

FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554 FCC DIRECTIVE	FCC DIRECTIVE	
	Electronic and Information Technology Accessibility Policy	
	Directive Number: FCCINST 1480.1	Effective Date: March 2018

TO: Commissioners, Bureau/Office Chiefs

SUBJECT: Electronic and Information Technology Accessibility Policy

1. PURPOSE:

This Directive sets forth the Federal Communication Commission's (Commission or FCC) policies, procedures, and responsibilities relating to the implementation of section 508 of the Rehabilitation Act of 1973, as amended (Section 508), and other legal requirements to provide employees and members of the public with maximum access to Information and Communication Technology (ICT) within the scope of the agency's mission and capabilities.

2. SCOPE:

The policies and procedures set forth in this Directive shall be followed by all Bureaus and Offices, and apply to all federal employees, contractor personnel, interns, volunteers, and other non-government employees working on behalf of the FCC.

3. AUTHORITIES:

In addition to Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. § 794d), as amended by the Workforce Investment Act of 1998 (Public Law 105-220) (the Rehabilitation Act), the Commission's accessibility efforts are in accordance with the following laws and regulations:

- Section 504 of the Rehabilitation Act;
- Title 40, U.S.C., §§ 11101-11704, "Clinger-Cohen Act of 1996," as amended;
- Title 44, U.S.C., § 3501, "E-Government Act of 2002," as amended, Section 202(d), "Accessibility to People with Disabilities";
- Title 36, Code of Federal Regulations (CFR), Part 1194, "Information and Communication Technology (ICT) Accessibility Standards and Guidelines" (revised ICT Standards and Guidelines), <https://www.federalregister.gov/documents/2017/01/18/2017-00395/information-and-communication-technology-ict-standards-and-guidelines>;

- Title 48, CFR, 39.204, Federal Acquisition Regulations (FAR), “Acquisition of Information Technology, Electronic and Information Technology” (EIT);
- Federal Acquisition Regulation, Final FAR Ruling 48, CFR Parts 2, 7, 10, 11, 12 and 39 (FAC 97-27; FAR Case 1999-607);
- Office of Management and Budget (OMB) Circular A-130, “Managing Federal Information as a Strategic Resource (last updated July 28, 2016); “Management of Federal Information Resources” (Transmittal Memorandum #4, November 28, 2000); and
- 29 CFR Part 32, “Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance.”

4. BACKGROUND:

In 1998, Congress amended the Rehabilitation Act to include enforcement language that supports the requirement for Federal agencies to make their Electronic and Information Technology (EIT) accessible to people with disabilities. 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. Under Section 508, agencies must ensure employees and members of the public with disabilities have access to and use of information and data that are comparable to the access and use available to employees and members of the public without disabilities, unless an undue burden would be imposed on the agency.

5. POLICY:

All Information Technology (IT) systems and electronic information developed, procured, maintained or used by the FCC must comply with the accessibility standards set forth in Section 508 of the Rehabilitation Act, unless an undue burden would be imposed on the agency, in which case, the information and data shall be provided by an alternate method or through a different format designed to communicate the same information or with similar functionality.

In complying with this policy, the FCC shall:

- Ensure that employees and members of the public with disabilities have access to and use of information and data that are comparable to the access available to people without disabilities, unless a valid Section 508 exception exists as described in section 7, below. When the appropriate authority determines that compliance with Section 508 would impose an undue burden, the information and data must be provided by an alternate method or format designed to communicate the same information or with similar functionality;
- When procuring ICT, ensure that the most compliant product that best meets business needs is selected by following applicable Section 508 acquisition compliance guidance;
- Ensure that all electronic content and communications, including FCC-published content on the Internet and Intranet, are in compliance with applicable Section 508 requirements;

- Ensure all FCC-funded programs follow accessibility requirements for activities and communications that are delivered electronically;
- Ensure that all IT Enterprise Performance Life Cycle checkpoints and other IT governance processes include Section 508 review criteria and associated subject matter expertise;
- Provide employees and members of the public with a way to request alternative access to meet their individual needs if none exists; and
- Follow the United States Access Board's revised ICT Standards and Guidelines, which provide requirements to ensure that various types of electronic and information technologies, including specific covered hardware, software, electronic content, and support documentation and services, are accessible to people with disabilities. The new, revised organizational format of these standards replace the prior product-based approach with requirements focused on functionality, and thus are designed to ensure that accessibility for people with disabilities keeps pace with advances in technology. Examples of ICT addressed by these standards include computers, information kiosks and transaction machines, telecommunications equipment, multifunction office machines, software, web sites, and electronic documents.

6. RESPONSIBILITIES:

a. The Managing Director is responsible for:

- The development, implementation, and oversight of the agency's Section 508 program as prescribed by Federal statute, regulation, and policy.
- Appointing an agency Section 508 Officer, who shall be individually responsible for establishing policies and best practices for the FCC's Section 508 program, including to provide guidance, increase awareness, and ensure implementation of Section 508 requirements. This includes, but is not limited to, the following:
 - Supporting, promoting, and implementing the requirements of Section 508 of the Rehabilitation Act.
 - Developing and distributing Section 508 related policy and guidance.
 - Monitoring and reporting Section 508 implementation progress to the Chief Information Officer (CIO).
 - Overseeing submission of any required Section 508 reports and surveys.
 - Working with the FCC's Enterprise Acquisition Center to assure that procurement policies, practices and procedures incorporate Section 508 requirements, and that procurement policy documents are Section 508 compliant.

b. The Office of the Chief Information Officer (OCIO) is responsible for:

- The implementation of this Directive and for ensuring compliance with Section 508 accessibility standards set forth by the United States Access Board, as well as ensuring that such standards are fully integrated into the Commission's ICT decision-making and investment processes.
- Ensuring that forms are designed or updated in an electronic format that conform to

applicable Section 508 Technical Standards promulgated by the U.S. Access Board and accessible through www.access-board.gov to ensure ease of use by persons with disabilities, and promote electronic signature options in accordance with the Government Paperwork Elimination Act.¹

- Reviewing and certifying each undue burden exception request, retaining all related documentation, and advising the CIO on all such requests submitted for approval.
 - Identifying ICT products, procedures, and processes that are not Section 508 compliant, and replacing a non-compliant item with a compliant one as necessary.
 - Ensuring that FCC-managed web sites conform to applicable Section 508 Technical Standards to ensure ease of use by persons with disabilities, including use of alternative text for every image, use of metadata and meta tags for titles, description, and keywords, complying with requirements for use of tables, and other specific requirements, and remediate failed web sites to achieve compliance.
 - With input from the Section 508 Officer, evaluating and acting on all Section 508 exception requests.
- c. The Office of Workplace Diversity (OWD) is responsible for administering the FCC's Reasonable Accommodations program. OWD shall coordinate with the FCC's Section 508 Officer on all requests for assistive technology facilitated by (or originating with) his/her office.
- d. The Chief of each Bureau and Office or his/her designee is responsible for coordinating all Section 508 compliance requests and related issues with the Section 508 Officer.
- e. The Chief, Enterprise Acquisition Center is responsible for:
- Ensuring relevant Section 508 compliance language is included in all relevant contractual actions.
 - Ensuring all documentation provided with Section 508-compliant purchase requests is retained in the contract file for tracking purposes, and a copy is provided to the Section 508 Officer.
 - Assisting with market research for products to comply with Section 508 EIT requirements, as needed.

7. EXCEPTIONS:

The Commission is not required to acquire ICT that meets the technical provisions of these standards if Section 508-compliant ICT is:

- not available or the acquisition is for a national security system;
- acquired by a contractor incidental to a contract;
- installed or attached at a workstation of a Federal employee who is not an individual with a disability;
- located in spaces frequented only by service personnel for maintenance, repair or

¹ See 36 CFR Part 1194, Subpart B.

occasional monitoring of equipment, or at a location other than that where the electronic and information technology is provided to the public (the “back office” exception); or

- would impose an undue burden on the agency.

Furthermore, when procuring or installing ICT, the Commission is not required to fundamentally alter the nature of a product or its components in a way that may be contrary to the agency’s needs.²

8. EXCEPTION PROCESS:

All exception requests for EIT acquisitions based on undue burden, fundamental alteration and national security reasons must be sent to the FCC’s Section 508 Officer for review and processing. The Section 508 Officer will assess these requests and provide input to the CIO to support his/her final evaluation for approving or denying the exception request.

9. EFFECTIVE DATE AND IMPLEMENTATION:

This Directive is effective immediately and shall be implemented promptly upon distribution.

A handwritten signature in black ink, appearing to read 'Mark Stephens', with a large, sweeping horizontal stroke extending to the right.

Mark Stephens
Managing Director

² See, e.g., <https://section508.gov/content/quick-reference-guide>, General Questions, question 3.