

**Forest Service Manual
National Headquarters - Washington Office
Washington, DC**

**Forest Service Manual 6800 – Information Management
Chapter 6820 - Section 508 of the Rehabilitation Act Compliance**

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Digest: Following is an explanation of the changes throughout the directive by section.

6820: Establishes new chapter FSM 6820, “Section 508 of the Rehabilitation Act Compliance”, and sets forth direction for authorities, objectives, policies, responsibilities, definitions, and exceptions associated with the Agency Section 508 compliance of the Rehabilitation Act Amendments of 1998.

Forest Service Manual 6800 – Information Management
Chapter 6820 - Section 508 of the Rehabilitation Act Compliance

Amendment: 6800-2013-1

Effective date: August 20, 2013

Table of Contents

6820.1 - Authority.....	3
6820.2 - Objectives	5
6820.3 - Policy	5
6820.4 - Responsibility	6
6820.41 - Service-wide	6
6820.41a - All Employees, Contractors, and Volunteers.....	6
6820.41b - Managers, Supervisors, and Project Leaders	6
6820.41c - Section 508 Managers.....	6
6820.41d - Project Managers and Contracting Officer Representatives.....	7
6820.42 - Washington Office	7
6820.42a - Chief	7
6820.42b - Associate Chief, Deputy Chiefs, and Chief Financial Officer	7
6820.42c - Washington Office Staff Directors	8
6820.43 - Forest Service Chief Information Officer (CIO)	8
6820.43a - Agency Section 508 Compliance Coordinator	9
6820.44 - Job Corps, Law Enforcement and Investigations, International Institute of Tropical Forestry, Northeastern Area State and Private Forestry.....	9
6820.45 - Director of Acquisition Management (AQM).....	10
6820.46 - Director of Civil Rights (CR).....	10
6820.47 - Regional Foresters and Research Station Directors	10
6820.48 - National Forest and Grassland Supervisors; National Recreation, Scenic Area, and Monument Managers.....	11
6820.5 - Definitions.....	11
6821 - Section 508 Compliance Exceptions	13

6820.1 - Authority

The General Services Administration (GSA) provides policy, authority, and oversight for Section 508 of the Rehabilitation Act, and the implementation and enforcement of the Act and law comes from the U.S. Department of Justice (DOJ). The DOJ is required to provide Section 508 reports to the President and Congress. To implement this requirement, DOJ, in conjunction with the GSA, solicits information from all Federal departments and agencies, including the U.S. Department of Agriculture (USDA), to provide the DOJ with biennial information that is used to compile the Section 508 reports.

1. Department of Defense 5015, v.2, Electronic Records Management Software Application Design Criteria Standard (DoD 5015.2-STD, June 2002). This standard, recommended by NARA for use by all Federal agencies, provides design criteria standards for electronic records management software applications.
2. The Federal Acquisition Regulations (FAR) at Title 48, Code of Federal Regulations, Part 39, Acquisition of Information Technology, section 39.2 (48 CFR 39.2). The FAR provides requirements implementing section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d) and for the Electronic and Information Technology Accessibility Standards issued by the Architectural and Transportation Barriers Compliance Board at 36 CFR part 1194. The FAR is incorporated in the Forest Service Directive System in FSH 6309.32.
3. International Standards Organization (ISO) 15489-1: 2001, Information and documentation – Records Management[®]. A NARA recommended source for records management guidance, ISO 15489 is the international standard for records management. ISO 15489-1 is consistent with NARA's approach to records management, emphasizing the importance of trustworthy records and the concepts of authenticity, reliability, integrity, and usability of records.
4. OMB Circular No. A-123 – Management Accountability and Control. This Office of Management and Budget (OMB) Circular requires Federal agencies to limit access to records to authorized individuals, and to record/document transactions.
5. OMB Circular No. A-130 – Management of Federal Information Resources. This circular defines records and records management, states that the systematic attention to the management of Government records is an essential component of sound public resources management, directs Federal agencies to include records management in information management planning and the capital planning process, and directs agencies in the implementation of records management.
6. Public Law 104-106, Division E – Information Technology Management (Clinger-Cohen Act of 1996, also known as the Information Technology Management Reform Act of 1996). This Clinger-Cohen requires agencies to establish procedures to ensure it has present on its computers and uses only computer software that complies with applicable copyright laws. Such procedures include developing and maintaining adequate recordkeeping systems.

Forest Service Manual 6800 – Information Management
Chapter 6820 - Section 508 of the Rehabilitation Act Compliance

Amendment: 6800-2013-1

Effective date: August 20, 2013

7. Section 508 of the Rehabilitation Act (29 U.S.C. 794d), as amended by the Workforce Investment Act of 1998 (P.L. 105-220) [U.S. Code Number is the same as above], August 7, 1998. Section 508 requires that Federal departments and agencies developing, procuring, maintaining, or using electronic and information technology ensure that Federal employees and members of the public with disabilities have access to and use of information and data, comparable to that of Federal employees and members of the public without disabilities.
8. Title 36, Code of Federal Regulations (CFR), Chapter XI, Part 1194 – Electronic and Information Technology Accessibility Standards. The purpose of this part is to implement section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794d).
9. Title 5, United States Code (U.S.C.), Chapter 5, Subchapter II – Administrative Procedure Act. This chapter of the U.S.C. is a comprehensive procedural guide that agencies must follow when performing their functions.
 - a. §552. Public information; agency rules, opinions, orders, records, and proceedings (Freedom of Information Act, as amended). This section allows for the full or partial disclosure of previously unreleased information and documents controlled by the U.S. Government.
 - b. §552a. Records maintained on individuals (Privacy Act of 1974, as amended). The Privacy Act established a Code of Fair Information Practice that governs the collection, maintenance, use, and dissemination of personally identifiable information about individuals that is maintained in systems of records by Federal agencies.
 - c. §553. Rulemaking (Administrative Procedures Act). This portion of the United States Code covers the creation of U.S. Federal agency regulations.
10. Title 18, United States Code (U.S.C.), Chapter 121 – Stored Wire and Electronic Communications and Transactional Records Access (Electronic Communications Privacy Act of 1986). This chapter of the United States Code establishes protections for electronic communications.
11. Title 44, United States Code (U.S.C.), Chapter 35 – Coordination of Federal Information Policy (Paperwork Reduction Act of 1980, as amended, Paperwork Reduction Reauthorization Act of 1995, and Government Paperwork Elimination Act). The Paperwork Reduction Act (PRA) mandates all Federal Government agencies obtain approval from the Office of Management and Budget (OMB) before promulgating a form that will impose an information collection burden on the general public. The PRA is periodically reauthorized by Congress. The Government Paperwork Elimination Act (GPEA) requires Federal agencies to allow individuals or entities that deal with the agencies the option to submit information or transact with the agency electronically, when practicable, and to maintain records electronically, when practicable.
12. USDA DR 3080, Records Management. This U.S. Department of Agriculture (USDA) regulation sets forth and summarizes the policies, responsibilities, and

procedures for the creation, maintenance, use, and disposition of all records and other documentary materials throughout USDA.

13. USDA DR 3090-001, Litigation Retention Policy for Documentary Materials including Electronically Stored Information. This USDA regulation prescribes Department-wide enterprise policies and responsibilities related to the retention of record and non-record documentary materials, including electronically stored information (ESI), for discovery or other litigation-related purposes.

14. USDA DR 4030-001, Section 508 Program. This USDA regulation sets forth the Department's policies, procedures, and standards on the USDA Section 508 program.

15. USDA DR 4070-735-001, Employee Responsibilities and Conduct. This USDA regulation sets forth the Department's policies, procedures, and standards on employee responsibilities and conduct.

6820.2 - Objectives

1. Ensure that Section 508 compliance, that is, ensure persons with disabilities including Forest Service employees, contractors, volunteers, partners, and members of the public served by the Forest Service, have access to Agency electronic information, services, and electronic and information technologies (EIT) that is comparable to the access persons without disabilities have to these things.
2. Establish Agency roles and responsibilities for achieving Section 508 compliance.

6820.3 - Policy

1. The Forest Service is committed to making its information and all of its electronic and information technology (EIT) and services accessible to the widest possible audience, including individuals with disabilities. The Forest Service is further committed to the access experienced by persons with disabilities being comparable to the access experienced by persons without disabilities (comparably accessible). Compliance with this intent is mandatory for Federal agencies pursuant to Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794d). This directive sets forth the Forest Service's policy and responsibilities in implementing and maintaining an EIT accessibility program that provides:
 - a. Disabled and non-disabled employees with equivalent access to EIT, and
 - b. Disabled and non-disabled members of the public with equivalent access to and use of Forest Service information and services.
2. All EIT systems and products that provide direct services to the public or Federal employees must be comparably accessible to people with disabilities, unless a formal request for an exception from an established Section 508 standard is granted as an approved exception to established USDA procedures.

3. Web Accessibility Policy for Intranet and Internet Page (FSM 1660). The Agency has adopted a policy to make its websites accessible to all Agency customers and employees, and mission areas have announced this policy through a link on their home pages.
4. The Agency has Section 508 compliant procedures for the development of internal software and purchased software (FSM 6620).
5. The Agency follows Section 508 Accessibility Best Practices.

6820.4 - Responsibility

6820.41 - Service-wide

6820.41a - All Employees, Contractors, and Volunteers

It is the responsibility of all Forest Service employees, contractors, and volunteers to:

1. Gain an understanding and properly apply Section 508 provisions of the Rehabilitation Act of 1973, as amended to relevant work activities. This includes completing, by established dates, any required Section 508 training.
2. Ensure all content, documents, applications, and files authored, owned, developed, maintained, and submitted for publication on Forest Service public-facing websites and the Forest Service Intranet, or distributed via broadcast emails are Section 508 compliant. To achieve Section 508 compliance of such documents, the latest versions of the vendor's products must be used.

6820.41b - Managers, Supervisors, and Project Leaders

In addition to the responsibilities outlined in section 41a of this chapter, it is the responsibility of employees in managerial or supervisory positions to ensure that employees, contractors, and volunteers within their assigned areas of responsibility:

1. Complete Section 508 training as required.
2. Implement and adhere to all Agency mandated programs, processes, systems, and procedures established to fulfill Section 508 responsibilities.

Supervisors of employees, contractors, or volunteers who are responsible for authoring, owning, developing, maintaining, and submitting content, documents, applications, and files for publication on Forest Service public-facing websites and the Forest Service Intranet, or distributed via broadcast emails shall ensure that such individuals have received adequate training to ensure that the work is Section 508 compliant.

6820.41c - Section 508 Managers

In addition to the responsibilities outlined in sections 41a and b (as applicable) of this chapter, Section 508 managers shall, within assigned area of responsibility:

Forest Service Manual 6800 – Information Management
Chapter 6820 - Section 508 of the Rehabilitation Act Compliance

Amendment: 6800-2013-1

Effective date: August 20, 2013

1. Provide oversight and technical assistance on Section 508 compliance management activities.
2. Routinely represent assigned staff or unit at Section 508 management meetings, including but not limited to those organized by the Agency Section 508 Coordinator.
3. Review new purchasing documents for Information Resources (IR) products and services to ensure presence of Section 508 compliance requirements.
4. Review all Section 508 exception requests and collaborate with the Agency Section 508 Coordinator to determine appropriate disposal of requests.
5. Review completed Voluntary Product Accessibility Template (VPATs) and/or Section 508 product assessments for Section 508 compliance of the associated EIT.
6. Ensure the development and completion of remediation plans for EIT identified as being non-compliant with Section 508.
7. Complete required reports and surveys (or parts thereof) of Section 508 activities and submit results to the Agency Section 508 Coordinator.

6820.41d - Project Managers and Contracting Officer Representatives

Project Managers and Contracting Officer Representatives shall use the GSA Buy Accessible Wizard as a tool in obtaining or developing Government Product/Service Accessible Templates (GPATs), due diligent reports, solicitation language, and Evaluation Product/Service Accessible Templates that will be used for both the contract file and solicitation process. To conduct market research and obtain 508 Applicable products and services and vender voluntary product accessible templates (VPATs,) use the GSA Buy Accessible VARC (Vendor Accessible Research Center) website.

6820.42 - Washington Office

6820.42a - Chief

The Chief of the Forest Service is responsible for ensuring the establishment and maintenance of an active and continuing Section 508 compliance program. In addition to the responsibilities outlined in section 41 of this chapter, the Chief shall designate the Chief Information Office (CIO) Director as the Agency Section 508 Coordinator. Such designation shall be accomplished annually by official letter of notification signed by the Chief, or designated acting, and addressed to the CIO Director. The letter should include the Section 508 Coordinator's name and official contact information, such as e-mail and postal addresses and phone and fax numbers.

6820.42b - Associate Chief, Deputy Chiefs, and Chief Financial Officer

In addition to the responsibilities outlined in sections 41a and b and section 42c of this chapter, the Associate Chief, Deputy Chiefs, and the Chief Financial Officer shall:

Forest Service Manual 6800 – Information Management
Chapter 6820 - Section 508 of the Rehabilitation Act Compliance

Amendment: 6800-2013-1

Effective date: August 20, 2013

1. Assign a Section 508 manager for their units. Notification of the assignment must be provided in writing to the CIO Director, Agency Section 508 Coordinator. The responsibilities of the Section 508 manager are set forth in section 41c of this chapter.
2. Review their unit's implementation of Section 508 management policies and procedures periodically to ensure appropriate and consistent compliance.

6820.42c - Washington Office Staff Directors

In addition to the responsibilities listed in sections 41a and b of this chapter, Washington Office Staff Directors shall:

1. Assign a Section 508 manager for their staff. Notification of the assignment must be provided in writing to the CIO Director, Agency Section 508 Coordinator. The responsibilities of Section 508 managers are set forth in section 41c of this chapter.
2. Review their staff's implementation of Section 508 management policies and procedures periodically to ensure appropriate and consistent compliance.

6820.43 - Forest Service Chief Information Officer (CIO)

The Chief Information Officer (CIO) serves as the Agency Section 508 Coordinator by virtue of being delegated this responsibility in a letter from the Chief of the Forest Service. The CIO has primary Agency responsibility for policy management, coordination, and oversight of the design, acquisition, maintenance, use, and dissemination of electronic information technology (EIT). The CIO further monitors the impact, need, and performance of the Section 508 programs and activities, and assures that the information management of these activities is consistent with Section 508 law and procedures. Also, the Agency Section 508 Coordinator shall:

1. Oversee and enforce Section 508 within the Forest Service Information Resources (IR) infrastructure.
2. Determine the disposition of Section 508 exception requests submitted pursuant to FSM 6821.
3. Issue Agency policy to enforce the Section 508 requirements which includes ensuring Section 508 requirements are integrated with the information technology (IT) capital planning and investment control process
4. Advise the Chief and other senior officials on matters pertaining to the implementation of Section 508 programs and procedures.
5. Ensure reviews of the Washington Office, Regional Offices, and Research Stations Section 508 programs are routinely scheduled and conducted, and widely shared with Agency senior leadership.
6. Designate a person, within the CIO staff, to serve as the Agency Section 508 Coordinator with responsibilities as described in section 43a of this chapter.

6820.43a - Agency Section 508 Compliance Coordinator

The Agency Section 508 Coordinator shall:

1. Develop Agency policy to enforce the Section 508 requirements which includes ensuring Section 508 requirements are integrated with the IT capital planning and investment control (CPIC) process.
2. Educate employees, contractors, and volunteers on Section 508 policy and procedures.
3. Contribute Section 508 information in response to the U.S. Department of Justice (DOJ) and USDA bi survey.
4. Plan and coordinate regular program reviews of the Washington Office, Regional Offices, and Research Stations Section 508 programs to monitor and report progress and successes achieved by these programs.
5. Identify current needs for Agency access to accessible, assistive, and adaptive technology (hardware/software), and EIT deficiencies impacting the performance of persons with disabilities in both current and prospective EIT systems.
6. Develop a testing protocol which supports testing, assessment, and reporting of Section 508 violations and processes for remediation.
7. Recommend Section 508 compliant software for testing Agency documents and Web sites.
8. Identify and, as necessary and practicable, develop resources for the proper training of Agency Section 508 managers, employees, managers, contractors, and volunteers. An example of such a resource is:
<http://fsweb.wo.fs.fed.us/irm/training/courses/AssistiveTechnology/>

6820.44 - Job Corps, Law Enforcement and Investigations, International Institute of Tropical Forestry, Northeastern Area State and Private Forestry

The responsibilities established in this section are in addition to those found in sections 41a and b and section 42c of this chapter.

The Job Corps National and Center Directors, the Director of Law Enforcement and Investigations, the Director of the International Institute of Forestry and the Director of the Northeastern Area State and Private Forestry shall ensure the establishment and maintenance of active and continuing Section 508 management programs in their areas. These Directors shall:

1. Assign a Section 508 manager for their area. Notification of the assignment must be provided in writing to the CIO Director, Agency Section 508 Coordinator. The responsibilities of the Section 508 manager are set forth in section 41c of this chapter.

2. Review their unit's implementation of Section 508 management policies and procedures periodically to ensure appropriate and consistent compliance.

6820.45 - Director of Acquisition Management (AQM)

In addition to the responsibilities outlined in sections 41a and b (as applicable), and section 42c of this chapter, the Director of Acquisition Management shall:

1. Provide advice on the Federal Acquisition Regulation (FAR) 1102(f) and 39.2 as it relates to Section 508.
2. Include Section 508 language for acquisitions and apply due diligence as part of the market research requirements.
3. Ensure contracts contain relevant Section 508 language to ensure vendors' electronic documents and IT deliverables conform to Section 508 and accessibility requirements.
4. Issue any Agency-wide procurement and property guidance as necessary for USDA specific needs.

6820.46 - Director of Civil Rights (CR)

In addition to the responsibilities outlined in sections 41a and b (as applicable), and section 42c of this chapter, the CIO Director will confer with the Director of Civil Rights (CR) to:

1. Ensure compliance with Sections 508 complaint processes and reporting and tracking requirements within the Agency. Section 508 complaints must be processed through CR, in accordance with 6 CFR 15 and USDA and Agency directives.
2. Evaluate the effectiveness of the Section 508 complaint process and provide reports to the Agency Section 508 Coordinator and appropriate USDA oversight organizations.

6820.47 - Regional Foresters and Research Station Directors

The responsibilities established in this section are in addition to those found in sections 41a and b and section 42c of this chapter.

Regional Foresters and Research Station Directors shall ensure the establishment and maintenance of active and continuing Section 508 management programs in their areas. This includes:

1. Assign a Regional, and Station Section 508 Manager, and notify the Agency Section 508 Coordinator in writing of the assignment. The responsibilities of a Section 508 Manager are summarized in section 41c of this chapter.
2. Review the Region's implementation of Section 508 management policies and procedures periodically to ensure appropriate and consistent compliance.

6820.48 - National Forest and Grassland Supervisors; National Recreation, Scenic Area, and Monument Managers

The responsibilities established in this section are in addition to those found in sections 41a and b and section 42c of this chapter.

National Forest and Grassland Supervisors; National Recreation Area, Scenic Area, and Monument Managers shall ensure the establishment and maintenance of active and continuing Section 508 management programs in their areas. Additionally, they shall:

1. Assign a unit Section 508 Manager, and notify the Regional Forester and Regional Section 508 Manager in writing of the assignment. The responsibilities of a Section 508 Manager are summarized in section 41c of this chapter.
2. Review periodically the unit's implementation of Section 508 management policies and procedures to ensure appropriate and consistent compliance.

6820.5 - Definitions

Forest Service Accessibility Program. According to the Accessibility website: Accessibility is all about the practice of creating and managing electronic applications so that anyone may access the content and the functionality these electronic applications, regardless if they may have a disability or not <http://fsweb.wo.fs.fed.us/accessibility/>.

With that in mind, the website was created:

1. To serve as a single-source, one-stop shop of accessible information and resources for the Forest Service and all employees;
2. To serve as the Agency roadmap for the proper implementation and support for Section 508 by the Forest Service; and,
3. That all information and resources available here is written in [plain language and is 508 compliant](#).

Forest Service Chief Information Office (CIO) Section 508 Training. CIO has a training website to aid in making Section 508 Accessible Documents <http://fsweb.wo.fs.fed.us/irm/training/courses/AssistiveTechnology/>

Forest Service Section 508 Task Force. A Service-wide task force that is concerned with the implementation of the Section 508 in the Agency; an example is the Pathfinders group, which advocates for people with disabilities in the Agency.

Non-record Materials. See FSM 6230.5 Definitions.

Personal Papers. See FSM 6230.5 Definitions.

Forest Service Manual 6800 – Information Management
Chapter 6820 - Section 508 of the Rehabilitation Act Compliance

Amendment: 6800-2013-1

Effective date: August 20, 2013

Section 508 Management. The planning, controlling, directing, organizing, training, promoting, and other managerial activities related to the creation, maintenance, use, and procurement of Section 508 electronic and information technology to achieve adequate and proper documentation of Federal policies and transactions, and effective and economical management of agency operations.

Section 508 of the Rehabilitation Act Amendments of 1998. Signed into law on August 7, 1998 (Public Law 105-220), as a part of the Workforce Investment Act of 1998, requires that when Federal agencies develop, procure, maintain, or use electronic and information technology, they shall ensure that the electronic and information technology allows Federal employees with disabilities to have access to and use of information and data that is comparable to the access to and use of information and data by Federal employees who are not individuals with disabilities, unless an undue burden would be imposed on the agency. Section 508 also requires that individuals with disabilities, who are members of the public seeking information or services from a Federal agency, have access to and use of information and data that is comparable to that provided to the public who are not individuals with disabilities, unless an undue burden would be imposed on the agency. (Reference: Access Board's Final Rule, "Electronic and Information Technology Accessibility Standards" at: <http://www.access-board.gov/sec508/standards.htm>.)

Undue Burden. An undue burden is significant difficulty or expense that is incurred after consideration of all available resources to the component or program for which the EIT product or service is being developed, procured, maintained, or used. An undue burden would cause an organization as a whole to stop functioning or providing a service (for example: Payroll for USDA would cause USDA as a whole to not be able to pay employees; instead of a single agency or staff office).

United States Access Board (also known as the Architectural and Transportation Barriers Compliance Board). An independent agency of the United States Government devoted to accessibility for people with disabilities. Created in 1973 to ensure access to federally funded facilities, the Board is now a leading source of information on accessible design. The Board develops and maintains design criteria for the built environment, transit vehicles, telecommunications equipment, and for electronic and information technology. (Reference: Access Board's Final Rule, "Electronic and Information Technology Accessibility Standards" at: <http://www.access-board.gov/sec508/standards.htm>)

U.S. Department of Agriculture, Office of Chief Information Officer Section 508 Program. Section 508 ([508 statute html](#), [508 statute pdf](#)) requires that the Federal agencies' electronic and information technology (EIT) is accessible to people with disabilities, including employees and members of the public.

Section 508 establishes requirements for any electronic and information technology developed, maintained, procured, or used by the Federal Government. The term "electronic and information technology" has been defined by the Access Board in regulations published on December 21, 2000 <http://www.ocio.usda.gov/508/index.html>.

The United States Government Section 508 Program. This program provides resources for understanding and implementing Section 508 compliance
<http://section508.gov/index.cfm>.

Voluntary Product Accessibility Template (VPAT). A standard means for providing a fair representation of an EIT 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. Electronic and information technology suppliers are encouraged to routinely produce VPATs for their products, post them on their company websites, and link them to USDA's "Buy Accessible" website.

Working Files. See FSM 6230.5 Definitions.

6821 - Section 508 Compliance Exceptions

All EIT systems or products that provide direct services to the public or to Federal employees must be accessible to people with disabilities, unless a formal request for an exception from an established Section 508 standard is submitted to the Agency CIO, and then granted as an approved exception, by USDA in accordance with the policy and procedures described below.

Exception determinations are required prior to contract award, except for indefinite delivery indefinite quantity (IDIQ) contracts. Exception determinations are not required prior to award of IDIQ contracts, except for requirements that are to be satisfied by initial award. After award, any task or delivery order issued for non-compliant items must be covered an applicable exception.

Agency acquisitions of EIT are not required to meet the technical provisions of the United States Access Board's standards, if the acquisition is:

1. For a national security system (FAR 39.204(b) and 36 CFR 1194.3(a)),
2. Acquired by a contractor incidental to a contract (FAR 39.240 (c) and 36 CFR 1194.3 (b),
3. Located in spaces frequented only by service personnel for maintenance, repair, or occasional monitoring of equipment, sometimes referred to as "back office" equipment (FAR 39.204(d) and 36 CFR 1194.3(f)),
4. Requires fundamental alteration in the nature of a product or its components (36 CFR 1194.3(e)), and
5. Imposes an undue burden on the Agency (FAR 39.204(e) and 36 CFR 1194.2).

In order to meet accessibility requirements, consideration can be given to the extent that compliance would require significant difficulty or expense. All Agency resources available to a

Forest Service Manual 6800 – Information Management
Chapter 6820 - Section 508 of the Rehabilitation Act Compliance
Amendment: 6800-2013-1
Effective date: August 20, 2013

program or component are to be considered in determining whether an action is an “undue burden.” Such determination must be performed on a case-by-case basis. The Agency is required by statute to document the basis for an undue burden exception. This documentation must be formally approved by the OCIO. The exception documentation must contain a plan for providing individuals with disabilities with the information and data involved by an alternative means of access. Each approved undue burden exception requires review by the OCIO.

An exception to the Section 508 Access Board’s technical provisions may also be granted if:

1. A compliant product or service (if it is a commercial item) is not available, or
2. Meeting the applicable provisions would require the Agency to alter its requirements to the point where the procured EIT would not meet the Agency’s needs.

In order for an acquisition to qualify for a “commercial non-availability” exception, a description of the extent of and process used for market research must be documented. Details of the subsequent findings to locate a commercially available item, which concluded in the determination that a compliant product or service was not available, also must be documented.

Even if an exception applies, the Agency still has obligations under Section 501 and Section 504 of the Rehabilitation Act. These sections require, among other things, that the Agency provide reasonable accommodation for employees with disabilities, and provide program access to members of the public with disabilities. If the undue burden or commercial non-availability exceptions apply, the Agency is still required under Sections 501, 504, and 508 to provide individuals with disabilities with alternate methods of access to and use of information and data.

If an exception is granted for an EIT product or service procurement, the appropriate exception documentation must be maintained in the applicable contract or purchase documentation file.

All documented exceptions to Section 508, including non-availability determinations, must be tracked for future reporting to USDA and DOJ.