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United States General Accounting Office  
Washington, DC 20548

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B-287638

May 11, 2001

The Honorable Fred Thompson  
Chairman  
The Honorable Joseph I. Lieberman  
Ranking Member  
Committee on Governmental Affairs  
United States Senate

The Honorable Dan Burton  
Chairman  
The Honorable Henry A. Waxman  
Ranking Minority Member  
Committee on Government Reform  
House of Representatives

Subject: Department of Defense, General Services Administration, National Aeronautics and Space Administration: Federal Acquisition Regulations; Electronic and Information Technology Accessibility

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Department of Defense, General Services Administration, and National Aeronautics and Space Administration, entitled "Federal Acquisition Regulations; Electronic and Information Technology Accessibility" (RIN: 9000-AI69). We received the rule on April 26, 2001. It was published in the Federal Register as a final rule on April 25, 2001. 66 Fed. Reg. 20894.

The final rule amends the Federal Acquisition Regulations to implement section 508 of the Rehabilitation Act of 1973, as amended by the Workforce Investment Act of 1998. Section 508 requires that when federal departments or agencies develop, procure, maintain, or use Electronic and Information Technology (EIT), they must ensure that the EIT allows federal employees with disabilities to have access to and use of information and data that is comparable to the access and use by other federal employees.

Enclosed is our assessment of the agencies' compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. Our review indicates that the agencies complied with the applicable requirements.

If you have any questions about this report, please contact James W. Vickers, Assistant General Counsel, at (202) 512-8210. The official responsible for GAO evaluation work relating to the subject matter of the rule is Cindy Fagnoni, Managing Director, Education, Workforce, and Income Security. Ms. Fagnoni can be reached at (202) 512-7215.

signed

Kathleen E. Wannisky  
Managing Associate General Counsel

Enclosure

cc: Mr. David A. Drabkin  
Deputy Associate Administrator  
Office of Acquisition Policy  
General Services Administration

ANALYSIS UNDER 5 U.S.C. § 801(a)(1)(B)(i)-(iv) OF A MAJOR RULE  
ISSUED BY THE  
DEPARTMENT OF DEFENSE,  
GENERAL SERVICES ADMINISTRATION,  
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION  
ENTITLED  
"FEDERAL ACQUISITION REGULATIONS;  
ELECTRONIC AND INFORMATION TECHNOLOGY ACCESSIBILITY"  
(RIN: 9000-AI69)

(i) Cost-benefit analysis

An Economic Assessment of the final rule was made. It estimates that the total anticipated costs to society will range from \$177 million to \$1,068 million annually. The federal proportion of these costs is estimated to range from \$85 million to \$691 million. The range of costs results from uncertainty of manufacturers to distribute these costs over the general consumer population. If the addition of the accessibility features add value to the products outside the federal government, the costs will be distributed across society.

The benefit of the final rule is increased access to electronic and information technology for federal employees and members of the public with disabilities seeking federal information provided using electronic and information technology.

(ii) Agency actions relevant to the Regulatory Flexibility Act, 5 U.S.C. §§ 603-605, 607, and 609

A Final Regulatory Flexibility Analysis was prepared and is summarized in the preamble to the final rule. The Analysis complies with the requirements of the Act and notes that it was not possible to exempt small entities from the requirements of the final rule to ease the economic impact on them because the statute permits private enforcement.

(iii) Agency actions relevant to sections 202-205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532-1535

The final rule does not contain either an intergovernmental or private sector mandate, as defined in title II, of more than \$100 million in any one year.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 et seq.

The final rule was issued using the notice and comment procedures contained at 5 U.S.C. 553. On January 22, 2001, a Notice of Proposed Rulemaking was published in the Federal Register. 66 Fed. Reg. 7166. The preamble to the final rule contains a discussion of the comments received.

Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520

The final rule does not contain any information collections that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

Statutory authorization for the rule

The final rule is promulgated under the authority contained in section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d) and 40 U.S.C. 486(c), 10 U.S.C. chapter 137, and 42 U.S.C. 2473(c).

Executive Order No. 12866

The final rule was reviewed by OMB and found to be an “economically significant” regulatory action under the order.