

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
ICE Policy System

DISTRIBUTION:	ICE
DIRECTIVE NO.:	8-7.0
ISSUE DATE:	March 12, 2009
EFFECTIVE DATE:	March 12, 2009
REVIEW DATE:	March 12, 2012
SUPERSEDES:	See Section 3 Below.

DIRECTIVE TITLE: SECTION 508 ELECTRONIC AND INFORMATION TECHNOLOGY ACCESSIBILITY

1. **PURPOSE and SCOPE.** The purpose of this Directive is to ensure that disabled federal employees, contractors, and members of the public have access to the same Electronic Information and Technology (EIT) utilized by non-disabled people. This action is in compliance with Section 508 of the Rehabilitation Act of 1973 ("Section 508") and is applicable to all ICE employees and contractors.
2. **AUTHORITIES/REFERENCES.**
 - 2.1. Department of Homeland Security (DHS) Management Directive (MD) 0007.1, Information Technology and Integration and Management, March 15, 2007.
 - 2.2. DHS MD 4010.2, Section 508 Program Management Office & Electronic and Information Technology Accessibility, October 26, 2005.
 - 2.3. DHS MD 3500, Operational Roles and Responsibilities of the Officer for Civil Rights and Civil Liberties & the Office of Chief Counsel.
 - 2.4. ICE Systems Lifecycle Management Guide, Version 1.2, January 28, 2008.
 - 2.5. 36 Code of Federal Regulations (CFR) Part 1194, Electronic and Information Technology (EIT) Accessibility Standards (also referred to as "Section 508 Standards").
 - 2.6. 48 CFR Part 39, Federal Acquisition Regulations (FAR) – Acquisition of Information Technology.
 - 2.7. 6 CFR 15, Enforcement of Nondiscrimination On The Basis Of Disability in Programs or Activities Conducted by the Department Of Homeland Security.
 - 2.8. Section 202(d) of the E-Government Act of 2002, Accessibility to Persons with Disabilities.
 - 2.9. ICE Directive 4-1.0, Equal Employment Opportunity Complaints Processing, April 11, 2006.

3. **SUPERSEDED/CANCELLED POLICY/SUMMARY OF CHANGES.** This Directive supersedes all guidance, memoranda, and practices promulgated by the former Immigration and Naturalization Service, the former U.S. Customs Service, the General Services Administration and all guidance issued by ICE Program Offices regarding Section 508 Electronic and Information Technology Accessibility.
4. **BACKGROUND.** Section 508 requires that EIT procured, developed, maintained, or used by Federal agencies be accessible to people with disabilities. Section 508 has significantly expanded and strengthened technology access requirements by creating EIT Accessibility Standards and Functional Performance Criteria and incorporating them into Federal procurement regulations. These standards and criteria have facilitated Federal government efforts to promote compliance in the technology industry by clarifying government requirements for accessibility to government services.
5. **DEFINITIONS.** The following definitions are for the purpose of this Directive only.
 - 5.1. **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.
 - 5.2. **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 and intranet), video and multimedia products, desktop and portable computers, and office equipment (e.g., copiers and fax machines).
 - 5.3. **Market Research.** To collect and analyze information about capabilities within the market to satisfy agency needs.
 - 5.4. **Micropurchase.** The acquisition of supplies or services using simplified acquisition procedures, the aggregate amount of which does not exceed the micro-purchase threshold.
 - 5.5. **Section 508 Technical Standards.** A set of design standards developed and published by the Architectural and Transportation Barriers Compliance Board (Access Board) that sets forth the technical criteria necessary for EIT to comply with Section 508. These standards are codified at 36 CFR Part 1194, Subpart B.
6. **POLICY.**
 - 6.1. All EIT that is procured, developed, maintained and/or used by ICE, regardless of cost or method of procurement (including purchase card acquisitions, as well as large contracting

actions, e.g., requisitions) must be in accordance with accessibility standards established by Section 508. Section 508 Technical Standards cover the following areas:

- 1) **Software Applications and Operating Systems:** Includes usability features, such as alternative keyboard navigation, for people that are visually impaired.
- 2) **Web-based Intranet and Internet Information and Applications:** Assures accessibility to web page graphics by the visually impaired using assistive technology, such as screen readers and refreshable Braille displays. This is accomplished by using text labels and descriptors for graphics.
- 3) **Telecommunications Products:** Addresses accessibility for people who are deaf or hearing impaired. This includes technology compatibility with hearing aids, assistive listening devices, and teletypewriters (TTY's).
- 4) **Videos or Multimedia Products:** Includes requirements for captioning multimedia products, such as training or informational multimedia productions. Captioning or video descriptors must be able to be turned on or off.
- 5) **Self Contained, Closed Products:** Products with embedded software, such as information kiosks, copiers, and fax machines, often cannot be used with assistive technology. This standard requires that access features be built into these systems.
- 6) **Desktop and Portable Computers:** Discusses accessibility related to mechanically-operated controls, such as keyboards and touch screens.

6.2. EIT may be exempted from Section 508 compliance only under the following circumstances:

- 1) **Products Incidental to a Contract:** EIT products that are not directly relevant to the contract and its deliverables. Thus, those products that are not specified as part of a contract with a Federal agency would not have to comply with the standards.
- 2) **Commercial Non-Availability:** This exemption applies when an agency is unable to find a commercial or government sourced item, also known as Commercial Off-the-Shelf (COTS)/Government Off-the-Shelf (GOTS), that meets applicable EIT Accessible Standards, or when an item cannot be furnished in time to satisfy the agency's delivery requirements.
- 3) **Back-Office:** EIT to be used in spaces frequented only by service personnel for maintaining, repairing, or occasional monitoring equipment.
- 4) **Fundamental Alteration:** An alteration of EIT acquisition requirements in order to comply with Section 508 that would be so fundamental that the agency would no longer be procuring the EIT that met its needs.

- 5) **National Security:** Any EIT operated by agencies, the function, operation, or use of which involves intelligence activities, cryptologic activities related to national security, command and control of military forces, equipment that is an integral part of a weapon or weapon systems, or systems that are critical to the direct fulfillment of military of intelligence missions. Systems critical to the direct fulfillment of military intelligence missions do not include systems used for routine administrative and business applications, such as payroll, finance, logistics and personnel management applications.
 - 6) **Undue Burden:** An acquisition that would impose a significant difficulty or expense, taking into account all agency resources available to the program or component for which the EIT is being procured.
- 6.3. Any request for exceptions to Section 508 compliance, as discussed in Section 6.2, must be submitted to the ICE Section 508 Coordinator for review and approval via the ICE Section 508 Compliance Determination Form. The ICE Section 508 Coordinator will coordinate requests for exceptions based on National Security or Undue Burden with the DHS Office of Accessible Systems & Technology (OAST) for final approval. A copy of the approved exception documentation must be provided to the PC holder/Contracting Office for inclusion in the purchase/contract file.

7. RESPONSIBILITIES.

- 7.1. **The Deputy Assistant Secretary for Management** shall ensure, as the ICE Investment Review Board Chair, that any EIT investments comply with the Section 508 requirements throughout the Investment Review approval process.
- 7.2. **The Chief Information Officer (CIO)** shall:
 - 1) Appoint a Section 508 Coordinator and ensure that he/she has the requisite training, expertise, and time to perform the tasks associated with this duty;
 - 2) Establish and maintain the ICE Section 508 program, which includes, but is not limited to, development of Section 508 guidance, and creation and maintenance of the ICE Section 508 Website;
 - 3) Identify applicable technical provisions of the EIT Accessibility Standards;
 - 4) Conduct market research;
 - 5) Draft specifications;
 - 6) Ensure Section 508 compliance for all EIT acquisitions; and

- 7) Ensure Section 508 compliance for all development efforts, implementations, and maintenance/upgrades of current systems or for requests for IT products or service not included in the ICE Standards Profile.

7.3. The Section 508 Coordinator shall:

- 1) Represent ICE as a liaison to the DHS OAST;
- 2) Represent ICE in industrial organizations related to Section 508;
- 3) Evaluate, document, and report on ICE programmatic and technical compliance;
- 4) Provide Section 508 subject matter expertise, training, guidance, and programmatic and technical assistance;
- 5) Participate in the Systems Lifecycle Management (SLM) review process;
- 6) Develop Section 508 guidance and internal OCIO standard operating procedures;
- 7) Collaborate with the ICE Office of Equal Employment Opportunity (EEO) to resolve Section 508-related complaints and provide technical assistance as requested;
- 8) Review requests for exceptions, determine approval/denial, and coordinate with DHS OAST for final approval of exceptions for Undue Burden or National Security; and
- 9) Develop and update content for the ICE Section 508 intranet website.

7.4. Program Office Directors, or their designees, shall:

- 1) Designate Requesting Officials for their program office;
- 2) Ensure Requesting Officials complete the ICE Section 508 Compliance Determination Form, if necessary, including requesting and obtaining approval for exceptions or demonstrating compliance through inclusion of necessary Section 508 language in statements of work, requisitions, requests for proposals, etc.; and
- 3) Ensure their Program Office's intranet content and ICE internet postings for their Web sites are Section 508 compliant.

7.5. Requesting Officials shall:

- 1) Identify or request a need for EIT and work with the OCIO to determine accessibilities standards or exceptions; and

- 2) If potential exceptions exist, complete the Section 508 Compliance Determination Form and submit it to the Section 508 Coordinator for approval.

7.6. Office of Acquisition Management (OAQ) shall:

- 1) Ensure that acquisition of EIT requirements comply with agency policy and guidance documents;
- 2) Ensure that relevant Section 508 compliance language is included in all contractual actions for EIT acquisitions;
- 3) Ensure that all Section 508 documentation generated by Requesting Officials is provided with the purchase request and is retained in the purchase/contract file for tracking purposes; and
- 4) Provide statistical data relevant to the Department of Justice/General Services Administration Section 508 compliance survey.

7.7. The Office of Equal Employment Opportunity (EEO) shall:

- 1) Manage the Section 508 complaint processes and ensure that reporting and tracking requirements are compliant with the DHS Civil Rights and Civil Liberties reporting requirements in accordance with 6 CFR 15 and MD 3500; and
- 2) Evaluate the effectiveness of the Section 508 complaint process and provide statistical reports to ICE Section 508 Coordinator and the DHS OAST, as requested.

7.8. Web Content Managers shall ensure that ICE intranet and internet content is Section 508 compliant.

8. PROCEDURES.

- 1) The OCIO shall ensure that appropriate Section 508 language is inserted into the acquisition package or, for development, the technical requirements documentation. The selection must be based on the most compliant goods or services, after ensuring the business requirements are met.
- 2) If an exception applies, the OCIO will assist the Requesting Official in completing a request for exception using the ICE Section 508 Compliance Determination Form. The request shall be submitted by the Requesting Official to the ICE Section 508 Coordinator for approval and, if necessary, forwarded to OAST by the Section 508 Coordinator in the case of National Security or Undue Burden waivers.
- 3) If the exception is approved, the Requesting Official must note as much in the procurement documentation and/or the OCIO must note as much in the System

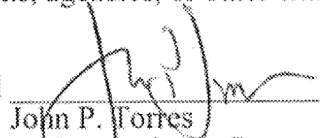
Lifecycle Management documentation. All Section 508 documentation, including the completed ICE Section 508 Compliance Determination Form, must remain part of the required acquisition and/or System Lifecycle Management documentation.

- 4) If the exception is not approved, the OCIO will assist the Requesting Official in the acquisition of compliant EIT or OCIO will continue the development of EIT.

9. **ATTACHMENTS: Attachment A.** ICE Section 508 Compliance Determination Form.

10. **NO PRIVATE RIGHT STATEMENT.** This Directive is an internal policy statement of ICE. It is not intended to, and does not create any rights, privileges, or benefits, substantive or procedural, enforceable by any party against the United States; its departments, agencies, or other entities; its officers or employees; or any other person.

Approved _____


John P. Torres
Acting Assistant Secretary
U.S. Immigration and Customs Enforcement