

# **ACCESSIBLE SYSTEMS AND TECHNOLOGY PROGRAM**

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## **I. Purpose**

The Department of Homeland Security (DHS) provides all employees and external customers, including those with disabilities, access to and use of information and data. In accordance with Title 29 of the United States Code (U.S.C.), Section 794d, "Electronic and Information Technology" (commonly referred to as "Section 508 of the Rehabilitation Act" or "Section 508"), this Directive defines the roles and responsibilities of Department officials to implement the Section 508 Program. Providing Information and Communication Technology (ICT) that is accessible to all people regardless of their disabilities is a DHS priority.

## **II. Scope**

This Directive applies to employees and contractors throughout DHS and its Components.

## **III. Authorities**

- A. Public Law 107-347, "The E-Government Act of 2002," Section 202(d), "Accessibility to Persons with Disabilities"
- B. Public Law 113-291, "Carl Levin and Howard P. McKeon National Defense Authorization Act for Fiscal Year 2015," Title VII, "Acquisition Policy, Acquisition Management, and Related Matters," Subtitle D, "Federal Information Technology Acquisition Reform"
- C. Title 40 U.S.C., Sections 11101-11704, "Information Technology Management" [Clinger Cohen Act of 1996]
- D. Title 44, U.S.C., Chapter 35, "Coordination of Federal Information Policy"
- E. Title 29, U.S.C., Section 794d, "Electronic and Information Technology"
- F. Title 6, Code of Federal Regulations (CFR), Part 15, "Enforcement of Nondiscrimination on the Basis of Disability in Programs or Activities Conducted by the Department of Homeland Security"

G. Title 36, CFR, Part 1194, "Information and Communication Technology Accessibility Standards, Apps. A, C, and D

H. Title 48, CFR, Subpart 39.2, "Information and Communication Technology Accessibility Standards" and Section 39.204, "Exceptions"

I. Office of Management and Budget (OMB) Circular A-130, "Managing Information as a Strategic Resource"

J. DHS Delegation 04000, "Delegation to the Chief Information Officer"

K. DHS Directive 046-01, "Office for Civil Rights and Civil Liberties"

## IV. Responsibilities

A. The **DHS Chief Information Officer (CIO)**:

1. Defines, publishes, and effectuates DHS Accessible Systems and Technology Oversight policy and guidance, including, in conjunction with the Chief Human Capital Officer, approving the qualification standards for Component Section 508 Program Manager positions within the Department.

2. Directs the Executive Director of the Office of Accessible Systems and Technology (OAST) to implement the Department's Accessible Systems and Technology Program (ASTP).

3. Ensures, in conjunction with the Chief Procurement Officer, that ASTP is integrated fully into the acquisition, development, and management processes for DHS IT programs.

4. Ensures ICT incorporated into the agency enterprise architecture, including electronic content, tools, software, hardware, platforms, and electronic content authoring tools conform to the DHS accessibility policies and procedures.

B. The **Executive Director, OAST**:

1. Provides the DHS vision and leadership for ensuring ICT procured, developed, maintained, or used by DHS is accessible (i.e., access to and use of information and data which is comparable to that of federal employees and members of the public who do not have disabilities.)

2. Establishes and implements DHS policies, procedures, and practices to ensure that ICT procured, developed, maintained, or used meets applicable Section 508 requirements.

3. Establishes performance measures for each Component's ASTP, documents compliance activities over time, and reports to the DHS CIO on the maturity and performance of these programs.
4. Collaborates with internal and external stakeholders to promote accessibility and leverage shared resources.

C. **Component Heads:**

1. Work through their Component Chief Information Officer to (i) ensure that a Component ASTP Program Manager (Component Section 508 Program Manager) reports directly to the Component CIO, and (ii) establish and maintain an ASTP program within their Component that implements and adheres to the Department's Section 508 review and authorization procedures for Component ICT acquisition, development, maintenance, and use.
2. Ensure adherence to Section 508 ICT accessibility standards and DHS accessibility policies and procedures.
3. Ensure all Component programs comply with DHS and federal Section 508 policies and procedures for ICT accessibility.
4. Ensure all Component electronic content, software, hardware, and support documentation and services conform to the Section 508 standards.
5. Ensure all Component official communications conform to applicable accessibility standards.

D. **Component Chief Information Officers** designate and work through their Component ASTP Program Manager (Component Section 508 Program Manager), who reports directly to the Component CIO, to lead and coordinate the Component efforts for ICT compliance with applicable DHS accessibility policies and procedures.

E. **Assistant Secretary, Office of Public Affairs** ensures public facing web content, including links to web applications and other electronic content, fully conform to the Revised Section 508 Standards.

F. **General Counsel, Office of the General Counsel (OGC)** provides legal counsel regarding Section 508 compliance.

G. **Officer, Office for Civil Rights and Civil Liberties (CRCL):**

1. Ensures Section 508 complaint processes, as well as reporting and tracking requirements, conform to the DHS Equal Employment Opportunity complaint system (See DHS Directive 046-01.)

2. Coordinates with Component Equal Employment Opportunity Directors to ensure Section 508 complaints are handled appropriately and in accordance with the Department's policy.
3. Evaluates the effectiveness of the Section 508 complaint process and shares findings with the Executive Director, OAST and appropriate government oversight organizations.
4. Advocates for compliance with Section 508 and its inclusion in the DHS budget and strategic planning activities.

H. **DHS Chief Human Capital Officer (CHCO)** ensures the ICT procured and developed in support of CHCO mission activities (hiring systems, electronic learning systems, training resources, etc.) conform to DHS accessibility policies and procedures and applicable Section 508 ICT accessibility standards.

I. **DHS Chief Procurement Officer**

1. Provides guidance and oversight across DHS to ensure compliance with Section 508 related policies and procedures as related to new acquisitions.
2. Ensure Contracting Officers include relevant Section 508 compliance language in all contractual actions and retain Section 508 documentation provided with the purchase request for tracking purposes.

## V. Policy and Requirements

It is the Department's policy to make its ICT accessible to all people, including people with disabilities, in accordance with federal laws.

A. The Department ensures that employees and customers with disabilities have a level of access to, and use of, electronic information and data that is comparable to the access available to people without disabilities unless there is an authorized Section 508 exception, in which event the information and data are provided by an alternate method or format.

B. All ICT that is developed, maintained, modified, or used is in compliance with the Section 508 accessibility standards and DHS Section 508 policies and procedures.

C. Any component or portion of existing ICT that complied with the Original Section 508 standards issued on December 21, 2000 (either through meeting the original standards or through having an authorized 508 exception under the original standards), and that has not been altered on or after January 18, 2018, shall not be required to be modified to conform to the Revised 508 Standards. Any component or portion of existing ICT undergoing modification or enhancement after January 18, 2018 must conform to the Revised 508 Standards, unless an exception allowed under the Revised 508 Standards applies.

D. Where ICT conforming to one or more requirements in the Revised 508 Standards is not commercially available, the agency shall procure the ICT that meets the business needs and best meets the Revised 508 Standards. The responsible agency official shall document in writing: (a) the non-availability of conforming ICT, including a description of market research performed and which provisions cannot be met, and (b) the basis for determining that the ICT to be procured best meets the requirements in the Revised 508 Standards consistent with the agency's business needs. The ICT owner shall also provide individuals with disabilities access to and use of information and data by an alternative means that meets identified needs.

E. The Revised 508 Standards do not apply to ICT operated by agencies as part of a National Security System, as defined by 40 U.S.C. 11103(a). All claims for Section 508 National Security Exceptions must be must be justified by the ICT owner or procuring official, and reviewed and authorized by the Executive Director, Office of Accessible Systems and Technology.

F. ICT acquired by a contractor incidental to a contract shall not be required to conform to the Revised 508 Standards. All claims for the Section 508 Federal Contracts exception must be justified in writing by the ICT owner or procuring official, and reviewed and authorized by the Component Section 508 Program Manager.

G. Status indicators and operable parts for ICT functions are located in spaces that are frequented only by service personnel for maintenance, repair, or occasional monitoring of equipment, such status indicators and operable parts shall not be required to conform to the Revised 508 Standards. All claims for the Section 508 ICT Functions Located in Maintenance or Monitoring Spaces Exception must be justified by the ICT owner or procuring official in writing, and reviewed and authorized by the Component Section 508 Program Manager.

H. Where an agency determines conformance to requirements in the Revised 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. All claims for Section 508 Undue Burden or the Section 508 Fundamental Alteration Exceptions must be justified in writing by the ICT owner or requiring official, and reviewed and authorized by the Executive Director, Office of Accessible Systems and Technology. Where an Undue Burden or Fundamental Alteration Exception is claimed, the ICT owner shall provide individuals with disabilities access to and use of information and data by an alternative means that meets identified needs.

I. For each acquisition where an acquisition plan is required and ICT is required, the IT Project Manager shall provide a Section 508 compliance plan that describes applicable requirements and acceptance testing/quality assurance plans.

J. When deploying or accepting ICT systems or items that are custom developed or modified for DHS, the IT Project Manager shall ensure Section 508 testing is conducted in accordance with DHS approved 508 testing standards, a 508 compliance determination is obtained from the Component Section 508 Program Manager, and remediation is performed if required.


K. When deploying, acquiring, or accepting ICT systems or items that fail to meet one or more of the applicable 508 standards, IT Project Managers shall:

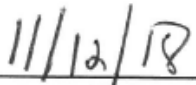
1. Document the grounds for applying the appropriate Section 508 exception and obtain authorization.
2. Draft a plan for accessing or using information through an alternative means and obtain approval.
3. Communicate the alternative means to impacted users, and implement alternative means of accessing or using information prior to deployment of ICT systems.

L. Section 508 review is included in all checkpoints within all IT Systems Engineering Life Cycle checkpoints and other IT governance processes.

## VI. Questions

Address any questions or concerns regarding this Directive to the Office of the Chief Information Officer, Office of Accessible Systems and Technology.

  
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Chip Fulghum  
Deputy Under Secretary for Management

  
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Date