



**Chief Information Officer  
Office of Information Technology  
Centers for Medicare & Medicaid Services**

# CMS Section 508 Policy

Issued:	August , 2020
Last Revised:	July 24, 2020

## Record of Changes

Version	Date	Author/Owner	Description of Change
1.0	06/27/2006	OIS/EASG/DITM	Initial DRAFT Policy
2.0	03/28/2008	OIS/EASG/DITM	Formal release of baseline version 1.0
3.0	01/16/2018	OIT/ICPG/DIOG	Inclusion of industry standard updates, and CMS organizational changes, including restructuring of roles and responsibilities.
3.1	04/12/2019	OIT/ICPG/DIOG	Updated to reflect HHS policy title. Updated to improve readability.  Updated to remove reference to XLC
4.0	7/1/2020	OIT/ICPG/DIOG	Updated to reflect revised HHS Section 508 Policy; Role of Section 508 Coordinator removed; New designation of Section 508 Program

## Effective Date / Approval

This policy becomes effective on the date that CMS' Chief Information Officer (CIO) signs it and remains in effect until it is rescinded, modified or superseded by another policy.

This policy must not be implemented in any recognized bargaining unit until the union has been provided notice of the proposed changes and given an opportunity to fully exercise its representational rights.

Signature: \_\_\_\_\_



Rajiv Uppal  
 CMS Chief Information Officer  
 Office of Information Technology

## Policy Owner's Review Certification

This document must be reviewed in accordance with the established review schedule located on the [CMS website](#).

Signature: \_\_\_\_\_



Cora Tracy  
 Director, IT Capital Planning Group  
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## 1 Policy Statement

This policy, modeled on the framework of the U.S. Department of Health and Human Services (HHS) policy, sets forth the implementation of Section 508 of the Rehabilitation Act, as amended in 2017, for the Centers for Medicare & Medicaid Services (CMS).

CMS aspires to be a model employer of people with disabilities, as required by Section 501 of the Rehabilitation Act of 1973. CMS also seeks to ensure equally effective access to its programs and services, as required by Section 504 of the Rehabilitation Act of 1973. CMS can reach both of these goals only if it adheres to the requirements of Section 508.

CMS operates many programs that are critically important to people with disabilities. Information Technology (IT) is often the vehicle for delivering them. This policy addresses the need for IT to be accessible to this constituency. The most effective and least costly approach to technology accessibility is for CMS to incorporate accessibility into its IT governance, development and procurement processes.

## 2 Background

In 1986, Congress added Section 508 to the Rehabilitation Act of 1973. Section 508 established non-binding guidelines for IT accessibility. On August 7, 1998, the President signed into law the Workforce Investment Act of 1998, which included amendments to the Rehabilitation Act. These amendments significantly expanded and strengthened the IT accessibility requirements in Section 508 and made them binding on Federal agencies.

Section 508 applies to Information and Communication Technology (ICT), previously referred to as Electronic and Information Technology (EIT). Section 508, as amended, specifically requires that, when Federal agencies develop, procure, maintain, or use ICT, (1) individuals with disabilities who are Federal employees have access to and use of information and data that is comparable to the access to and use of the information and data by Federal employees who are not individuals with disabilities; and (2) individuals with disabilities who are members of the public seeking information or services from a Federal department or agency have access to and use of information and data that is comparable to the access to and use of the information and data by such members of the public who are not individuals with disabilities (FAR 39.201 and 36 CFR 1194.1).

Inaccessible technology interferes with an individual's ability to obtain and use information quickly and easily. Section 508 was enacted to eliminate barriers in IT, to make available new opportunities for people with disabilities, and to encourage development of technologies that will help achieve these goals. Under Section 508, Federal agencies must give Federal employees and members of the public with disabilities access to ICT and information that is comparable to the access available to individuals without disabilities.

The first regulation implementing Section 508 was issued by the Architectural and Transportation Barriers Compliance Board (the Access Board), an independent Federal agency, whose primary mission is to promote accessibility for individuals with disabilities. This regulation is referred to as the Access Board's "ICT Accessibility Standards," which became enforceable on June 21, 2001. The Access Board's standards set forth a definition of ICT and the technical and functional provisions and performance criteria necessary for compliance with Section 508.

The second regulation issued to implement Section 508 amended the Federal Acquisition Regulations (FAR) to ensure that agency acquisitions of ICT comply with the Access Board's standards. This regulation became enforceable on June 25, 2001. Other Federal regulations and statutes (e.g., Section 501 and Section 504 of the Rehabilitation Act, as amended) also require equal access to information for individuals with disabilities.

**On January 18, 2017, the Access Board published a final rule that jointly updates requirements for information and communication technology covered by Section 508 of the Rehabilitation Act and Section 255 of the Communication Act. This action was taken in response to market trends and technological innovations, such as the convergence of widely used technologies. The refresh also harmonized these requirements with other guidelines and standards both in the U.S. and abroad, including standards issued by the European Commission and with the Web Content Accessibility Guidelines (WCAG), a globally recognized voluntary consensus standard for web content and ICT developed by the World Wide Consortium (W3C).**

Section 501 prohibits discrimination based on disability in Federal employment and requires Federal agencies to establish affirmative action plans for the hiring, placement, and advancement of people with disabilities in Federal employment. Section 504 forbids excluding or denying individuals with disabilities an equal opportunity to receive program benefits and services. It defines the rights of individuals with disabilities to participate in, and have access to, program benefits and services. As a result, Federal agencies must provide, upon request, information and data to individuals with disabilities through an alternate method of access.

Violations of Section 508 can have significant ramifications to the Agency. If CMS does not provide equal access to ICT, an individual with a disability can file an administrative complaint or a civil lawsuit.

**This policy applies to ICT products and services developed, procured, maintained, or used by CMS. This policy also applies to all CMS content (including, but not limited to, electronic files, videos, electronic training material, web pages, blogs and social media content) that is available to the public. Additionally, the policy applies to official agency communications such as emergency notices, personnel actions, organizational activities and other bulletin board information electronically provided to CMS employees and contractors.**

Within the FAR 2.101, ICT has the same meaning as "information technology," except ICT also includes any equipment or interconnected system or subsystem of equipment that is used in the creation, conversion, or duplication of data or information. The term ICT, includes, but is not limited to, telecommunication products (such as telephones), information kiosks and transaction machines, worldwide websites, multimedia, and office equipment (such as copiers and fax machines).

According to OMB Circular A-130, "information technology" is equipment or interconnected systems that are used in the automatic acquisition, storage, analysis, evaluation, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information.

The term includes computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.

According to the FAR definition, ICT also includes any product used to acquire, store, manipulate, or transmit information. This includes software applications and operating systems; web-based intranet and internet information and applications such as distance learning; telephones and other telecommunications products; information kiosks and transaction machines; video equipment and multimedia products that may be distributed on videotapes, CDs, DVDs, or the World Wide Web; office products such as photocopiers and fax machines; calculators; and computer hardware.

According to the Access Board, ICT does not include any equipment that contains embedded information technology that is used as an integral part of the product, but the principal function of which is not the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. Status indicators and operable parts for ICT that are located in spaces frequented only by service personnel for maintenance, repair, or occasional monitoring of equipment are not required to conform to the 508 Standards.

### 3. Scope

This policy applies to all CMS employees, contractors, interns, and other non-government employees performing CMS business and all partners (including organizations receiving grant funds) or organizations collecting or maintaining information or using or operating information systems on behalf of CMS (herein referred to as the CMS Community). This policy does not apply to a CMS contractor's own internal workplace ICT, but does apply to any final ICT product identified as a deliverable within the Scope of Work (SOW) or Statement of Objectives (SOO) produced by the contractor for CMS.

This policy supersedes previous versions of CMS Section 508 policies. This policy does not supersede any other applicable law or higher-level agency directive, or existing labor-management agreement in effect as of the effective date of this policy.

### 4. Policy

It is the policy of CMS that ICT developed, procured, maintained, funded and used by the agency will be accessible to persons with disabilities. CMS will only employ the narrow exemptions in the Section 508 regulations when it is unavoidable. The Section 508 standards developed by the Access Board establish the minimum levels of compliance required.

Ensuring that technology will be accessible is often the most effective and least costly way to comply with Section 501, mandating affirmative action in employment practices for people with disabilities, and Section 504, which prohibits discrimination. This policy does not impose new obligations beyond those already required under existing law.

Specifically, CMS will:

- Ensure the identification of needs of users with disabilities when it procures, develops, maintains or uses of ICT. This will include a determination of how users with disabilities will perform the functions supported by the ICT and how the ICT will be developed, installed, configured, and maintained to support users with disabilities.

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- Ensure that the CMS Community and customers with disabilities have access to and use of electronic information and data that is comparable to the access available to people without disabilities unless a valid Section 508 exception applies and has been approved. 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.
- Ensure that when procuring ICT, the most compliant product that best meets the stated business needs is selected by following all CMS 508 acquisition compliance and ICT accessibility policies and procedures.
- Ensure that all electronic content and communications, including published content on the Internet and Intranet, comply with applicable Section 508 requirements.
- Ensure that all CMS-funded programs follow accessibility requirements for activities and communications that they deliver electronically.
- Ensure that all CMS System Development Life Cycle (SDLC) checkpoints and other IT governance processes include Section 508 review criteria.
- Monitor and ensure compliance with this Policy.
- Provide the CMS Community and members of the public with a way to file complaints regarding noncompliance.

### 4.1 Training & Awareness

The CMS Community shall possess and maintain an awareness of the requirements of Section 508.

At a minimum, CMS employees must complete Section 508 training on an annual basis to ensure a general awareness and understanding of the Section 508 requirements. In addition, CMS employees in a designated Section 508 role must complete specialized Section 508 training as prescribed by CMS and/or HHS.

### 4.2 Mandatory Requirements

**The Access Board's technical provisions are mandatory requirements that must be met (directly or through equivalent facilitation) unless the CMS Section 508 Official grants a formal request for an exemption from an established Section 508 standard. (See Section 4.6 Exceptions for the various types of exceptions that may be considered.)**

CMS shall ensure that ICT developed, modified, and/or acquired after June 21, 2001 are consistent with the requirements of Section 508, as implemented in the Access Board's standards and the FAR, which includes identifying applicable Section 508 provisions to interested contractors. As upgrades and changes are made to CMS' ICT products and services, they must comply with the Access Board's ICT Accessibility Standards and the FAR Final Rule for ICT. This includes, but is not limited to, ensuring that all electronic communications (e.g., text, graphics, audio and video files broadcast emailed and on password-protected websites, as well as all files and content posted on intranets and public-facing Web

Sites, distributed by way of SharePoint or similar method, etc.) Acquired, created, or used by CMS are accessible to persons with disabilities.

Emails, internal or external, shall be accessible to recipients with disabilities. This includes all of the content of the email including attachments, graphics, audio, video, and hyperlinks. Emails to known persons without disabilities or working draft disseminations shall meet Section 508 standards as much as practicable. Alternative or accessible formats shall be made available upon request.

Contracts and purchase agreements for the procurement of ICT and related services shall include all necessary provisions for Section 508 compliance, unless formally granted an exception in accordance with established CMS procedures and applicable laws/guidance. Contracting officers and individual credit card purchasers shall acquire ICT that meets the applicable technical provisions to the maximum extent practicable. Solicitations for ICT shall also be drafted such that products offering equivalent facilitation are considered along with those that strictly meet the technical provisions in the Access Board's standards.

#### 4.3 Market Research

Technical specifications and minimum requirements for ICT must be developed considering the results of market research and CMS needs. This information must be reflected appropriately in subsequent solicitations and contracts/agreements for all ICT procurements. The results from market research must be maintained in the contract or purchase documentation files for all ICT procurements.

Market research shall be performed in accordance with established CMS procedures for each ICT acquisition to determine the availability of products and services that meet the applicable technical provisions. CMS shall use the standards established in 36 CFR Part 1194 and FAR 10.001(a) (3) (vii) to conduct its market research. In determining availability, consideration shall be given to information on vendor websites and the Government's Section 508 website.

An ICT item is commercially available if it meets any one of the following criteria:

- It is for sale in the commercial marketplace;
- It will be on the market in time to satisfy the solicitation;
- With minor modification, the item could be available in time to satisfy the solicitation.

Where no products in the commercial marketplace meet all of the technical provisions, the Access Board's standards require CMS to "procure the product that best meets the standards" (see 36 CFR 1194). This may be the product that meets the most applicable technical provisions, but alternatively could be one that meets fewer technical provisions but which better addresses the accessibility needs of the intended end users.

#### 4.4 Production Evaluation & Remediation

Newly developed or procured ICT, and pre-existing ICT being maintained and used by CMS, shall be assessed for compliance in accordance with established CMS procedures.

The vendor or developer shall complete a Section 508 Voluntary Product Accessibility Template (VPAT). ICT testing must be conducted prior to release of the ICT into the CMS production

Environment. This includes, but is not limited to, any new ICT product developed or procured by CMS and existing ICT with major upgrades/releases.

Only ICT that has been appropriately reviewed and determined to be Section 508 compliant, or has been granted an exception, in accordance with established CMS procedures, shall be placed into the CMS production environment for usage by CMS. ICT in the CMS production environment that is found to be non-compliant must have a remediation plan or an exception.

#### 4.5 Safe Harbor Clause

The effective date of this revision to the Section 508 Final Rule is January 18, 2018. If existing ICT already complies with prior Section 508 regulations, it is not required to be modified to comply with the Revised Section 508 standards. This provision only applies to the component(s) or function(s) of the ICT determined to be compliant, and only so long as the ICT is not altered.

#### 4.6 Exceptions

##### 4.6.1 ICT

ICT systems or products that provide direct services to the public or to Federal employees shall be accessible to people with disabilities, unless a formal request for an exception from a specific Section 508 standard is requested and granted as an approved exception in accordance with established CMS procedures. The CMS Section 508 Official is responsible for making the final determination as to whether or not an exception shall be granted. If an exception is granted for an ICT product or service procurement, the appropriate exception documentation shall be maintained in the applicable contract or purchase documentation file.

Documented exceptions shall be annually reviewed and be tracked for future reporting to the HHS Office of the Chief Information Officer (OCIO) and Department of Justice (DOJ).

##### 4.6.1.1 ICT Exception Types

**Undue Burden** - The exception for Undue Burden is only applicable to the specific functions or features of an ICT product that cannot be made accessible without imposing significant difficulty or expense on the agency or component of the agency that will use the ICT. This determination must be in writing and must include an explanation of the basis for the decision, including why and to what extent conformance to specific requirements would result in an undue burden on the agency.

**Fundamental Alteration** - An exception is permitted when CMS determines that conformance to the Section 508 requirements would fundamentally alter the nature of the ICT. This determination must be in writing, include a description of how conformance would fundamentally alter the nature of the product, and a statement that includes how the business owner of the proposed technology will address the needs of persons with disabilities who are unable to utilize the technology in its current form.

##### 4.6.1.2 Alternative Means

When CMS makes a determination that an exception to the Section 508 standards is appropriate, CMS will provide access to the information and/or data to people with disabilities by alternative means. CMS

will require the ICT business owner to identify the needs of people with disabilities affected by each exception in advance and implement a plan to meet these needs through alternative means.

#### 4.6.2 Documents

Documents posted on CMS internet, extranet, and intranet sites, as well as documents posted on contractor websites for CMS business, must be Section 508 compliant.

CMS will ensure that all electronic content that is available to the public, such as web pages, blogs and social media, will conform to the applicable Section 508 standards.

CMS will ensure that electronic content used for official agency communications will conform to the applicable Section 508 standards. This requirement applies to, but is not limited to, the following types of official agency communications:

- A. an emergency notification;
- B. an initial or final decision adjudicating an administrative claim or proceeding;
- C. an internal or external program or policy announcement;
- D. a notice of benefits, program eligibility, employment opportunity, or personnel action;
- E. a formal acknowledgement of receipt;
- F. a survey questionnaire;
- G. a template or form;
- H. educational or training materials; or
- I. intranet content designed as a web page.

Documents containing content such as pictures, complex charts, equations, complex formulas, macros, merged cells, etc., must be reviewed and made as accessible as possible before consideration of exception before distributing.

#### 4.7 Complaints

Any individual may file a complaint alleging that CMS does not comply with the law in providing access to and use of information and data through ICT that is comparable to the access of information and data that is available to individuals without disabilities.

Complaints regarding an individual's inability to obtain access to CMS' information and data through its ICT shall be made and processed in an orderly and prompt manner in accordance with established CMS procedures.

In addition to the formal complaint process, CMS shall establish alternative processes and procedures to increase communication from appropriate parties while procuring, developing, and deploying ICT.

## 5 Roles and Responsibilities

This section identifies specific roles and their responsibilities as they relate to the implementation of Section 508 at CMS.

**Table 1: Summary of Roles and Responsibilities**

Role	Responsibility and Authority
<p>5.1 CMS Administrator</p>	<p>The CMS Administrator is responsible for the following activities:</p> <p><b>Administration</b></p> <p>Ensuring CMS’ implementation and adherence to Federal, HHS, and CMS Section 508 standards, regulations, policies, plans, processes, and procedures;</p> <p>Designating a senior-level manager as the CMS Section 508 Official; and</p> <p>Ensuring submission of reports and survey data related to ICT to appropriate government and other oversight organizations.</p>
<p>5.2 CMS Business Component Leadership</p>	<p>Senior leadership within each of the CMS business components and Regional Offices is responsible for the following activities:</p> <p><b>Administration</b></p> <p>Ensuring that the CMS Community implement and adhere to Federal, HHS, and CMS Section 508 practices, standards, regulations, policies, plans, processes, and procedures for all relevant work activities;</p> <p>Appointing a CMS Section 508 Clearance Officer; and</p> <p>Ensuring that all employees within the CMS business component complete the Section 508 training as required.</p>
<p>5.3 CMS Section 508 Chief Information Officer (CIO) / Section 508 Official</p>	<p>The CMS CIO will serve as the Section 508 Official, and as such is responsible for the following activities:</p> <p>Maintaining this CMS Section 508 policy;</p>

Role	Responsibility and Authority
	<p><b>Administration</b>                      Leading CMS’ Section 508 Program;</p> <p>Facilitating CMS’ implementation and adherence to Federal, HHS, and CMS Section 508 standards, regulations, policies, plans, processes, and procedures;</p> <p>Appointing a CMS Section 508 Program Manager; and</p> <p>Ensuring each business component (Regional Administrator, Consortia Administrator, Office or Center Director, etc.), appoints a Section 508 Clearance Officer.</p> <p><b>Procurement</b></p> <p>Ensuring that the needs of users with disabilities are identified when CMS procures, develops, maintains or uses ICT. This includes a determination of how users with disabilities will perform the functions supported by the ICT, and how the ICT will be developed, installed, configured, and maintained.</p> <p><b>Communication</b></p> <p>Ensuring and facilitating efficient communication about CMS Section 508 activities and/or issues are shared within CMS, the Office of the Secretary of HHS, and among interested internal partners.</p> <p><b>Exceptions</b></p> <p>Reviewing and approving or denying Section 508 exception requests based on guidance provided by the CMS Section 508 Program Manager; and</p> <p>Ensuring records are properly maintained for each approved or denied CMS Section 508 exception.</p> <p><b>Reporting</b></p> <p>Reviewing reports on Section 508 activities and ICT-related survey data to HHS and/or other appropriate government and oversight organizations in accordance with established procedures.</p>

Role	Responsibility and Authority
<p>5.4 CMS Section 508 Program Manager</p>	<p>The CMS Section 508 Program Manager is responsible for the following activities:</p> <p><b>Administration</b></p> <p>Oversees CMS’ Section 508 Program activities, including ensuring that CMS abides by established standards and implementing CMS and HHS policies, guidelines, and best practices;</p> <p>Providing administrative oversight in support of the CMS Section 508 Official;</p> <p>Serving as the Section 508 liaison and advocate;</p> <p>Developing and disseminating information on CMS’ Section 508 policies, standards, procedures, and guidance; and</p> <p>Establishes the respective OpDivs’ Section 508 management, implementation, and governance plans that are at a minimum in compliance with department –level Section 508 policies, procedures, and performance measures;</p> <p>Represent CMS within the HHS Section 508 governing board</p> <p>Escalate Section 508 concerns and issues related to CMS or Department to the HHS Section 508 Governing Board;</p> <p>Participate in the CMS Capital Planning &amp; Investment Cycle (CPIC), Targeted Lifecycle (TLC), and all other business operations processes to ensure ICT appropriately includes Section 508;</p> <p>Providing technical assistance on Section 508 issues.</p> <p><b>Training</b></p> <p>Developing, implementing, and maintaining a Section 508 Training Plan for CMS;</p> <p>Developing, implementing, and maintaining Section 508 policy training;</p>

Role	Responsibility and Authority
<p>5.4 CMS Section 508 Program Manager</p>	<p>Developing, implementing, and maintaining Section 508 technical competency training;</p> <p>Developing, administering, and maintaining Section 508 training for CMS Section 508 Clearance Officers;</p> <p>Tracking and reporting status of completion of annual training across the agency; and</p> <p>Routinely monitoring the Section 508 website of the U.S. Access Board and the General Services Administration (GSA) for updated guidance, training</p> <p>Developing, administering, and maintaining Section 508 training for CMS Section 508 Clearance Officers; and</p> <p>Tracking completion of annual training across the agency, including but not limited to, an appropriate review process.</p> <p><b>Testing</b></p> <p>Provides oversight and direction for all agency application testing activities; and</p> <p>Management of application testing lab scheduling;</p> <p>Provides oversight and the development and delivery of test summary reports;</p> <p>Management of remediation plans; to include oversight of approval process;</p> <p>Establishes guidelines for remediation activities;</p> <p>Provides oversight for Voluntary Procurement Application Template (VPAT) for testing and</p> <p><b>Procurement</b></p> <p>Ensuring compliance with Federal procurement requirements,</p>

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Role	Responsibility and Authority
<p>5.4 CMS Section 508 Program Manager</p>	<p><b>Exceptions</b></p> <p>Reviewing CMS Section 508 exception requests and ensuring an appropriate response is provided for each criteria;</p> <p>Approving or denying CMS Section 508 exception requests;</p> <p>Maintaining and annually reviewing records for each approved or denied CMS Section 508 exception;</p> <p>Maintaining and monitoring a system of record to ensure all ICT under CMS’ purview is in compliance with CMS’ Section 508 policy, or have documented remediation plans or exceptions;</p> <p>Maintaining and ensuring compliance with CMS procedures for granting and documenting all Section 508 exception requests;</p> <p>Ensuring that only ICT that is Section 508 compliant, or that has otherwise been granted a documented exception, operates in the CMS production environment; and</p> <p>Auditing the CMS production environment for ICT that is non-compliant with Section 508.</p> <p><b>Complaints</b></p> <p>Upon request of an Office of Civil Rights (OCR) or Equal Employment Opportunity (EEO) entity, the CMS Section 508 Program Manager (or designee) will assist in the complaint process.</p> <p>Assistance may include, but is not limited to, gathering data, performing evaluations or providing guidance.</p> <p><b>Reports</b></p> <p>Developing required reports and/or coordinating the completion of required surveys on Section 508 exceptions and other Section 508 activities, and submitting the results to the CMS Section 508 Official for review.</p> <p>Collect and report CMS 508 metrics as required to the HHS Section 508 Program Director.</p>

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Role	Responsibility and Authority
<p>5.4 CMS Section 508 Program Manager</p>	<p><b>Communication</b></p> <p>Publishing a list of the current CMS Section 508 Program Manager and Clearance Officers and backups, for publication on the CMS website;</p> <p>Coordinating completion of the biennial DOJ Section 508 survey for CMS input into the HHS final report;</p> <p>Supporting collaboration between CMS and the Section 508 Program in the HHS OCIO; and Representing CMS at federal meetings, conferences, and training sessions on Section 508.</p>
<p>5.5 CMS Section 508 Clearance Officer</p>	<p>The CMS Section 508 Clearance Officer for each CMS business component is responsible for the following activities:</p> <p><b>Administration</b></p> <p>Serving as the Section 508 liaison; and</p> <p>Providing technical assistance on Section 508 issues.</p> <p><b>Training</b></p> <p>Completing required annual and role-based Section 508 training and any other specialized training to help support the role.</p> <p><b>Procurement</b></p> <p>Providing assistance on Section 508 applicability to procurements during Acquisition Planning;</p> <p>Serving as the Section 508 point of contact for solicitations and reviewing solicitations in a timely manner, prior to release, to ensure that Section 508 requirements are addressed;</p>

Role	Responsibility and Authority
<p>5.5 CMS Section 508 Clearance Officer</p>	<p><b>Testing</b></p> <p>Reviewing completed VPATs, and making recommendations as to the preparedness of the associated ICT for testing with applicable Section 508 accessibility standards; and</p> <p>Participating in Section 508 testing-related activities.</p> <p><b>Remediation Plans</b></p> <p>Ensuring the development and completion of remediation plans for ICT identified as being non-compliant with Section 508, or is otherwise covered by an exception.</p> <p><b>Exceptions</b></p> <p>Reviewing CMS Section 508 exception requests and collaborating with the CMS Section 508 Program Manager to determine appropriate actions.</p> <p><b>Reports</b></p> <p>Developing required reports and/or the completion of required surveys regarding Section 508 activities and submitting the results to the CMS Section 508 Program Manager for review.</p> <p><b>Communication</b></p> <p>Reviewing electronic communications and assisting authors with remediation in accordance with applicable Section 508 accessibility standards before the communications are released; and</p> <p>Participating in CMS and federal meetings, conferences, and training sessions on Section 508 as needed.</p>
<p>5.6 CMS Community</p>	<p>The CMS Community is responsible for the following activities:</p> <p><b>Training</b></p> <p>Ensuring awareness of Section 508 policies and standards;</p> <p>Completing required annual Section 508 training.</p>

Role	Responsibility and Authority
<p>5.6 CMS Community</p>	<p><b>Procurement</b></p> <p>Providing complete and accurate VPATs for ICT being developed, procured, maintained or used by the CMS Community and the public;</p> <p>Reviewing the Access Board standards, and determining which Section 508 Accessibility Standards (36 CFR Part 1194) apply to the specific ICT product or service being procured;</p> <p>Ensuring that all applicable technical provisions of the Access Board’s standards are included in requirements documents, statements of work, and task orders; and</p> <p>Conducting and documenting market research, in accordance with CMS procedures, to identify what products are available to meet the business requirements and associated technical provisions of the Access Board’s standards.</p> <p><b>Testing</b></p> <p>Supporting the ICT through the testing process; and</p> <p>Ensuring that newly developed or acquired ICT has been tested, and appropriately deemed compliant with Section 508 or that a documented exception has been granted prior to its use in a production environment in accordance with CMS procedures.</p> <p><b>Remediation Plans</b></p> <p>Assisting in the development and submission of appropriate remediation plans for ICT; and</p> <p>Developing and implementing appropriate remediation plans for ICT operating in a production environment that is determined to be non-compliant with Section 508.</p> <p><b>Exceptions</b></p> <p>Supporting the ICT through the exception process; and</p> <p>Documenting ICT exceptions for compliance with Section 508, as applicable, and forwarding for approval in accordance with CMS procedures.</p>

Role	Responsibility and Authority
5.6 CMS Community	<p><b>Communication</b></p> <p>Providing clear documentation of the accessibility features and appropriate uses of their ICT products to maximize accessibility; and</p> <p>Ensuring electronic content is Section 508 compliant. This includes, but is not limited to, authored, owned, developed, maintained, and/or submitted for publication on CMS’ public-facing websites and the CMS intranet, uploaded to SharePoint, or distributed via emails (e.g. broadcast).</p>
5.7 Office of Acquisition and Grants Management (OAGM)	<p>OAGM is responsible for the following activities:</p> <p>Ensuring ICT procurements comply with Federal Acquisition Regulations (FAR) and HHS Acquisition Regulations (HHSAR);</p> <p>Developing, updating, and incorporating applicable Section 508 language in solicitations, contracts, blanket purchase agreements (BPAs), and task orders for all ICT procurements;</p> <p>Maintaining, and ensuring compliance with CMS procedures for conducting market research for all ICT procurements;</p> <p>Ensuring the results from market research, and if applicable, documentation for approved exceptions, are maintained in the contract files for all ICT procurements;</p> <p>Ensuring solicitations issued by CMS and proposal documentation provided are Section 508 compliant; and</p> <p>Enforcing contractor compliance with all applicable Section 508 contract provisions.</p>
5.8 Office of Communications (OC)	<p>OC is responsible for the following activities:</p> <p>Ensuring a process is in place for publishing Section 508 compliant content on CMS’ public-facing websites (including but not limited to www.cms.gov, www.medicaid.gov, and www.medicare.gov) and Intranet (CMS.net);</p> <p>Ensuring the framework templates for CMS’ public-facing websites and Intranet meet Section 508 compliance;</p>

Role	Responsibility and Authority
<p>5.8 Office of Communications (OC)</p>	<p>Assisting in the development of remediation plans for achieving Section 508 compliance of non-compliant content published on CMS' public-facing websites;</p> <p>Performing random audits to verify that content published on CMS' public-facing websites is Section 508 compliant; and</p> <p>Sending reports generated by CMS' public website compliance measurement tool to content editors to indicate what content is not compliant.</p> <p><b>CMS Web Staff (Contributing Editors and Section Editors)</b></p> <p>CMS has implemented a distributed website support model for the Agency's public websites. Component web staff, in the roles of Contributing Editors and Section Editors respectively, enter content into the Web Content Management System (WCMS) and approve the content before it is made public.</p> <p>Because of the nature of CMS' distributed web management model and WCMS platform, there are several Section 508 compliance activities that are fully delegated to CMS web staff for monitoring and resolution, as described below.</p> <p>CMS Web Staff are responsible for the following activities:</p> <p><b>In coordination with OC:</b></p> <p>Publishing Section 508 compliant content on CMS' public-facing websites (including but not limited to <a href="http://www.cms.gov">www.cms.gov</a>, <a href="http://www.medicaid.gov">www.medicaid.gov</a>, and <a href="http://www.medicare.gov">www.medicare.gov</a>) and Intranet;</p> <p>Denying non-compliant content published to CMS' public-facing website and Intranet;</p> <p>Referring the author to the Section 508 Component Clearance Officer; and</p> <p>Reviewing compliance reports distributed by the OC and remediating issues identified in order to meet HHS' published compliance thresholds.</p>

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Role	Responsibility and Authority
<p>5.8 Office of Communications (OC)</p>	<p><b>Fully delegated:</b></p> <p>Publishing Section 508 compliant content on secure (non-public) CMS public-facing websites, such as the CMS Portal; and</p> <p>Ensuring all files or downloadable documents published by their component to CMS’ public-facing websites, including PDF documents, zip files, and other file types, are reviewed by the Section 508 Component Clearance Officer; and any non-compliant issues identified are remediated before the content is uploaded.</p>
<p>5.9 Office of Equal Opportunity and Civil Rights (OEOCR)</p>	<p>OEOCR is responsible for the following activities:</p> <p>Developing, implementing, maintaining procedures for accepting and handling employment-related complaints filed by federal employees and applicants for employment at CMS, alleging a failure to comply with Section 508, which are consistent with the procedures set forth in 29 CFR 1614;</p> <p>Maintaining a system to record and track Section 508 complaints received by CMS;</p> <p>Providing reports and survey data on the number and status of Section 508 complaints received by CMS to the appropriate government and oversight organizations;</p> <p>Ensuring Section 508 employment discrimination complaints are forwarded to the HHS Equal Employment Opportunity Program Group (EEOPG), Office of Human Resources (OHR), Office of the Assistant Secretary for Administration &amp; Management (ASAM), and Office of the Secretary (OS); and</p> <p>Ensuring non-employment-related complaints from members of the public alleging a failure to comply with Section 508, are forwarded to the HHS Office of Civil Rights (OCR) for investigation.</p>
<p>5.10 Office of Human Capital (OHC)</p>	<p>OHC is responsible for the following activities:</p> <p>Advising CMS on human resources policy matters affecting accessibility of ICT for individuals with disabilities within the CMS Community; and</p> <p>Tracking and monitoring CMS compliance with Section 508 requirements as it relates to employment-related matters.</p>

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Role	Responsibility and Authority
5.11 Office of Information Technology (OIT)	<p>OIT is responsible for the following activities:</p> <p>Reviewing, approving, and tracking licenses for accessibility software provided by the agency; and</p> <p>Providing Section 508 testing on all ICT placed on the CMS IT infrastructure or used to conduct CMS business.</p>

## 6 Metrics

Table 2: CIO Policy Framework Metrics

Output/Outcome Measure	Goal	Method/Formula
% of CMS staff that have completed required Annual Section 508 Training	90%	# of CMS staff who have completed training / # total CMS staff

## 7 Information and Assistance

For further information regarding this policy please send an email to the CMS Section 508 email box at [CMS\\_Section508@cms.hhs.gov](mailto:CMS_Section508@cms.hhs.gov).

For information regarding Section 504 of the Rehabilitation Act of 1973 at CMS, please see [CMS.gov Section 504 Webpage](http://CMS.gov/Section504Webpage).

## 8 Applicable Laws/Guidance

The following laws, regulations, and guidance are applicable to this policy:

- [Section 501 of the Rehabilitation Act of 1973](#) (29 U.S.C. § 791), asamended.
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), asamended.
- [Section 508 of the Rehabilitation Act of 1973](#) (29 U.S.C. § 794 (d)), as amended by the Workforce Investment Act of 1998 (P.L. 105-220), August 7, 1998.
- Hearing Aid Compatibility Act of 1988 (P.L.100-394).
- Telecommunications Accessibility Enhancement Act of 1988 (P.L.100-542).
- [Americans with Disabilities Act of 1990](#) (P.L.101-336).
- Telecommunications for the Disabled Act of 1992 (P.L.97-410).
- OMB Circular A-130, Management of Federal Information Resources, November 30,2000.
- “Electronic and Information Technology (EIT) Accessibility Standards” (36 CFR Part 1194); Published as a Final Rule in the Federal Register (65 Fed. Reg. 80499) on December 21, 2000 by the Architectural and Transportation Barriers Compliance Board (a.k.a., Access Board), effective June 21, 2001.
- [Final Rule Amending the Federal Acquisitions Regulations \(FAR\), Electronic and Information Technology Accessibility](#)

(48 CFR Chapter 1, Parts 2, 7, 10, 11, 12, and 39); Published as a Final Rule in the Federal Register (66 Fed. Reg. 20894) on April 25, 2001 by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils), effective June 25, 2001.

- OMB Circular A-11, Preparation, Submission, and Execution of the Budget, Section 33.4 Systems Acquisition and Section 53.1 Agency IT Investment Portfolios (Exhibit 53), revised 2003.

## HHS Policy for Section 508 Compliance and Accessibility of Information and Communications Technology (ICT)

- CMS Administrator’s Electronic and Information Technology (EIT/ICT) Accessibility Policy Statement, March 25, 2008.
- [Health and Human Services Acquisition Regulation 339](#) “Acquisition of Information Technology” (5 U.S.C. § 301, 40 U.S.C. § 121(c) (2)). Effective December 18, 2015.
- [Information and Communication Technology \(ICT\) Standards and Guidelines](#) (36 CFR Parts 1193 and 1194); Published as a Final Rule in the Federal Register (Vol. 82, No. 11) on January 18, 2017 by the Architectural and Transportation Barriers Compliance Board (a.k.a., Access Board), effective January 18, 2018.
- Federal Sector Equal Employment Opportunity (29 CFR 1614).

## 9. Reference Documents

Document #	Document Title
CMS-OIS-PROC-50803-01	Procedure: Section 508 Exceptions
	Procedure: CMS Accessibility Validation
CMS-OIS-PROC-50801-01	Procedure: Determining Section 508 Compliance
	Section 508 Voluntary Product Assessment Template
	CMS Section 508 Remediation Plan Template

## Glossary

Term or Acronym	Definition (or literal translation of acronym)
<b>Alternate Methods</b>	Different means of providing information to users of products, including product documentation such as voice, fax relay service, Text Telephone (TTY) or Telecommunication device for the deaf (TDD), internet posting, captioning, text-to-speech synthesis, and audio description (36 CFR § 1194.4).
<b>Assistive Technology</b>	Any item, piece of equipment, or system whether acquired commercially, modified, or customized, that is commonly used to increase, maintain, or improve functional capabilities of individuals with disabilities. This may include screen readers, which allow persons who cannot see a visual display to either hear screen content or read the content in Braille, as well as screen magnification, voice recognition, etc.
<b>Broadcast Emails</b>	Emails sent by a Federal Official (i.e., Full-Time Equivalent (FTE), non-FTE, Senior Executive Service (SES), Appointee, Commission member, or person acting on their behalf) to any group or list comprised of persons, some of whom are not personally known to the sender OR; Emails sent as final documents, intended for distribution to other Federal Officials or to members of the public seeking information and services.
<b>CMS Community</b>	The CMS Community includes CMS employees, contractors, interns, and other non-government employees performing CMS business and all partners (including organizations receiving grant funds) or organizations collecting or maintaining information or using or operating information systems on behalf of CMS.
<b>Code of Federal Regulations (CFR)</b>	The codification of the general and permanent rules published in the <i>Federal Register</i> by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation. Each volume of the CFR is updated once each calendar year and is issued on a quarterly basis. Each title is divided into chapters, which usually bear the name of the issuing agency. Each chapter is further subdivided into parts that cover specific regulatory areas. Large parts may be subdivided into subparts. All parts are organized in sections, and most citations in the CFR are provided at the section level.
<b>Commercial Item</b>	Any item that can be purchased off-the-shelf and used without making changes, except those designed within the equipment or software. Reference FAR Subpart 2.101 for a more comprehensive definition.

Term or Acronym	Definition (or literal translation of acronym)
<b>Commercial Non-availability</b>	<p>Refers to circumstances where no commercial items are available that meet the applicable Access Board’s technical provisions (directly or through equivalent facilitation) in time to satisfy the agency’s delivery requirements. If products are available that meet some, but not all, applicable provisions, agencies cannot claim a product as a whole is non-available just because it does not meet all of the applicable technical provisions. Where ICT conforming to one or more requirements in the Revised 508 Standards is not commercially available, the agency shall procure the ICT that best meets the Revised 508 Standards consistent with the agency’s business needs.</p>
<b>Electronic and Information Technology (EIT)</b>	<p>Information technology and any equipment or interconnected system or subsystem of equipment that is used in the creation, conversion, or duplication of data or information. The term electronic and information technology includes, but is not limited to, telecommunications products (such as telephones), information kiosks and transaction machines, World Wide Web sites, multimedia, and office equipment such as copiers and fax machines. The term does not include any equipment that contains embedded information technology that is used as an integral part of the product, but the principal function of which is not the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. For example, HVAC (heating, ventilation, and air conditioning) equipment such as thermostats or temperature control devices, and medical equipment where information technology is integral to its operation, are not information technology.</p> <p>Electronic and Information Technology (EIT) was replaced by Information and Communication Technology (ICT) in 2017, per the Final Rule of the U.S. Access Board.</p>
<b>Equivalent Facilitation</b>	<p>The use of designs or technologies as alternatives to those prescribed in the Access Board’s technical standards provided that they result in substantially equivalent or greater access to and use of a product for people with disabilities. This provision recognizes that future technologies may be developed, or existing technologies could be used in a particular way, that could provide the same functional access in ways not envisioned by the technical standards.</p>

Term or Acronym	Definition (or literal translation of acronym)
<b>Fundamental Alteration</b>	Where an agency determines that conformance to requirements in the 508 Standards would impose an undue burden or would result in a fundamental alteration in the nature of the ICT, conformance shall be required only to the extent that it does not impose an undue burden or result in a fundamental alteration in the nature of the ICT.
<b>Information and Communication Technology (ICT)</b>	ICT (information and communication technology - or technologies) is an umbrella term that includes any communication device or application, encompassing: radio, television, cellular phones, computer and network hardware and software, satellite systems and so on, as well as the various services and applications associated with them, such as video conferencing and distance learning.
<b>Information Technology (IT)</b>	Any equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. The term information technology includes computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.
<b>Market Research</b>	A process used to collect, organize, maintain, analyze, and present data for the purpose of maximizing the capabilities, technology and competitive force of the marketplace to meet an organization’s needs for supplies or services.
<b>Micro-Purchase Exception</b>	An exception for a one-time purchase made prior to April 1, 2005 that totals \$2,500 or less and made on the open market as opposed to under an existing contract. For example, a software package that costs \$1800 is not a micro-purchase if it is part of a \$3,000 purchase. Orders placed against the Federal Supply Schedule, government-wide acquisition contracts (GWACs), multi-agency contracts, or IDIQ contracts are not micro-purchases because they are not made on the open market.
<b>Voluntary Product Accessibility Template (VPAT)</b>	A standard means for providing a fair representation of an ICT product’s accessibility that was developed by the Information Technology Industry (ITI) Council in partnership with the General Services Administration (GSA). Its purpose is to assist Federal contracting and procurement officials in fulfilling the market research requirements contained within the Section 508 implementation regulations. ICT suppliers are encouraged to routinely produce VPATs for their products, post them on their company websites, and link them to GSA's “Buy Accessible” website.

Term or Acronym	Definition (or literal translation of acronym)
<b>Self-Contained Closed Products</b>	ICT products that generally have embedded software and are commonly designed in such a fashion that a user cannot easily attach or install assistive technology. These products include, but are not limited to, information kiosks and information transaction machines, copiers, printers, calculators, fax machines, and other similar types of products.
<b>Telecommunications</b>	The 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.
<b>TTY</b>	An abbreviation for teletypewriter. Machinery or equipment that employs interactive text-based communications through the transmission of coded signals across the telephone network. Also called text telephones.
<b>Undue Burden</b>	Significant difficulty or expense that is incurred after consideration of all available resources to the component or program for which the ICT product or service is being developed, procured, maintained, or used.