SMG 3210.16

FDA Staff Manual Guides, Volume III - General Administration

Information Resources Management

Information Technology Management

Information and Communication Technology (ICT) under Section 508 of the Rehabilitation Act of 1973, Amended in 1998 and Revised in 2018

Effective Date: 11/04/2021

1. Purpose

This Guide establishes procedures for issuing administrative policy, procedures, and instructions in the form of directives relating to Section 508 of the Rehabilitation Act of 1973, as amended. These directives are written to implement Department of Health and Human Services (HHS) instructions, to set forth FDA organizations and delegations of authority, and to develop procedural guidance when HHS has not covered the subject. Under Section 508, agencies must provide employees and members of the public who have disabilities access to information and communication technology that is comparable to the access available to employees and members of the public who are not individuals with disabilities. The law applies to Federal agencies when they develop, procure, maintain, or use information and communication technology. Section 508 was enacted to eliminate barriers in information technology, to make available new opportunities for people with disabilities, and to encourage development of technologies that will help achieve these goals.

On January 18, 2017, the U.S. Access Board published a final rule updating accessibility requirements for information and communication technology (ICT) covered by Section 508 of the Rehabilitation Act and Section 255 of the Communications Act. The Access Board's final rule revises and refreshes its standards for information and communication technology in the federal sector covered by Section 508 of the Rehabilitation Act of 1973. The Board's Section 508 Standards, which were first issued in 2000, apply to ICT developed, procured, maintained, or used by federal agencies. Examples include computers, telecommunications equipment, multifunction office machines such as copiers that also function as printers, software, websites, information kiosks and transaction machines, and electronic documents. The Board's final rule also updates guidelines for telecommunications equipment covered by Section 255 of the Communications Act of 1934, as amended. The Section 255 Guidelines, which the Board initially published in 1998, cover telecommunications equipment and customer premises equipment, including telephones, cell phones, routers, set-top boxes, and computers with modems, interconnected Voice over Internet Protocol products, as well as

software integral to the operation of telecommunications function of such equipment. The Board updated the 508 Standards and 255 Guidelines jointly to ensure consistency in accessibility across the spectrum of information and communication technologies (ICT) covered. Other goals of this refresh include:

- enhancing accessibility to ICT for people with disabilities;
- making the requirements easier to understand and follow;
- updating the requirements so that they stay abreast of the ever-changing nature of the technologies covered; and
- harmonizing the requirements with other standards in the U.S. and abroad.

The final rule revises both the structure and substance of the ICT requirements to further accessibility, facilitate compliance, and make the document easier to use. Major changes include:

- restructuring provisions by functionality instead of product type due to the increasingly multi-functional capabilities of ICT;
- incorporating the Web Content Accessibility Guidelines (WCAG) 2.0 or newer by reference and applying Level A and Level AA Success Criteria and Conformance Requirements to websites, as well as to non-web electronic documents and software;
- specifying the types of non-public facing electronic content that must comply;
- requiring that operating systems provide certain accessibility features;
- clarifying that software and operating systems must interoperate with assistive technology (such as screen magnification software and refreshable braille displays);
- addressing access for people with cognitive, language, and learning disabilities; and
- harmonizing the requirements with international standards.

The final rule provides parallel chapters that separately address general application and scoping of the Section 508 Standards and the Section 255 Guidelines (Chapters 1 and 2). These sections apply to both 508-covered and 255-covered ICT functional performance criteria (Chapter 3), technical requirements for hardware and software

(Chapters 4 and 5), criteria for support documentation and services (Chapter 6), and referenced standards (Chapter 7).

2. References

The final rule reflects a significantly revamped organizational structure relative to the existing standards and guidelines. In sum, the final rule eliminates 36 CFR part 1193 (which formerly housed the existing 255 Guidelines) and substantially revises 36 CFR 1194 by replacing the existing 508 Standards with two regulatory provisions—§§ 1194.1 and 1194.2—that direct readers to the four appendices accompanying part 1194, which, in turn, set forth the scoping and technical requirements for the Revised 508 Standards and 255 Guidelines. Appendix A provides general application and scoping for Section 508, while Appendix B does likewise for Section 255. Appendix C contains seven separate chapters setting forth the functional performance criteria and technical accessibility standards that apply to both 508-covered and 255- covered ICT. These chapters are, generally speaking, broken down by functional area (*e.g.,* functional performance criteria, hardware, software, support documentation and services). Lastly, Appendix D republishes the existing 508 Standards, which, may be needed to evaluate Section 508-covered existing (legacy) ICT under the safe harbor provision.

This policy is based on the following Federal Laws and Guidance. Authorities include:

a. Communications Act of 1934, 47 USC § 255 (1996)

b. FAR; Electronic and Information Technology Accessibility, 48 CFR. § 2, 7, 10, 11, 12 and 39 [FAC 97-27; FAR Case 1999-607]

c. Federal Information Technology Acquisition Reform Act (FITARA), Public Law 113-291, div. A, tit. VIII, Subtitle D, 128 Stat. 3292, 3438-50 (2014)

d. HHS Acquisition Regulation (HHSAR)

e. Information and Communication Technology Accessibility Standards and Guidelines, 36 CFR. § 1193 -1194 (2018)

f. Office of Management and Budget (OMB) Memorandum M-17-06, Policies for Federal Agency Public Websites and Digital Services (2017)

g. OMB Memorandum M-13-13, Open Data Policy-Managing Information as an Asset (2013)

h. OMB Memorandum M-16-20, Category Management Policy 16-3: Improving the Acquisition and Management of Common Information Technology: Mobile Devices and Services (2016)

i. OMB Memorandum, Improving the Accessibility of Government Information (2010)

j. OMB Strategic Plan for Improving Management of Section 508 of the Rehabilitation Act (2013)

k. Rehabilitation Act of 1973, 29 USC. § 794d (1998), Sections 504 and 508

l. Workforce Innovation and Opportunities Act, Public Law 113-128 (2016)

3. Background

The Information and Communication Technology (ICT), formerly Electronic and Information Technology (EIT) revolution offers many challenges, but none as daunting as the assurance of accessibility and usability of critical technologies to all people, including those with disabilities. In many ways, the "wired universe" of ICT has acted as a liberating communications catalyst for people with disabilities. Yet, the rapid advances in this sector can also pose serious technological barriers for people with disabilities, including Federal employees, if accessibility is not assured.

People with disabilities are an underutilized labor pool in a time when the Federal Government is competing with private industry for the best people. Succession planning for upcoming vacancies may want to consider including employees from alternative labor pools. To attract and retain the best-qualified employees, a work environment must demonstrate a welcoming atmosphere for people with disabilities. The practical application of this is to create an inclusive workspace that is free of both physical and technological barriers.

There is a special emphasis on ICT as it has fundamentally changed the workplace and is expected to continue to shape the work environment in the future. ICT can be either a barrier to or facilitator of employment for individuals with disabilities depending on its level of accessibility. If the technology available is accessible, it will support and facilitate the accommodation process for individuals required by Sections 501 and 504 of the Rehabilitation Act.

4. Policy Statement

The policy of the FDA is to provide access to its programs, services, information, and data to employees and the public with disabilities that is equal to the level of access that is provided to those without disabilities. The FDA complies with the legal

requirements of Section 508 for all of its purchases of electronic or IT equipment made on or after June 21, 2001 and with the implementation of the 508 Refresh effective on January 18, 2018. All Information and Communication Technology (ICT) systems or products shall be accessible to the public and to employees with disabilities, unless the technology does not exist in the marketplace.

5. Responsibilities and Procedures

Successful implementation of Section 508 requires the support of and is the responsibility of every person employed by the FDA (including contractors). Some activities covered are:

- Design or development of IT systems requirements
- Development of web pages and content
- Requesting the purchase of any ICT, or involvement in the procurement or IT development process
- Major revisions to existing ICT
- Ensuring all presentations, including video and broadcasts, are accessible to people with disabilities
- Strategic IT activities and IT Governance.

These activities play an active role in the implementation of Section 508.

Even if there are not any people with disabilities currently working within your office, someone may be hired who has a disability, or through an illness or accident, someone within your staff may become disabled while on the job. Questions regarding reasonable accommodations for FDA employees should be directed to the FDA's *Reasonable Accommodation Office, Office of Enterprise Management Solutions.*

Each FDA employee is responsible for implementing the provisions of Section 508 of the Rehabilitation Act as you carry out the FDA mission. Whether you:

- Prepare documents (ex. PowerPoint, Excel, Word, and PDF files)
- Present information inside or outside of the Agency
- Prepare documents for posting to the Internet or Intranet, SharePoint, Microsoft Teams and in any other official FDA platform

- Purchase or develop software or equipment

5.1. Scope of Section 508

Section 508 applies to Federal departments and agencies; it does not apply to recipients of Federal funds and does not regulate the private sector. The technical provisions cover technology procured by Federal agencies directly and under contract with private entities but apply only to those products directly relevant to the contract and its deliverables. While Section 508 does not apply directly to the private sector, ICT vendors selling to Federal agencies shall document that their hardware and software meet all applicable Section 508 technical provisions, either directly or through equivalent facilitation.

Section 508 was originally added to the Rehabilitation Act in 1986, establishing general guidelines for technology accessibility. In 1998, Section 508 was amended to require that EIT developed, procured, maintained, or used by Federal agencies, including the U.S. Postal Service be accessible to people with disabilities. With the 508 Refresh implementation effective January 18, 2018, this significantly expands and strengthens the technology access requirements in Section 508 by creating binding, enforceable standards and incorporating those standards into Federal procurement regulations. Federal agencies must use these standards in ICT acquisitions, as well as in-house development of websites and software.

Consistent Government-wide standards will make it easier for Federal agencies to meet existing obligations and make technology systems accessible to people with disabilities and promote competition in the technology industry by clarifying the Federal market's requirement for accessibility in products intended for general use. The requirements of Section 508 apply to an agency's procurement of ICT, as well as to the agency's development, maintenance, or use of ICT. Individuals with disabilities may only enforce Section 508 with respect to procurements. However, they may also enforce rights under Sections 501 and 504 of the Rehabilitation Act, which impose related obligations on agencies and, in the case of 504, on recipients of Federal Funds.

Violations of Section 508 have significant ramifications, including:

- Administrative complaints
- Civil actions including remedial damages
- Significant adverse public reaction to FDA not meeting the needs of people with disabilities

5.2. Definition of ICT (formerly EIT)

The term “Information and Communication Technology” (ICT), is intended to broadly encompass electronic and information technology covered by Section 508, as well as telecommunications products, interconnected Voice over Internet Protocol (VoIP) products, and Customer Premises Equipment (CPE) covered by Section 255. Examples of ICT include, but not limited to computers, information kiosks and transaction machines, telecommunications equipment, multifunction office machines, software, operating systems, Web sites, and electronic documents.

5.3. Standards

The Revised 508 Standards and 255 Guidelines incorporate by reference the Web Content Accessibility Guidelines (WCAG) 2.0 or newer, a globally-recognized and technologically-neutral set of accessibility guidelines for Web content. For Section 508-covered ICT, all covered Web and non-Web content and software—including, for example, Web sites, intranets, word processing documents, portable document format documents, and project management software—is required, with a few specific exceptions, to conform to WCAG 2.0’s or newer, Level A and Level AA Success Criteria and Conformance Requirements. By applying a single set of requirements to Web sites, electronic documents, and software, the revised requirements adapt the existing 508 Standards to reflect the newer multifunction technologies (*e.g.,* smartphones that have telecommunications functions, video cameras, and computer-like data processing capabilities) and address the accessibility challenges that these technologies pose for individuals with disabilities. For Section 255-covered ICT, electronic content and software that is integral to the use of telecommunications and customer premise equipment is required to conform to WCAG 2.0 or newer, Level A and Level AA Success Criteria and Conformance Requirements. There are several exceptions related to non-Web documents and software.

5.4. Exceptions to Section 508

- **Maintenance/Monitoring Spaces** (formerly Back Office/Infrastructure): Status indicators and operable parts for Information and Communication Technology (ICT) that is located in spaces frequented only by service personnel for maintenance, repair, or occasional monitoring of equipment are not required to conform to the Revised 508 Standards.

- **Federal Contractor** (formerly Contractor Incidental): ICT acquired by a contractor incidental to a contract shall not be required to conform to the Revised 508 Standards.

- **Fundamental-Alteration** (same as previous): For the situation where making the product compliant would make it unusable for the project business needs.

- **Best Meets** (formerly called Non-Available): When ICT that fully conforms to the

Revised 508 Standards is not commercially available, procure ICT that conforms best with the Standards, consistent with meeting the agency's business needs. For Federal Government ICT, this exception can only be claimed by federal agencies and components.

All exceptions require appropriate documentation and approval, depending on the exception used. If an exception is granted, the agency is still responsible for providing information and data to individuals with disabilities through the customary "reasonable accommodation" process outlined in Sections 501 and 504 of the Rehabilitation Act of 1973.

5.4.1. When Accessible ICT is Not Available-Commercial Non-Availability

When acquiring commercial items, an agency must comply with those accessibility standards that can be met with supplies or services that are available in the commercial marketplace in time to meet the agency's required delivery requirements. When accessible ICT is not available, the market research performed and standards that cannot be met must be documented and forwarded to the Section 508 Coordinator or Designee.

The Section 508 standards list other considerations that are exempt from compliance with the Section 508 statute. No forms are required to document these exceptions.

5.5. Equivalent Facilitation

The standards published by the Architectural and Transportation Barriers Compliance Board, commonly called the Access Board, provide that agencies may accept ICT offered by vendors that uses designs or technologies that do not meet the applicable technical provisions in Subpart B but provide substantially equivalent or greater access to and use of a product for people with disabilities. (See 36 CFR 1194.5.) This is referred to as "equivalent facilitation."

Equivalent facilitation is not an exception or variance from the requirement to provide comparable access. Rather, it is a recognition that technologies may be either developed or used in ways not envisioned by the technical provisions in Subpart B but still result in the same or better functional access as would be provided by strictly meeting the provisions in Subpart B. Functional outcome - not form - is key to evaluating whether a technology results in "substantially equivalent or greater access." In effect, meeting the functional performance criteria in Subpart C of the Board's standards is the test for equivalent facilitation.

For example, an ATM Machine which is not accessible to a person who is blind can be made accessible by including a jack for a headset, that a person can plugin that provides audio instructions and delivers the same information audibly that is

provided on the screen.

In short, the concept of equivalent facilitation is designed for the marketplace to offer innovative solutions. For this reason, agencies must draft their solicitations for ICT so that products that offer equivalent facilitation are considered along with those that strictly meet the technical provisions of Subpart B of the standards.

5.6. Complaint Procedure

This law establishes a complaint procedure and reporting requirements that further promote compliance. Section 508 provides that any individual with a disability may file a complaint alleging that FDA fails to comply with Section 508 in providing accessible information and communication technology. The FDA shall apply the complaint procedures established to implement Sections 501 & 504 of the Rehabilitation Act for resolving allegations of discrimination in a federally conducted program or activity. Under Sections 501 & 504, individuals may also sue an agency in Federal court to correct an alleged violation. Employment related complaints should be forwarded to the Office of Equal Employment Opportunity (OEEO). All non-employment related complaints and other complaints filed by employees, applicants for employment at the Department, or from members of the public alleging a failure to comply with Section 508 are forwarded to the HHS Office for Civil Rights (OCR) for investigation and resolution.

5.7. DOJ Reporting Requirements

Section 508 requires Federal agencies to report to the Department of Justice, upon request, the extent to which their information and communication technology is accessible and usable by individuals with disabilities.

5.8. HHS Reporting Requirements

The Department's Office on Disability has mandated the following assessment and reporting requirements from all HHS Operating Divisions.

- The FDA will conduct a bi-annual Organizational Assessment in the first and third quarter of each calendar year. The consolidated report of FDA's Section 508 compliance will be submitted to the HHS 508 Policy Program Manager. This assessment shall include:

    - Identification of the current level of compliance of websites, systems, and other ICT

    - Identification of the processes in place that can be used in implementing Section 508 (e.g., EEO complaint procedures, OCR process, system life

cycle development processes, budget processes, and strategic planning processes).

- Identification of the level of FDA personnel awareness relative to Section 508 requirements

- Identification of the level of Section 508 support available throughout the agency and existing contractors

5.9. Procurement Regulations Under Section 508

Section 508 uses the Federal procurement process to ensure that technology acquired by FDA is accessible. The following information is an overview of Section 508 procurement requirements:

By statute, the enforcement provisions of section 508 apply only to information and communication technology procured on or after the effective date (06/21/01). Effective January 18, 2018, the Section 508 Refresh was implemented and the term electronic and information technology (EIT) was changed to information and communications technology (ICT).

- Although Section 508's enforcement mechanisms apply only to procurement, FDA does also require access to technology developed, used or maintained by FDA.

- While manufacturers are not required to modify their products, FDA is required to give priority to procuring products, that comply with the Section 508 standards.

6. Organization Structure

The following sections provide suggested roles and responsibilities for the CIO, Section 508 ICT Accessibility Program Manager, and members of the Section 508 ICT Accessibility Team.

6.1. FDA Leadership

6.1.1. Division Head - FDA Commissioner

The FDA Commissioner has overall responsibility for Section 508 compliance. Executive responsibilities include:

- Fostering and promoting Section 508 compliance within the agency

- Appointing the Section 508 Program Director and Program Manager(s) for the

agency

- Participating in the planning and execution of compliance activities
- Budgeting the resources necessary to institutionalize Section 508 activities

6.1.2. Section 508 Program Director - Chief Operations Officer (COO)

In addition to the executive responsibilities outlined above, the Section 508 Program Director responsibilities include:

- Leading FDA's efforts in Section 508 compliance
- Sponsoring the FDA Section 508 Work Group
- Advocating for Section 508 program resources necessary to institutionalize Section 508 activities
- Working with the FDA management team to resolve issues and align resources to attain compliance

6.1.3. Chief Information Officer (CIO)

- Establishing and implementing ICT policy in support of Section 508
- Establishing minimum ISA requirements to reflect Section 508 standards issued by the Access board and HHS
- Providing an employee to serve as an agency Section 508 Program Manager

6.1.4. Director of the Office of Equal Employment Opportunity (OEEO)

- Establishing and implementing ICT policy in support of Section 508
- Establishing policies and procedures governing the complaint and alternative dispute resolution procedures
- Accepting and investigating employment-related complaints alleging a failure to comply with Section 508 (non-employment related complaints are referred to the Office for Civil Rights, HHS)
- Providing an employee to serve as an agency Section 508 liaison

6.1.5. The Office of Acquisitions and Grants Services (OAGS)

- Assuring that acquisition policy and procedures are in place to support Section 508 requirements

- Advising on the development of Section 508 contract language for use in procurements

- Providing procurement assistance and guidance to FDA offices in the conduct of procurements to achieve compliance with Section 508

- Appointing an agency Section 508 Work Group Liaison(s)

6.1.6. The Office of Public Affairs (OPA)

- Providing overall direction, management, and oversight of the FDA website content and assuring that programs are in place to help FDA center developers comply with Section 508

- Appointing an agency Section 508 Work Group Liaison(s)

6.1.7. Center/Office Directors

- Ensuring that Center/Office practices and procedures adhere to Section 508 requirements

- Appointing an agency Section 508 Work Group Liaison(s)

6.2. FDA Section 508 Program Manager(s)

The Section 508 Program Manager(s) will lead the agency's Section 508 Work Group and work to ensure Section 508 policies and procedures are being enforced. Under the leadership of the Program Manager(s), the Workgroup will update FDA's Section 508 policy and guidance and develop a strategy for implementing, communicating, and evaluating FDA's Section 508 activities as needed. Some of the responsibilities that the 508 Program Manager(s) manage include:

- Represent, when absent or unavailable, their respective appointing authorities and FDA Section 508 Program Director regarding 508 issues. This includes all discussions, decisions, and planning activities where Section 508 may be a factor in the agency's deliberations.

- Oversee the components and processes of FDA's Section 508 Program, including drafting specific policies, procedures, training, and forms to implement or refine this SMG. These may supersede the forms and process listed in this SMG.

- Provide progress reports and ad hoc information related to the implementation of Section 508 policies and procedures to the FDA Section 508 Program Director and the Commissioner, upon request.

- Establish and conduct regular meetings of the FDA Section 508 Working Group. Assign responsibilities to the team according to members' areas of expertise.

- Coordinate and assure education and awareness of all employees within the agency, add disability awareness and accessibility training into agency training programs.

- Monitor the Access Board (www.access-board.gov) and the General Services Administration (GSA) (www.section508.gov) web sites for new guidance and training opportunities.

- Update, as needed, methods for monitoring adherence to Section 508 policies and procedures.

- Update as needed, market research procedures and methods to monitor adherence to these procedures.

- Maintain the intranet page to share 508 information and link to the Section 508 standards, internal guidelines, points of contact, and available training,

- Coordinate the semi-annual Section 508 assessment of Section 508 Compliance mandated by HHS.

- Coordinate and contribute input to the Report to the Department of Justice upon request.

- Respond to other information requests on Section 508, coordinating with other involved organizations and stakeholders as necessary.

- Together with the Section 508 Program Director, represent FDA at HHS and Government-wide meetings regarding Section 508.

- Serve as the FDA representative on the HHS Section 508 Operations Board as the voting Member for FDA.

6.3. FDA Section 508 Web Working Group (WWG)

The FDA Web Working Group has the following responsibilities:

- Serve as a clearinghouse for Section 508 issues, resolving those where appropriate and recommending next steps for those that cannot be resolved.

- Provide recommendations and expertise to the Section 508 Program Manager regarding Section 508 implementation issues and solutions.

- Support the policies and procedures to ensure Section 508 compliance and communicate them to FDA employees.

- Respond to reporting requirements from HHS and the Department of Justice on Section 508 compliance.

- Integrate Section 508 accessibility needs into agency budget plans, strategic plans, and EIT capital plans.

- Work with software and web site vendors/developers on accessibility issues relating to ICT systems.

- Participate in monitoring, measurement, and disclosure activities including usability testing and priority setting.

- Provide sources of education and training to key personnel within the department/agency on how Section 508 will affect their organizations, what services and support are available, and procurement changes (FAR) that will affect the purchase of any new equipment or software.

6.4. FDA Requesting Officials (e.g. iProcurement users and Project Officers)

In accordance with the FAR and HHS policy, **the requesting official (not the contracting official) must:**

- Identify technical specifications, statements of work, and minimum requirements to be submitted with the purchase request.

- Identify which 508 standards apply to the procurement.

- Perform market research to determine the availability of compliant products and services (using vendor web sites and the Section 508 web site, which will link to vendors who describe their accessibility).

- Identify which exceptions would apply, if any.

- Obtain appropriate approvals for exceptions.

- Ensure that the products and services delivered comply with the required standards.
- Participate in mandated HHS training on Section 508.

6.5. FDA Authorizing Officials (Managers who approve procurements for their office)

- Ensure that the requesting official has complied with responsibilities under Section 6.4 of this policy.

- Respond to any Section 508 inquiries or complaints from employees or members of the public, referring them to the Section 508 Program Manager(s) as appropriate.

- Participate in mandated HHS training on Section 508.

6.6. FDA Contracting Officers

- Ensure that the statement of work (SOW) and resulting contract or other agreement contain appropriate Section 508 requirements, unless an exception is approved.

- Maintain in the contract file appropriate records to account for the exception for ICT purchases.

- Involve the FDA's Section 508 Program Manager regarding any Section 508 adverse issues or exceptions.

- Participate in mandated HHS training on Section 508.

7. Tools, Training, and Technical Assistance

The FDA's Accessibility and Section 508 webpage (https://fda.sharepoint.com/sites/insideFDA-IT-Accessibility-and-508-Compliance) has information on creating accessible documents, purchasing guidance, and forms. This site includes an extensive list of available tools and systematic guidance materials. Information on Section 508 tools, training, and technical assistance are regularly updated. Examples of guidance materials available on the Section 508 web page include:

- Section 508 Training
- Section 508 and Procurement and Contracts
- Accessibility Review Tools
- Creating Accessible Forms
- Section 508 Events
- HHS Accessibility Compliance Checklists

7.1. Mandatory Training for Managers and Purchasers

In order to ensure that Section 508 is well understood; all managers, purchasers, and employees will take the annual Section 508 Training when mandated by HHS. This includes:

- **Division Heads** (including STAFFDIV Heads)

- **CIOs (or Executives having Division-wide responsibility for IT activities)**

- **Authorizing Officials** (Managers and Supervisors who have the authority to approve purchase requests, accept proposals, or otherwise make acquisition decisions for their organizations)

- **Requesting Officials** (any employee whose duties include initiating iProcurement acquisitions requisitions, writing or evaluating RFP/RFIs, or any other role in determining or evaluating IT technical requirements or informing product choice)

- **Program Managers, Project Managers, IT Development Leads and COTRs** (Staff at any level responsible for directing IT projects, overseeing acceptance of electronic or information technology (EIT) deliverables, or managing/supervising EIT development staff)

- **Procurement (Acquisitions) Officials**

- **EEO staff**

7.2. Free Section 508 information and training from GSA

GSA provides additional information on www.section508.gov including best practices, free training on various 508-related subjects, frequently asked questions, and other information. GSA's free online training includes:

- Designing Accessible Websites
- Accessible Conferences

- Buying Accessible ICT (Requiring Officials and Contracting Officers)
- Additional Accessibility & Usability Concerns
- Accessible Video and Multimedia
- Building and Buying Accessible Software
- Buying Accessible Computers
- Opening Closed Products

8. Effective Date

The effective date of this policy guide is November 4, 2021.

This SMG will be reviewed and updated as necessary to ensure alignment with FDA strategies, policies and priorities.

9. Document History -- SMG 3210.16, Information and Communication Technology (ICT) under Section 508 of the Rehabilitation Act of 1973, Amended in 1998 and Revised in 2018

Status (I, R, C)	Date Approved	Location of Change History	Contact	Approving Official
Initial	03/07/2006	N/A	OEEODM/Diversity Management Staff (HFA-715)	Georgia Coffey, Director, OEEODM
Revision	10/12/2021	N/A	ODT/OIMT/OBCA/ DBPS/IIB/WST	FDA Chief Information Officer (CIO)

10. Glossary of Terms

E103.4 Defined Terms. For the purpose of the Revised 508 Standards, the terms defined in E103.4 have the indicated meaning:

- **Agency** - Any agency or department of the United States as defined in 44 U.S.C. 3502, and the United States Postal Service.
- **Alteration** - A change to existing ICT that affects interoperability, the user interface, or access to information or data.
- **Application** - Software designed to perform, or to help the user to perform, a specific task or tasks.
- **Assistive Technology (AT)** - Any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.
- **Audio Description** - Narration added to the soundtrack to describe important visual details that cannot be understood from the main soundtrack alone. Audio description is a means to inform individuals who are blind or who have low vision about visual content essential for comprehension. Audio description of video provides information about actions, characters, scene changes, on-screen text, and other visual content.

Audio description supplements the regular audio track of a program. Audio description is usually added during existing pauses in dialogue. Audio description is also called ‘‘video description’’ and ‘‘descriptive narration’’.

- **Authoring Tool** - Any software, or collection of software components, that can be used by authors, alone or collaboratively, to create or modify content for use by others, including other authors.
- **Closed Functionality** - Characteristics that limit functionality or prevent a user from attaching or installing assistive technology. Examples of ICT with closed functionality are self-service machines, information kiosks, set-top boxes, fax machines, calculators, and computers that are locked down so that users may not adjust settings due to a policy such as Desktop Core Configuration.
- **Content** - Electronic information and data, as well as the encoding that defines its structure, presentation, and interactions.
- **Document** - Logically distinct assembly of content (such as a file, set of files, or streamed media) that: functions as a single entity rather than a collection; is not part of software; and does not include its own software to retrieve and present content for users. Examples of documents include, but are not limited to, letters, email messages, spreadsheets, presentations, podcasts, images, and movies.
- **Existing ICT** - ICT that has been procured, maintained or used on or before January 18, 2018.
- **Hardware** - A tangible device, equipment, or physical component of ICT, such as telephones, computers, multifunction copy machines, and keyboards.
- **Information Technology** - Shall have the same meaning as the term ‘‘information technology’’ set forth in 40 U.S.C. 11101(6).
- **Information and Communication Technology (ICT)** - Information technology and other equipment, systems, technologies, or processes, for which the principal function is the creation, manipulation, storage, display, receipt, or transmission of electronic data and information, as well as any associated content. Examples of ICT include but are not limited to: Computers and peripheral equipment; information kiosks and transaction machines; telecommunications equipment; customer premises equipment; multifunction office machines; software; applications; Web sites; videos; and, electronic documents.
- **Keyboard** - A set of systematically arranged alphanumeric keys or a control that generates alphanumeric input by which a machine or device is operated. A keyboard includes tactilely discernible keys used in conjunction with the alphanumeric keys if their function maps to keys on the keyboard interfaces.
    - **Label** - Text, or a component with a text alternative, that is presented to a user to identify content. A label is presented to all users, whereas a name may be hidden and only exposed by assistive technology. In many cases, the name and the label are the same.
- **Menu** - A set of selectable options.

- **Name** - Text by which software can identify a component to the user. A name may be hidden and only exposed by assistive technology, whereas a label is presented to all users. In many cases, the label and the name are the same. Name is unrelated to the name attribute in HTML.
- **Non-Web Document** - A document that is not: A Web page, embedded in a Web page, or used in the rendering or functioning of Web pages.
- **Non-Web Software** - Software that is not: A Web page, not embedded in a Web page, and not used in the rendering or functioning of Web pages.
- **Operable Part** - Hardware-based user controls for activating, deactivating, or adjusting ICT.
- **Platform Accessibility Services** - Services provided by a platform enabling interoperability with assistive technology. Examples are Application Programming Interfaces (API) and the Document Object Model (DOM).
- **Platform Software** - Software that interacts with hardware or provides services for other software. Platform software may run or host other software and may isolate them from underlying software or hardware layers. A single software component may have both platform and non-platform aspects. Examples of platforms are: Desktop operating systems; embedded operating systems, including mobile systems; Web browsers; plug-ins to Web browsers that render a particular media or format; and sets of components that allow other applications to execute, such as applications which support macros or scripting.
- **Programmatically Determinable** - Ability to be determined by software from author-supplied data that is provided in a way that different user agents, including assistive technologies, can extract and present the information to users in different modalities.
- **Public Facing** - Content made available by an agency to members of the general public. Examples include, but are not limited to, an agency Web site, blog post, or social media pages.
- **Real-Time Text (RTT)** - Communications using the transmission of text by which characters are transmitted by a terminal as they are typed. Real-time text is used for conversational purposes. Real-time text also may be used in voicemail, interactive voice response systems, and other similar applications.
- **Revised 508 Standards** - The standards for ICT developed, procured, maintained, or used by agencies subject to Section 508 of the Rehabilitation Act as set forth in 508 Chapters 1 and 2 (36 CFR part 1194, Appendix A), and Chapters 3 through 7 (36 CFR part 1194, Appendix C).
- **Software** - Programs, procedures, rules, and related data and documentation that direct the use and operation of ICT and instruct it to perform a given task or function. Software includes, but is not limited to, applications, non-Web software, and platform software.
- **Software Tools** - Software for which the primary function is the development of other software. Software tools usually come in the form of an Integrated Development Environment (IDE) and are a suite of related products and utilities.

Examples of IDEs include Microsoft® Visual Studio®, Apple® Xcode®, and Eclipse Foundation Eclipse®.

- **Telecommunications** - The signal transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.
- **Terminal** - Device or software with which the end user directly interacts and that provides the user interface. For some systems, the software that provides the user interface may reside on more than one device such as a telephone and a server.
- **Text** - A sequence of characters that can be programmatically determined and that expresses something in human language.
- **TTY** - Equipment that enables interactive text-based communications through the transmission of frequency-shift-keying audio tones across the public switched telephone network. TTYs include devices for real-time text communications and voice and text intermixed communications. Examples of intermixed communications are voice carry over and hearing carry over. One example of a TTY is a computer with TTY emulating software and modem.
- **Variable Message Signs (VMS)** - Non-interactive electronic signs with scrolling, streaming, or paging-down capability. An example of a VMS is an electronic message board at a transit station that displays the gate and time information associated with the next train arrival.
- **Voice over Internet Protocol (VoIP)** - A technology that provides real-time voice communications. VoIP requires a broadband connection from the user's location and customer premises equipment compatible with Internet protocol.
- **Web page** - A non-embedded resource obtained from a single Universal Resource Identifier (URI) using HyperText Transfer Protocol (HTTP) plus any other resources that are provided for the rendering, retrieval, and presentation of content.

11. FDA Official Exception Forms

All of the Exception forms can be found in the FDA Forms library, and are linked from the Intranet Exceptions Forms page at: https://fda.sharepoint.com/sites/insideFDA-IT-Accessibility-and-508-Compliance/SitePages/Exception-Forms.aspx