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SECTION 508 PROGRAM MANAGEMENT OFFICE & ELECTRONIC AND INFORMATION TECHNOLOGY ACCESSIBILITY

I. Purpose

The Department of Homeland Security (DHS) considers accessibility to Electronic and Information Technology (EIT) for all employees and external customers, including those with disabilities, a priority. This Management Directive (MD) establishes the Section 508 Program Management Office (PMO) within the Office of the Chief Information Officer (CIO) and establishes policy regarding EIT accessibility.

II. Scope

- A. This MD applies to all DHS Components.
- B. This MD applies to all EIT developed, procured, maintained, or used by DHS Components on or after January 24, 2003.

III. Authorities

Numerous Public Laws, regulations, and DHS directives govern this implementing MD, including:

- A. The Homeland Security Act of 2002, P.L. 107-296 (November 25, 2002), Section 102.
- B. Section 508 of the Rehabilitation Act of 1973, as amended in the Workforce Reinvestment Act of 1998 (PL 105-220, 1998).
- C. 36 CFR Part 1194, "Electronic and Information Technology (EIT) Accessibility Standards."
- D. 48 CFR 39.204, Federal Acquisition Regulations (FAR) –"Acquisition of Information Technology."
- E. OMB Circular A-130, Management of Federal Information Resources (61 FR 6428, February 20, 1996).

- F. 40 U.S.C. 11101 (6), Clinger-Cohen Act of 1996.
- G. Section 202(d) of the E-Government Act of 2002, "Accessibility to Persons with Disabilities."
- H. DHS Management Directive 3500; Operational Roles and Responsibilities of the Officer for Civil Rights and Civil Liberties and the Office of Chief Counsel.
- I. 6 CFR 15, DHS Section 504 regulation, "Enforcement of Nondiscrimination on the Basis of Disability in Programs or Activities Conducted by the Department of Homeland Security."
- J. DHS Management Directive 0760; Government Purchase Card Program.

IV. Definitions

- A. **Access Board**: An independent Federal agency responsible for developing and maintaining accessibility standards and guidelines for built environments, transit vehicles, telecommunications equipment, and EIT.
- B. **Alternate Method**: Different or alternate methods or means of providing information to people with disabilities include, but not limited to, voice, fax, relay service, Teletypewriter (TTY) , Internet posting, captioning, text-to-speech synthesis, and audio description.
- C. **Assistive Technology**: Any item, piece of equipment, or system, whether acquired commercially, modified, or customized, commonly used to increase, maintain, or improve functional capabilities of individuals with disabilities.
- D. **Back-office**: EIT located in spaces frequented only by service personnel for maintenance, repair or occasional monitoring of equipment (e.g., network switches and routers located in wiring closets).
- E. **Commercial Non-Availability**: Applies when an agency is unable to find a commercial item that meets applicable EIT Accessible Standards or when an item cannot be furnished in time to satisfy the agency's delivery requirements.
- F. **Electronic and Information Technology (EIT)**: Refers to information technology including any equipment or interconnected system or subsystem used in the creation, conversion, or duplication of data or information. EIT includes, but is not limited to, software applications and operating systems, telecommunications products, information kiosks and transaction machines, Web sites (Internet, Intranet, and Extranet), video and multimedia products, desktop and portable computers, and office equipment such as copiers and fax machines.

G. **Exception:** There are a number of exceptions that allow acquisition of products or services that are less than fully conforming with the Section 508 technical standards and functional performance criteria . These include products incidental to a contract, commercial non-availability, back-office, fundamental nature of change, national security and undue burden.

H. **Extranet:** Any private network that uses the Internet protocol and the public telecommunications networks to securely connect to DHS Intranet and associated systems.

I. **Federal Acquisition Regulation (FAR):** The FAR is the primary regulation for use by Federal executive agencies for acquisition of supplies and services with appropriated funds. The document, published in 1984, consolidated the major procurement regulations of various departments and agencies. The intent was to standardize content and decrease the volume for consistency throughout Government.

J. **Functional Performance Criteria:** Section 508 has both specific technical standards and functional performance criteria. The functional performance criteria are broader in scope and intended to ensure that accessibility is achieved by focusing on overcoming the limitations imposed upon the end-user with a disability. Section 508's functional performance criteria are: (a) at least one mode of operation and information retrieval that does not require user vision shall be provided, or support for Assistive Technology (AT) used by people who are blind or visually impaired shall be provided; (b) at least one mode of operation and information retrieval that does not require visual acuity greater than 20/70 shall be provided in audio and enlarged print output working together or independently, or support for AT used by people who are visually impaired shall be provided; (c) at least one mode of operation and information retrieval that does not require user hearing shall be provided, or support for AT used by people who are deaf or hard of hearing shall be provided; (d) where audio information is important for the use of a product, at least one mode of operation and information retrieval shall be provided in an enhanced auditory fashion, or support for assistive hearing devices shall be provided; (e) at least one mode of operation and information retrieval that does not require user speech shall be provided, or support for AT used by people with disabilities shall be provided; and (f) at least one mode of operation and information retrieval that does not require fine motor control or simultaneous actions and that is operable with limited reach and strength shall be provided.

K. **Fundamental Alteration:** Alteration of EIT products or services to meet Section 508 technical standards from CFR 1194.21-26, or functional performance criteria from CFR 1194.31 causes the EIT products or services not to meet business needs.

- L. **Internet**: The publicly accessible Web presence of DHS. The top-level (home) page URL is www.dhs.gov.
- M. **Intranet**: The DHS Web presence only accessible via authorized access to DHS networks. Note that various non-DHS personnel may at times have access to the DHS Intranet.
- N. **Market Research**: 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. As it relates to Section 508, market research is the mechanism for determining the availability of compliant EIT products and comparing products that meet the Government's requirements for accessibility.
- O. **Micro-purchase**: Refers to the acquisition of supplies or services whereby the aggregate amount does not exceed \$2,500.
- P. **Multi-media**: The integration of multiple forms of media including text, graphics, audio, and video.
- Q. **National Security Systems**: Any telecommunications or information system operated by the United States Government, the functions, operation, or use of which involves intelligence activities; involves cryptologic activities related to National Security; involves command and control of military forces; involves equipment that is an integral part of weapon or weapons system; is critical to the direct fulfillment of military or intelligence missions. This does not include a system that is to be used for routine administrative and business applications, such as payroll, finance, logistics, and personnel management applications.
- R. **Operable Controls**: A component of a product that requires physical contact for normal operation. Operable controls include, but are not limited to, mechanically operated controls, input and output trays, card slots, keyboards, or keypads.
- S. **Products Incidental to a Contract**: Products acquired by a contractor incidental to a contract that are neither used nor accessed by Federal employees or members of the public (contracted employees in their professional capacity are not considered members of the public).
- T. **Requiring Official**: Government personnel delegated the responsibility for developing EIT requirements, identifying applicable technical provisions of the EIT Accessibility Standards, conducting market research, drafting specifications, and documenting non-availability and Undue Burden determinations.
- U. **Section 504 of the Rehabilitation Act**: Section 504 prohibits discrimination based on disability in Federally-funded and Federally-conducted

programs or activities in the United States, including employment programs.

V. **Section 508 of the Rehabilitation Act**: Section 508 requires that when Federal agencies develop, procure, maintain, or use EIT, Federal employees with disabilities have access to and use of information and data that is comparable to the access and use by Federal employees without disabilities, unless an Undue Burden would be imposed on the agency. Section 508 also requires that any person with a disability from the general 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 persons without disabilities, unless an Undue Burden would be imposed on the agency.

W. **Self-Contained, Closed Products**: 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.

X. **Technical Standards**: A set of design standards developed and published by the Access Board as part of the Section 508 EIT Accessibility Standards.

Y. **Undue Burden**: Undue Burden means significant difficulty or expense. In determining whether an action would result in an Undue Burden, an agency shall consider all agency resources available to the program or component for which the product is being developed, procured, maintained, or used.

Z. **Web Content Managers (or equivalent)**: For the purposes of this MD, a Web content manager is the person who has authority to accept or deny or modify content for a Web site, Web application, or other Web components. The Web content manager may be a content creator, but may also be the point of contact for getting information posted on the Web. The Web content manager is not always just the technical “coder” or the “style” designer.

V. Responsibilities

A. The **Under Secretary for Management** through the DHS Chief Information Officer (CIO) shall be responsible for all aspects of this MD.

In addition, the Under Secretary for Management shall ensure that all non-IT organizations within DHS adhere to Section 508 EIT Standards regarding office equipment not traditionally overseen by the DHS CIO (such as VHS and DVD players, copiers, fax machines, and other items) unless an exception applies.

B. The **Section 508 Program Management Office (PMO)** will report directly to the CIO and indirectly to the DHS Officer for Civil Rights and Civil Liberties

(CRCL), and shall:

1. Provide DHS vision and direction for ensuring that EIT procured, developed, maintained, or used by DHS is accessible to employees and customers with disabilities.
2. Establish DHS policies, procedures, and practices to ensure that EIT procured, developed, maintained, or used is accessible to DHS employees and customers with disabilities.
3. Provide programmatic and technical assistance to DHS Components regarding implementation of Section 508.
4. Ensure that DHS Components acquire and use appropriate and up-to-date Section 508 related educational materials.
5. Support the Chief Procurement Officer (CPO), CRCL, Section 508 Coordinators, and Web Content Managers (or equivalent) by cooperatively developing, selecting, and conducting appropriate educational activities and resources.
6. Provide technical assistance to CRCL related to investigating Section 508-related complaints.
7. Establish a DHS Section 508 Advisory Council to assist with implementing Department-wide plans and procedures relevant to Section 508.
8. Evaluate and report DHS's programmatic and technical compliance to the appropriate Government oversight agencies.
9. Provide leadership for advocating EIT accessibility across Government.
10. Participate in DHS, interagency, and industrial and professional organizations related to Section 508 activities.
11. Ensure Section 508 is included in DHS budgets and strategic planning activities.
12. Authorize all DHS Component EIT purchase requests claiming National Security or Undue Burden. The Section 508 PMO will consult with the OCIO Chief Information Security Officer when making National Security exception determinations.

13. Provide technical assistance and guidance to DHS personnel regarding reasonable accommodations.

C. **DHS Component CIOs** shall:

1. Ensure respective components adhere to DHS EIT (including the Web) accessibility policies, standards, and guidance.
2. Establish a component Section 508 Coordinator and ensure that he/she has the requisite training, expertise, and time to perform the tasks associated with this duty.
3. Ensure that Section 508 compliance solutions conform to the appropriate IT security requirements commensurate with the sensitivity of the system and information contained.

D. **DHS Component Section 508 Coordinators** shall:

1. Ensure compliance with DHS EIT accessibility policies and procedures.
2. Participate as a member of the DHS Section 508 Advisory Council.
3. Provide programmatic and technical assistance to respective Components regarding the procurement, development, maintenance, and use of accessible EIT as required by Section 508.
4. Evaluate and report programmatic and technical compliance within respective Components to Section 508 PMO and appropriate Government oversight agencies.
5. Participate in DHS, interagency, and industrial and professional organizations related to Section 508 activities.
6. Provide technical assistance and guidance to component Web Content Managers (or equivalent) about accessible Web design.
7. Ensure all Component policies and procedures related to EIT accessibility are in agreement with DHS EIT policies and procedures.
8. Provide technical assistance to the Office for CRCL and parallel civil rights offices in Department Components related to investigations of Section 508 related complaints.
9. Review EIT purchase requests claiming an exception, except for those claiming an Undue Burden or National Security (these will be

handled by the DHS Section 508 PMO).

E. The **DHS Office for Civil Rights and Civil Liberties (CRCL)** shall:

1. Ensure compliance with Sections 508 complaint processes and reporting and tracking requirements within DHS Components. Section 508 complaints shall be processed through CRCL, in accordance with 6 CFR 15 and MD 3500.
2. Evaluate the effectiveness of the Section 508 complaint process and provide reports to the Section 508 PMO and appropriate Government oversight organizations.
3. Advocate for compliance with Section 508 and its inclusion in the DHS budget and strategic planning activities.
4. Ensure that all DHS Equal Employment Opportunity officers/officials are knowledgeable about Section 508 requirements.

F. The **DHS Chief Human Capital Officer** shall, working with the Section 508 PMO, ensure DHS produced training and multi-media products conform with applicable technical standards from the Section 508 EIT Accessibility Standards.

G. The **DHS Chief Procurement Officer** shall:

1. Provide guidance across DHS Components to ensure compliance with Section 508 related policies and procedures as related to new acquisitions.
2. Provide guidance to DHS Component procurement offices to ensure procurements of EIT comply with the Federal Acquisition Regulations (FAR) – Subpart 39.2 – Electronic and Information Technology.

H. **Requiring Officials (including purchase card users)** shall:

1. Define functional requirements.
2. Select applicable technical standards based upon the EIT Accessibility Standards.
3. Perform market research.
4. Determine if any Section 508 exceptions apply.

5. Select the product or service that best meets the business needs and Section 508 requirements.
 6. Document results of findings. (Use the DHS Section 508 Determination and Finding form (Form 4010.2) on all purchase requests that exceed \$2,500.)
 7. Ensure that purchase requests have all appropriate documentation and signatures and are forwarded to contracting officers.
- I. **Contracting Officers** shall:
1. Ensure relevant Section 508 compliance language is included in all contractual actions.
 2. Ensure all Section 508 documentation provided with the purchase request is retained for tracking purposes and a copy provided to the DHS Component Section 508 coordinator.
- J. **Web Content Managers (or Equivalent)** working with respective CIOs shall:
1. Ensure all relevant policies and procedures are followed.
 2. Ensure that Web content, including links to Web applications and files, fully conforms to the Section 508 EIT Accessibility Standards.
- K. **Office of the General Counsel** shall provide legal counsel to the Section 508 PMO and Section 508 coordinators related to Section 508 compliance.
- L. **Office of the Chief Financial Officer** shall:
1. Provide guidance across DHS Components to ensure compliance with Section 508 related policies and procedures as related to purchase card acquisitions.
 2. Provide guidance to DHS Component financial offices to ensure procurements of EIT paid for using Government purchase cards comply with the Federal Acquisition Regulations (FAR) – Subpart 39.2 – Electronic and Information Technology.

VI. Policy and Procedures

- A. **Policy.**

1. DHS Components shall ensure that employees and customers with disabilities have access to and use of information and data that is comparable to the access available to people without disabilities unless an Undue Burden condition applies, in which event, the information and data will be provided by an alternate method or format.
2. When procuring or maintaining EIT, DHS Components shall ensure that: functional requirements are identified; applicable functional performance criteria and technical standards of Section 508 are selected; appropriate applicable requirements and associated language are included in any solicitation; appropriate market research is performed; selection of the product or service that best meets both functional and Section 508 requirements is selected; and appropriate documentation is produced.
3. When developing or maintaining EIT, DHS Components shall ensure that functional requirements are identified, applicable functional performance criteria and technical standards of Section 508 are selected, and appropriate documentation is produced.
4. DHS Components shall further ensure that when procuring, using, or maintaining EIT development and testing tools, that those development platforms and testing tools have the capacity to produce EIT products that fully conform with applicable functional performance criteria and technical standards from the Section 508 EIT Accessibility Standards and that sufficient information is available to developers to utilize those accessibility functions and features.
5. DHS Components shall ensure that up-to-date, appropriate, and accurate information is included in all educational materials related to Section 508.
6. DHS shall collect and provide information related to tracking of Section 508 implementation to appropriate Government oversight agencies in a timely fashion.
7. DHS Components shall comply with established complaint processes for EIT accessibility.
8. DHS Components shall implement and adhere to the Department's review and authorization procedures for EIT purchase requests.
9. All purchase requests that claim National Security or Undue Burden exceptions shall be reviewed and authorized by the DHS Section 508 PMO.

10. For all EIT projects that exceed five million dollars in lifecycle costs, a Section 508 compliance plan that includes applicable requirements and acceptance testing/quality assurance plans shall be included in the projects' standard planning package.

11. When DHS Components deploy or accept systems that are less than fully conforming to applicable Section 508 provisions, an accommodations plan shall be prepared to address the needs of employees or members of the public with disabilities. This plan shall be authorized/approved by the DHS Section 508 PMO or delegate.

B. Procedures.

1. When procuring EIT products or services that cost more than \$2500, requiring officials shall use the DHS Determination and Finding Form (Form # 4010.2) and Appendices to certify and document the Section 508 requirements and provide them to the appropriate contracting officer. The contracting officer shall retain the documentation as part of the purchase record for tracking purposes and provide a copy provided to the DHS Component Section 508 coordinator.

2. When procuring EIT products or services that cost less than or equal to \$2500, i.e., a micro-purchase, requiring officials shall follow policies and procedures for purchase card holders MD 0760.

3. When procuring, developing, using or maintaining EIT, the requiring official or purchaser card user will ensure that all related procedures and coding standards shall comply with the Section 508 Standards referenced below. Appendices A through F were obtained from Subpart B of the "Electronic and Information Technology Accessibility Standards," developed by the U.S. Access Board. These standards were first published in the Federal Register on December 21, 2000 (65 Fed. Reg. 80499) and codified in 36 CFR Part 1194. The entire document may be accessed at <http://www.access-board.gov>.

a. Section 1194.21: Software Applications and Operating Systems (see Appendix A).

b. Section 1194.22: Web-based Intranet and Internet Information and Applications (see Appendix B).

c. Section 1194.23: Telecommunications Products (see Appendix C).

d. Section 1194.24: Video and Multimedia Products (see Appendix D).

- e. Section 1194.25: Self Contained, Closed Products (see Appendix E).
 - f. Section 1194.26: Desktop and Portable Computers (see Appendix F).
 - g. Section 1194.31: Function Performance Criteria (see Appendix G).
 - h. Section 1194.41: Information, Documentation and Support (see Appendix H).
4. All Section 508 related complaints shall follow DHS Section 504 complaint procedures.

VII. Questions

Address any questions or concerns regarding this MD to the DHS Chief Information Officer.