



Accessibility Standards for Electronic & Information Technology (E&IT)

(Also Known As Section 508)

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Joye Howe
IHS Section 508 Coordinator

Section 508 Overview

- This is a high-level “overview” of Section 508. For details reference the “Final Electronic and Information Technology Accessibility Standards” document,

<http://www.access-board.gov/sec508/508standards.htm>

What is Section 508?

- Section 508 is a part of the 1998 amendments to the Rehabilitation Act of 1973
- Requires electronic and information technology developed, procured, maintained, or used by the Federal government to be accessible to all, including people with disabilities.
- Final rule effective June 21, 2001

What is Section 508 (E&IT)?

In a nutshell, Section 508 ensures products that...

Store

Process

Transmit/receive

Convert

Duplicate

...data or information are accessible to or useable by persons with disabilities.

The Purpose of Section 508

“...ensure...electronic and information technology allows...individuals with disabilities...access to and use of information and data that is comparable to ...individuals [without] disabilities, regardless of the type of medium or technology”

Section 508 (a) (1) (A)

The Purpose of Section 508 (cont)

- **Developed to establish a minimum level of accessibility for E&IT in federal departments and agencies**
- **May be used by non-federal entities as a means of achieving E&IT accessibility**

E&IT Categories

Including but not limited to:

- **Computers, software, firmware and peripherals**
- **Telecommunications products (telephones, faxes, etc.)**
- **Information kiosks and transaction machines (ATMs)**
- **Office equipment (copiers, fax machines, calculators)**
- **Video equipment and multimedia products distributed on videotapes, CDs, DVDs or Internet**
- **Network Services**
- **Support Services**
- **Websites, e-mail, groupware**

Who Must Comply with Section 508?

- Each Federal Department and Agency
- United States Postal Service
- Deliverables from federal contractors
- Activities sponsored or funded by the federal government
- Activities sponsored by states that have adopted the regulation

Section 508 (a)(1)(A)

NOTE: This policy applies to all departmental E&IT developed, procured, maintained, or used by HHS on or after June 21, 2001; **and is to be implemented by all HHS employees and contractors**

HHS Policy for Section 508 E&IT January 2005

Procurement Compliance

- **As of June 25, 2001, procurements must include 508 E&IT standards**
- **It is the responsibility of requiring official under Section 508 to ensure adherence with these standards**

Enforcement Provisions of Section 508

- **As of June 21, 2001, any individual with a disability may file an administrative complaint or law suit, alleging that a federal department or agency failed to comply with Section 508 by procuring noncompliant E&IT**
- **Section 508 only allows disabled users to sue to compel Federal agencies and departments to become compliant plus collect for attorney's fees**

Enforcement of 508 (cont)

- **The provision does not provide for punitive or compensatory damages**
- **By statute, Section 508 only applies to issues relating to electronic and information technology procured after June 21, 2001**

Section 508 Standard (f)

Section 508 and the Private Sector

- Section 508 only applies to federal agencies, not private companies
- Individuals cannot bring civil actions against the private sector
- Manufacturers are not required to modify their products

Section 508 and the Private Sector

(cont)

- Federal departments and agencies are required to give priority to procuring products which comply with Section 508 standards
- Companies that misrepresent the degree to which the E&IT they sell or lease to the government meets 508 standards may be liable to the government



Accessible E&IT and the Law

Federal Laws Relating to Accessibility and E&IT

These documents represent the beginning of the E&IT accessibility effort relative to Section 508:

- **Americans with Disabilities Act**
- **Sections 504 and 508 of the Rehabilitation Act of 1973, as amended in 1998**

Federal Laws Relating to Accessibility and E&IT (cont)

- **Section 255 of the Telecommunications Act**
- **Section 508 E&IT Accessibility Standards (36 CFR, Part 1194)**
- **Final Federal Acquisition Regulation (FAR) Rule 39.2 for implementing Section 508**
- **and other laws**

Difference Between the ADA, §504, §508, and §255

- ADA and §504- establishes the rights of *individuals* to an accommodation
- §508 - requires *Federal* entities to procure accessible E&IT
- §255 – requires *Telecommunication* manufacturers and service provider to provide accessible products and services

Oversight Responsibility for 508

- **Department of Justice (DOJ): Coordinates agency responsibilities under Section 508**
- **The Access Board: Develops and promotes 508 standards**
- **Federal Acquisition Regulation Council (FARC): Revised the FAR to incorporate the E&IT standards developed by the Access Board**

Oversight Responsibility for 508

(cont)

- **General Services Administration (GSA):**
Provides technical assistance
- **Chief Information Officer Council (CIOC):**
Assists in the compliance of Section 508 Policy and procedures
- **Office of Management and Budget (OMB):**
Organizes the Federal 508 Steering Committee

Oversight Responsibility for 508

(cont)

- Office for Civil Rights (OCR): Complaints other than employment-related
- Equal Employment Opportunity Program Group (EEOPG): Employment-related complaints
- HHS: Office on Disability (OD) and the HHS Section 508 Program Team (508 PT)



Section 508 Requirements and Exceptions

Section 508 Standards Includes these Subparts:

- **36 CFR 1194.1-1194.5: Technical Standards**
 - **Software Applications & Operating Systems**
 - **Web-based Intranet/Internet Information & Applications**
 - **Telecommunications Products**
 - **Video & Multimedia Products**
 - **Self Contained, Closed Products**
 - **Desktop & Portable Computers**

Section 508 Standards Includes these Subparts: (cont)

- **36 CFR 1194.31: Functional Performance Criteria requirements**
- **36 CFR 1194.41: Information, Documentation & Support requirements**

Functional Performance Criteria

Section 508 contains functional performance criteria relating to:

- **People with visual impairments**
- **People who are deaf or hard of hearing**
- **People with speech impairments**
- **People with motor impairments**
- **Basically, provides performance requirements for technologies or components for which there is no specific requirement under the technical standards in Subpart B**

Information, Documentation and Support

Covers access to

- all information,**
 - documentation,**
 - and support provided to end-users of covered technologies,**
- and identifies formats to be used**

E&IT Section 508 Compliance Exceptions

Excludes equipment with embedded IT that does not manage data or information as its principal function (e.g., HVAC, medical equipment, bldg. access systems)

Section 508 Exception: Undue Burden

- Section 508 compliance is not required if procurement would impose an undue burden on the agency
- Undue Burden is defined as “significant difficulty or expense.” (FAR 39.202)
- To determine if exception applies, an agency must consider all resources available to the program or component for which the product is being developed, procured, maintained, or used.” (FAR 39.204(e) and 36 CFR 1194.4)
- Consult with legal counsel before considering such an exception

Section 508 Exception: Undue Burden (cont)

- If undue burden is justified, “agencies shall provide...alternative means of access that allow the individual to use the information and data.” (36 CFR 1194.2)

Example: Providing a text script for an audio program or a hard copy description of a program in Braille

Section 508 Exception: “Commercial Nonavailability”

- Refers to circumstances where no commercial items are available that meet 508 technical standards (directly or through equivalent facilitation) in time to satisfy the agency’s delivery requirement.
- A product is commercially available if:
 - It is for sale in the commercial marketplace
 - It will be on the market in time to satisfy the delivery requirements, or
 - With minor modifications, would be available in time to satisfy the delivery requirements.

Commercial Nonavailability & Undue Burden Documentation

- Requiring official must document “Commercial Nonavailability” and “Undue Burden” in writing (FAR 203 (c) and 36 CFR 1194.2 (b))
- Reference the “HHS Policy for Section 508 Electronic & Information Technology” issued January 2005 for additional information
- To be processed and approved according to the “HHS Section 508 Implementation Plan” (under development)

Other Section 508 Exceptions

- **E&IT related to national security**
- **E&IT acquired by contractor incidental to contract**
- **E&IT located in spaces frequented only by service personnel for maintenance, repair, or occasional monitoring of equipment (also known as “Back Office Exception)**
- **E&IT which requires “Fundamental Alterations”**

Fundamental Alteration

- **A fundamental alteration: Is a change in the fundamental characteristic or purpose of the product or service, not merely a cosmetic or aesthetic change**

Section 508 Standards 1194.3(e)

- **Agencies are not required to fundamentally alter their needs in order to comply with Section 508**

Fundamental Alteration: Example

- **An agency intends to procure pocket-sized pagers for field agents for a law enforcement agency.**
- **Adding a large display to a small pager may fundamentally alter the device by significantly changing its size to such an extent that it no longer meets the purpose for which it was intended, that is to provide a communication device which fits in a shirt or jacket pocket.**

Other Section 508 Exceptions: Micro-purchases (cont)

A purchase is excepted as a micro-purchase if all of the following apply:

- Procurements less than \$2,500, if
- Made on the open market,
- Not under an existing contract
- This exception is set to expire April 1, 2005
- Compliance to the maximum extent practicable is still strongly encouraged in the FAR



HHS Implementation of Section 508

Implementation of Section 508

- **HHS Policy for Section 508 Electronic and Information Technology (E&IT) signed by Secretary Thompson January 5, 2005**
- **HHS Policy includes**
 - **Implementation Plan and Process**
 - **Section 508 Exception Process**
 - **Roles and Responsibilities**

HHS Implementation of Section 508

(cont)

- **February 16-17, 2005: HHS Strategic Meeting to write a draft agency “Section 508 Implementation Plan”**
- **Next steps:**
 - **IHS to form “Section 508 Implementation Team”**
 - **Team to Finalize and implement “IHS Section 508 Implementation Plan”**
 - **Conduct Section 508 Training**



Section 508 Resources

Free Online Section 508 Training

**“The 508 Universe”,
<http://www.section508.gov>, online
courses**

- **Acquiring Technology: What Every Federal Employee Needs to Know About Section 508**
- **Designing Accessible Websites**
- **Accessible Conferences**

Free Section 508 Training (cont)

- **Buying Accessible E&IT (Requiring Officials and Contracting Officers)**
- **Micro-purchases and Section 508**
- **Section 508 Coordinators**
- **Additional Accessibility & Usability Concerns**
- **Individual modules on each of the Section 508 Technical Standards**

Section 508 Website

Section 508 Portal, www.section508.gov

- ****GSA's Section 508 Acquisition FAQ's**
<http://www.section508.gov/index.cfm?FuseAction=Content&ID=75>
- **Section 508 Training (508 Universe)**
<http://www.section508.gov/index.cfm?FuseAction=Content&ID=5>
- **Market Research Reports**
<http://www.section508.gov/index.cfm?FuseAction=Content&ID=136>

Section 508 Website (cont)

- **508 Law**

<http://www.section508.gov/index.cfm?FuseAction=Content&ID=3>

- **Section 508 Standards**
- **FAR Final Rule**
- **Other relevant laws and regulations**

- **Buy Accessible**

<http://www.section508.gov/index.cfm?FuseAction=Content&ID=2>

- **Voluntary Product Accessibility Template (VPAT):** Assists Federal contracting buyers in making preliminary assessments regarding the availability of commercial E&IT products & services that support Section 508 requirements
- **Search for 508 Products and Service Providers**

Questions?

Joye Howe

IHS Section 508 Coordinator

505-248-4171

joye.howe@hhs.ihs.gov