removing them. Should the exception concerning ICT acquired by a contractor incidental to a contract be repeated in this section and in section E103.4.2?

Response:

The Board is considering removing three exceptions in the current standards:

One exception stated that assistive technology need not be provided at all workstations for all Federal employees (1194.3(c)). The current standards require that ICT either be directly accessible or compatible with assistive technology. Since the standards do not require the provision of assistive technology at each work station, the Board considers this exception unnecessary.

Response:

We concur with the Board's analysis, however, this is a helpful concept which may be kept as advisory material in the application or exceptions sections.

The second exception states that where agencies provide information and data to the public through accessible ICT, the accessible ICT need only be provided at the intended public location (1194.3(d)). The Board is considering removing this exception from the standards because no provision in the standards requires accessible ICT in more than one location. Since these exceptions are contained in the statute, their removal from the standards will not impact application.

Response:

We concur with the Board's analysis, however, this is a helpful concept which may be kept as advisory material in the application or exceptions sections.

A third exception states that products located in spaces used only by service personnel for maintenance and repair need not be accessible. The Board believes this provision is unnecessary since most functions can be accessed remotely.

Response:

We concur with the Board's analysis. In practice this exception often requires more analysis to grant than would take place if the product which best meets were simply selected through the less complicated acquisition process. In most situations such products are acquired through competition, so the selection process still takes place. Additionally, in general the applicable standards for hardware are met because such equipment is designed for easy access, even in the space it may be in. Finally, for such products, the software user-interfaces generally are primarily accessed via a network connection of one form or another—even at the local console this is often the case. For such remote connections the existing exception is not applicable, complicating the overall product analysis even further.

Question 7: The Board seeks comment on this approach to harmonization with WCAG 2.0 including suggestions for alternative approaches to achieving harmonization, and comments on the benefits and costs associated with the Board's approach.

Response:

We support the goal of WCAG 2.0 harmonization, however, the language in the specific Chapters for this should be modified to ensure that Section 508 Standards are applied, not considered exceptions or replaced by their equivalent counterparts. The scoping of when WCAG 2.0 guidelines are applicable must be carefully defined because it does not apply to platforms and applications which do not rely upon a user-agent. An example of such an application which does not fall within the WCAG 2.0 definition of Web page”, would be the ubiquitous WinZip application. For such “native” applications WCAG 2.0 does not provide sufficient techniques or guidance to serve as equivalent acceptable Standard. The Chapter-specific language must not set a dual compliance level, WCAG, or WCAG and additions. Additionally, advisory materials would be helpful to highlight that while the educational materials contained with the WCAG guidelines are helpful, such materials do not in and of themselves constitute conformance for a product. Finally, when identifying WCAG 2.0 guidelines which are considered equivalent to Section 508 Standards, specific WCAG and Section 508 equivalents must be clearly identified to ensure clarity of government requirements.

The following language should be modified to ensure that the Section 508 Standards are applicable, but that WCAG 2.0 conformance is acceptable, at the government’s discretion, as an equivalent Standard.

Exception: Platforms, applications, and interactive content complying with the WCAG 2.0 Level AA Success Criteria and Conformance Requirements and, where applicable, 409 and 413 of this chapter shall not be required to comply with other requirements of this chapter.

Suggested replacement language:

Platforms, applications, and interactive content, which meets the WCAG 2.0 definition of “Web page”, complying with the WCAG 2.0 Level AA Success Criteria and Conformance Requirements and, where applicable, 409 and 413 of this chapter shall be considered to conform with the corresponding provisions from this Chapter.

In Chapter 5:

Exception: Electronic documents complying with the WCAG 2.0 Level AA Success Criteria and Conformance Requirements shall not be required to comply with other requirements of this chapter.

Suggested language:

Electronic documents, which meet the WCAG 2.0 definition of “Web page”, complying with the WCAG 2.0 Level AA Success Criteria and Conformance Requirements shall be considered to be in conformance with corresponding provisions from this Chapter.

From Chapter 6:

Exception: Synchronized media content and players complying with the WCAG 2.0 Level AA Success Criteria and Conformance Requirements and, where applicable, 604.4, 604.5, 607, and 608 of this chapter shall not be required to comply with other requirements of this chapter.

Suggested rephrasing:

Synchronized media content and players, which meet the WCAG 2.0 definition of “Web page”, complying with the WCAG 2.0 Level AA Success Criteria and Conformance Requirements and, where applicable, 604.4, 604.5, 607, and 608 of this chapter shall be considered to be conforming with corresponding provisions in this chapter.

Question 8: The Board is interested in comment on the definition of Information and Communication Technology.

Response:

We concur with the proposed use of ICT as equivalent to E&IT, and the definition provided. Using a single term to encompass the set of technologies for multiple regulatory activities makes sense, and reduces the overall complexity of these regulatory activities moving forward.

Question 9: The Board is interested in comment on the proposed definitions.

Response:

The term component should be included in the definitions section.

The term “context” should be included in the definitions section. It is defined in advisory in Chapter 4, but should also be listed in the definitions section for clarity.

The term platform should be included in the definitions section. “platform accessibility services”, and “platform software” are listed, but “platform” alone is not.

“platform accessibility services”, and “platform software” are defined, but “platform” should be defined as well, or use the term “platform software” in Chapter 4. The term “platform”, is used ambiguously in the IT industry to refer to operating system, or hardware which operating system or other software executes on. Clarification of this through definitions would help chapter 4. Additionally, the definition of “platform accessibility architecture” from <http://www.w3.org/TR/ATAG20/#def-Platform> provides an excellent overview of platform accessibility services, and might be considered supplemental advisory information related to that definition to help readers understand the concepts more clearly.

Question 10: The Board is interested in comment on how the functional performance criteria should be implemented in relation to the technical provisions. Does the approach discussed in E103.5 and C103.6, as a statement of current practice, clarify or confuse the issue? If the approach is confusing, how could it be made less confusing?

Response:

E103.5.1 Relation of Functional Performance Criteria to Technical Provisions. If there are applicable provisions in Chapters 3 through 9 that fully address the product or service being procured, then the agency need not look to Chapter 2 (Functional Performance Criteria). Acquired products that meet the specific technical provisions set forth in Chapters 3 through 9 will also meet the broader functional performance criteria in Chapter 2.

We do not see the benefits of exempting the functional performance criteria even when technical standards are met. We believe that the technical standards do in general drive the functional performance criteria conformance, and this mapping of technical-to-functional must be supported within the standards themselves, however, other factors do need to be considered when determining functional performance criteria conformance. Without clear evaluation criteria to ensure that careful analysis of how the functional performance criteria are met, their overall applicability or “impact” on the actual accessibility of the product is incomplete. Incomplete analysis of applicability of these standards can lead to inaccessible outcomes, which may appear to be completely compliant with these standards, but not achieving the intended objective. Factors including availability of assistive technology, and unaddressed product features or applicability of actual technical standard to new technologies come in to play.

We suggest the language for these sections be revised as follows:

E103.5.1 Relation of Functional Performance Criteria to Technical Provisions. Functional performance criteria are always applicable. When determining overall conformance with these standards agencies should first determine conformance of applicable technical standards, then apply those results using the provided technical-to-functional mapping, and then determine if any other factors such as availability of assistive technology or unaddressed product features effect the actual functional performance criteria conformance.

Question 11: The Board is interested in comment on whether and the extent to which this change will sufficiently improve access for people with limited vision and the benefits and costs associated with this change.

Response:

We concur with this change as we believe that the costs associated with this are partially offset by the ability of more people with disabilities to use ICT without use of any assistive

technologies at all. In addition, following this criteria for visual disability harmonizes with the Federal blindness definition.

Question 12: The Board is interested in comment on this proposed new provision, including information on the benefits and costs associated with this addition.

Response:

We concur with inclusion of this functional performance criteria. Inclusion of this functional performance criteria recognizes that this technical requirement is included in the Standards and should be mirrored by a functional performance criteria. A benefit of matching functional performance criteria with technical Standards is that full compliance determination can be made clearly for all disabilities addressed by these Standards. We do not see any additional costs associated with inclusion of this functional performance criteria beyond what is already included in the update of Federal and manufacture educational and operational Section 508 compliance-related information and processes.

Question 13: The Board is interested in comment on the proposed change to improve access for individuals with hearing impairments, including information on the benefits and costs associated with this change.

Response:

We concur with inclusion of this change to this functional performance criteria. More clearly defining what functions need to be provided to increase accessibility for people with limited hearing improves the ability to map technical standards to this functional performance criteria more clearly.

Question 14: The Board is interested in comment on the proposed new provision to improve access for individuals who are unable to make contact with a product, including information on the benefits and costs associated with this change.

Response:

We concur with addition of this functional performance criteria. Benefits of inclusion of this functional performance criteria include the ability to more clearly map technical standards impact on people with disabilities to document Section 508 compliance, or lack there of, and a more clear statement that such access is required in order to ensure equal access to information and data. We do not believe costs will be significant on manufacturers since remote connectivity is becoming so prevalent among such a wide variety of products already without an accessibility driver.

Question 15: The Board is seeking comment on whether cognitive disabilities are sufficiently addressed in the functional performance provisions and seeks suggestions on how the requirements might better address the accessibility needs of individuals with cognitive disabilities.

Response:

At this time we feel that cognitive disabilities are sufficiently represented in the functional performance criteria, even though they are missing. No clear technical Standards have been forthcoming from the previous TEITAC report, nor subsequent activities. The identified technical features which have been identified tend to be functional-based and ambiguously defined, such as “simplify an interface”, or “allow the interface to be adjusted to user preferences”. Without more specific definable technical standards this area of functional performance criteria will not be well supported by actionable, measureable technical standards.

Question 16: The Board is interested in comments on how closed functionality is covered in the draft. Should other means of assistive technology besides personal headsets be permitted to provide access to ICT with closed functionality?

No comment. Question, how are Bluetooth keyboards considered in this context?

Question 18: The draft includes a requirement for ICT which provides an assistive technology function. Should the requirements apply to assistive technology? The Board seeks comment on the benefits and costs on including explicit requirements for assistive technology.

Response:

There is mixing and confusion with 411.3 and 412.1. We advise the following updated text be included replacing the existing text. 411.3 is intended to indicate that applications utilize platform accessibility services to deliver information for use by assistive technology, while 412.1 is intended to indicate that assistive technologies should rely upon platform accessibility services for information. It appears the advisory text does not follow this separation of requirements.

411.3 Use of Platform Accessibility Services. Applications shall use platform accessibility services to make information about components, interactive elements, and other objects programmatically determinable.

Advisory 411.3 Applications use of Platform Accessibility Services. Platform accessibility services define the rules for interaction between assistive technology, other applications, content, and the platform.

This provision requires the use at a minimum of platform accessibility services by applications to deliver the information to assistive technologies. This ensures that electronic content designed to be accessible is available to the end-user. An example is an alternate text description of an image, which is invisible, but which a screen reader vocalizes.

This provision is not intended to limit the creativity of applications developers or to limit methods of delivering alternate user interfaces. This provision requires that when a platform provides accessibility services, such services must be used to provide assistive technology the information required for accessibility.

412 Assistive Technology Function

412.1 General. Applications providing an alternate user interface that functions as assistive technology shall use, at a minimum, platform accessibility services to present information about components, interactive elements, and other objects.

Advisory 412.1 General.

Platform accessibility services define the rules for interaction between assistive technology, other applications, content, and the platform.

This provision requires the use by assistive technology of the information exposed through platform accessibility services to deliver the alternate interface to the user with a disability. This ensures that electronic content designed to be accessible is available to the end-user. An example is an alternate text description of an image, which is invisible, but which a screen reader vocalizes.

This provision is not intended to limit the creativity of assistive technology developers or to limit methods of delivering alternate user interfaces.

Question 19: Do the proposed provisions for authoring tools reflect features that many authoring tools already provide? If not, could such features be added to authoring tools relatively easily?

The Board seeks comment on the benefits and costs of including such requirements for authoring tools.

Response:

It is our experience that some of the features described in the authoring tools provisions are partially implemented in some authoring tools, but not widely at all. Such features do not appear to us to be structural changes to authoring tools overall, so should not present fundamental change to their functionality, but should refine the feature set provided to authors to ensure equal access to information and data. Just as spell check is not a fundamental change to a Word processor, inclusion of accessibility enhancing checking and remediation features for content should not change the fundamental purpose for such tools. We believe the benefits far outweigh any costs incurred moving forward with these provisions, and will greatly enhance the ability of the government to provide equal access to and use of information and data for people with disabilities for official agency communications.

Question 20: The Board seeks comment on whether there is a better way to distinguish between requirements for software applications covered by Chapter 4 and electronic documents covered by Chapter 5.

No comment. We believe the organization of chapters 4, 5, and 6 address the objectives of WCAG 2.0 harmonization, usability, and clarity for these provisions.

Question 21: The Board seeks comment on whether this proposed approach is successful in making the document more understandable and useful. The Board welcomes alternatives to this organizational approach.

Response:

We believe the organization of chapter 6, while more product oriented, does represent the accessibility requirements sufficiently for this set of electronic content, and the associated playback products.

Question 22: The Board is interested in comments on whether there is a voluntary consensus standard which could address some issues related to captioning quality, such as the degree of synchronization required and an allowable error rate.

Response:

No comment.

Question 23: The Board seeks comment on any impact this approach may have on manufacturers of hardware or software for audio video players.

Response:

No comment.

Question 24: The Board seeks comment on whether this change in terminology is sufficient, or if it will result in any confusion or unintended implementation issues. Should this term be defined?

Response:

The change in terminology is sufficient and we believe will harmonize these requirements among multiple regulations. The term “connection points” should be defined to provide clarity.

Question 25: The Board is interested in comment on these provisions, including information on the benefits and costs associated with the proposed requirement for volume gain. In addition, the Board seeks comment on whether the specified volume gain for cellular and landline telephones

should be consistent since the amplification needs of people who are hard of hearing are the same for both products.

Response:

We believe the volume gain should be made consistent among landline and cellular devices, but would defer to manufacturers of cellular devices. If, battery power of cellular devices prevents equivalent volume gain, then the multiple levels may need to remain.

Question 26: Is there a similar standard to the RFC-4103 standard that has been published by a standards development organization that the Board could reference?

Response:

No comment.

Question 27: The Board seeks comment on this requirement. Are the specifications for video quality sufficient to support accessibility? Are there other ways of addressing video communications that are less complex?

Response:

No comment.

Question 28: The Board seeks comment on the requirement that a signal be provided on all incoming calls on VoIP systems. Should the requirement be limited, or should it apply to all such calls? Should this feature be selectable by the user?

Response:

No comment.

Question 29: The Board seeks comment on the benefits and costs of the increased requirements for documentation.

Response:

We believe that the increased documentation requirements do not impose an undue burden upon manufacturers, and will increase the government operational ability to deliver accessibility to Federal employees, and customers with disabilities moving forward.

Question 30: The Board seeks comment from users and manufacturers of self-service machines on their experiences in using or designing accessible machines and the benefits and costs associated with the proposed requirements.

Response:

Generalization of these provisions to “self service machines”, in more than the Section 508 regulatory area will, over time, lead to improved accessibility for people with disabilities. The techniques employed for mainstream office-centric IT products should be readily applicable to more robust “self service” equipment, so the synergy of these requirements is helpful. Product vending machines, Gas pumps, store check out kiosks, and ticketing machines, are all examples where such improved accessibility would be welcome. All of these type of machines are in use within the Federal government space, but are often not thought of under the ICT umbrella.

Question 31: The Board is interested in comment on the impact on small entities of the provisions implementing section 508 of the Rehabilitation Act for technology procured, developed, maintained, or used by or on behalf of Federal agencies. The phrase "or on behalf of agencies" covers technologies used by contractors under a contract with a Federal agency. How many contractors and subcontractors would be considered small entities under the SBA small business size standards? What types of compliance costs will these contractors and subcontractors face in developing the technologies covered by section 508? For example, will small contractors and subcontractors face capital costs for equipment, or hiring professional expertise or extra staff to comply with the requirements? Will the cost of implementation create a competitive disadvantage for small contractors versus large contractors? (i.e., will a small contractor become less likely to win a Federal contract based on price?) Should the Board establish different compliance or reporting requirements for small contractors and subcontractors? Does the Board need to clarify or simplify the compliance requirements for small contractors or exempt certain small contractors from these requirements?

Response:

We feel that small contractors who resell commodity products rely upon the accessibility information provided by such product manufacturers. The only burden for such resellers is to ensure they obtain the required accessibility information. Such information cannot be required of some vendors and not of others without imposing unequal competition. Additionally, such purchases do not relieve the government from providing equal access to information and data for people with disabilities. Finally, the cost of documenting Section 508 compliance for small vendors is an equal load across the board.

Question 32: The Board is interested in comment on the impact on small entities (manufacturers of telecommunications products) of the provisions implementing section 255 of the Telecommunications Act of 1996. How many manufacturers of telecommunications products would be considered small entities, particularly with the application of this rule to interconnected VoIP products? What types of compliance costs will small manufacturers face? The Board is interested in small business estimates for services required by this rule such as providing access

to information, documentation, and training of customers (for example through help desks and support services). Will this section require extra technology, professional expertise or extra staff? Are there alternative ways that small manufacturers can provide information and training at lower costs? Should the Board establish different compliance or reporting requirements for small manufacturers?

Response:

Small manufacturers of telecommunications equipment should easily be able to document the accessibility features of their products in accessible formats. The products were designed with specific requirements in mind, including accessibility requirements, so such information is not something that must be produced from scratch. We don't believe setting different requirements based on business size makes sense in terms of equal access for people with disabilities.

Question 33: The Board is interested in comment on the impact on small entities (places of public accommodations and state and local government entities) of the provisions for self-service machines under the Americans with Disabilities Act. How many and what types of small entities utilize self-service machines, and what types of machines do they use? How many small manufacturers make these types of machines? How many of the small entities that use or manufacture self-service machines have machines that are accessible? How much will it cost to develop and produce the technology that would meet the proposed provisions? Should the Board establish different compliance requirements for small entities to have accessible machines? Does the Board need to clarify or simplify the requirements for small entities or exempt certain types of machines from these requirements?

Response:

No comment.

Comments not in response to Access-Board questions:

For advisory 302.1, we must note that digital rights and accessibility are not mutually exclusive. When the government acquires information or technology such as textbooks, research, or other content, it acquires the rights to access that information for Federal employees, or members of the public, not respective of disability. The access to information relies upon technology, and some digital rights management methods create barriers to equal access. When this occurs, such methods should be discouraged, or alternate access should be provided at the same time that the access is granted to others. We recognize the intellectual property rights of owners, however when such rights are procured by the government for use, equal access must be provided regardless of the technical rights management solution in use.

303 biometrics: The update to the biometrics provision at 3.3 recognizes that biometrics are becoming more and more involved in aspects of interaction with the Federal government. Providing an option to allow alternate biometrics in lieu of a nonbiometric solution will help agencies implementing such systems to meet the requirement until nonbiometric alternatives are accepted. This change is a positive improvement in the Standards because it provides a path to increased accessibility for people with disabilities.

