

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

ICE Directive 8014.1: Section 508 Accessibility

Issue Date: March 3, 2023

Superseded: ICE Directive 8-7.0, Section 508 Electronic and Information Technology Accessibility (Mar. 12, 2009).

1. **Purpose/Background.** This Directive establishes U.S. Immigration and Customs Enforcement (ICE) Section 508 accessibility policy and procedures to ensure all employees, contractors, and members of the public, regardless of any disability, have access to, and use of, all ICE Information and Communication Technology (ICT).¹ In accordance with 29 U.S.C. § 794d (commonly referred to as “Section 508 of the Rehabilitation Act of 1973” or “Section 508”) and 47 U.S.C. § 255, this Directive defines the roles and responsibilities of ICE officials, employees, and contractors to implement the Section 508 requirements.²
2. **Policy.** It is ICE policy to provide all individuals, regardless of any disability, the maximum accessibility to ICT which they are eligible to access. ICE shall ensure that individuals with disabilities have access to, and use of, information and data that is comparable to the access to, and use of, information and data by those without a disability, unless there is an authorized Section 508 exception or exemption. In the event an authorized Section 508 exception or exemption applies, the information and data will be provided by an alternate method or format.
3. **Definitions.** The following definitions are for the purpose of this Directive only.
 - 3.1. **Alternative Means.** An alternate ICT method or format that gives individuals with disabilities access to, and use of, information and data when a Section 508 exemption applies.
 - 3.2. **Alternative Means Plan.** A written determination to explain the non-availability of conforming ICT, including the market research performed and the Revised 508 Standards (Jan. 18, 2018)³ that cannot be met. For commercially non-available ICT, the plan also shows the basis for determining the ICT to be procured best meets the Revised 508 Standards.

¹ See Department of Homeland Security (DHS) Directive No. 139-05, Accessible Systems and Technology Program (Rev. 1, Nov. 12, 2018), and its implementing instruction, DHS Instruction No. 139-05-001, Managing the Department’s Accessible Systems and Technology Program (Rev. 1, Nov. 20, 2018).

² This Directive applies to the Office of the Principal Legal Advisor (OPLA) to the extent it is not inconsistent with directives, policies, or formal guidance issued by the General Counsel of the DHS. DHS Delegation No. 0400.2, Delegation to the General Counsel (Sept. 14, 2004).

³ As of January 18, 2018, Federal agencies must comply with Revised 508 Standards, which were issued by the U.S. Access Board on January 18, 2017. These revised standards are set forth at 36 C.F.R. Subpart 1194.1 and Appendices A, C, and D to Part 1194.

3.3. Exception. As defined in 48 C.F.R. § 39.204, a circumstance for which the Revised 508 Standards' technical and functional performance criteria do not apply. The following exceptions are allowable under this Directive:

- 1) National Security Systems. As defined by 40 U.S.C. § 11103(a), applies to any ICT system operated by the U.S. government, the functions, operation, or use of which involves intelligence activities, cryptologic activities related to national security, command or control of military forces, or equipment that is an integral part of a weapon or weapons system. This does not include a system used for routine administrative and business applications, such as payroll, finance, planning, and personnel management.
- 2) Federal Contracts. This exception may be claimed for products acquired by a contractor incidental to a contract that are neither used nor accessed by persons other than the contractors.⁴
- 3) Maintenance or Monitoring Spaces. This exception applies to ICT located in spaces that have status indicators or operable parts (i.e., physical controls), and in spaces that are frequented only by service personnel for maintenance, repair, or occasional monitoring of equipment.⁵

3.4. Exemption. As defined in 48 C.F.R. § 39.205, a circumstance for which the agency may exempt conformance to Section 508 when provided documented justification and an Alternative Means Plan. The following exemptions are allowable under this Directive:

- 1) Undue Burden. This exemption may be claimed when the agency would incur a significant difficulty or expense in procuring or developing accessible ICT after it has considered the resources available for which the product is being procured.
- 2) Fundamental Alteration. This exemption may be claimed when conformance to the Revised 508 Standards would result in a change in the ICT's fundamental design and purpose so that it would no longer meet the agency's business needs.
- 3) Best Meets. This exemption applies where ICT conforming to one or more requirements in the Revised 508 Standards is not commercially available, and the agency procures ICT that meets business needs and "best meets" the Revised 508 Standards.⁶

3.5. Field Responsible Official (FRO). The highest-ranking official in any ICE field location. This includes Special Agents in Charge, Field Office Directors, Chief Counsels, ICE Attachés, and any other officials who have been designated in writing by the Director.

⁴ This exception was formerly referred to as a "Products Incidental to a Contract Exception."

⁵ This exception was formerly referred to as a "Back-Office Exception."

⁶ This exemption was formerly an exception and referred to as a "Commercial Non-Availability Exception."

- 3.6. Headquarters Responsible Officials (HROs).** The Executive Associate Directors of Enforcement and Removal Operations, Homeland Security Investigations, and Management and Administration; the Associate Director of the Office of Professional Responsibility; and the Assistant Directors, Officers, or equivalent positions who report directly to the Director, Deputy Director, or Chief of Staff.
- 3.7. ICE Section 508 Coordinator.** Also known as the Accessible Systems and Technology Program (ASTP) Manager. An ICE employee who is appointed by and reports directly to the ICE Chief Information Officer (CIO) to lead and coordinate ICE's efforts for compliance with DHS accessibility and Revised Section 508 policies and procedures.
- 3.8. Individuals with a Disability.** As defined by 6 C.F.R. § 15.3(d), individuals who have a physical or mental impairment that substantially limits one or more of their major life activities, have a record of such an impairment, or are regarded as having an impairment.
- 3.9. ICT.** Information technology and other equipment, systems, technologies, or processes, for which the principal function is the creation, manipulation, storage, display, receipt, or transmission of electronic data and information, as well as any associated content (e.g., computers and peripheral equipment, information kiosks and transaction machines, telecommunications equipment, customer premises equipment, multifunction office machines, software, applications, websites, videos, and electronic documents).
- 3.10. Legacy ICT.** As defined in 48 C.F.R. § 39.203(e), any component or portion of existing ICT that complied with the Original 508 Standards issued on December 21, 2000, has not been altered on or after January 18, 2018, and is not required to be modified to conform to the Revised 508 Standards. Alterations require action per 48 C.F.R. § 39.203(f).
- 3.11. Market Research.** The mechanism for determining the availability of compliant ICT products and comparing products that meet Section 508 requirements for accessibility.
- 3.12. Requiring Officials.** (Also, may be referred to as a Requesting Officials). Individuals delegated the responsibility, including but not limited to, developing requirements for ICT solicitations, conducting market research related to those solicitations, and drafting specifications and requirements language.
- 3.13. Safe Harbor.** An exclusion where unaltered, existing ICT (including electronic content) that complies with the Original 508 Standards (Dec. 21, 2000) need not be modified or upgraded to conform to the Revised 508 Standards.
- 3.14. User Needs.** When agencies procure, develop, maintain, or use ICT, they are required to identify the needs of users with disabilities to determine how users with disabilities will perform the functions supported by the ICT as well as how the ICT will be developed, installed, configured, and maintained to support users with disabilities.

4. Responsibilities.

4.1. HROs, or their designee(s), are responsible for:

- 1) Ensuring compliance with this Directive within their Directorate or Program Office;
- 2) Designating Requiring Officials for their Directorate or Program Office;
- 3) Ensuring Requiring Officials complete the appropriate DHS Office of Accessible Systems & Technology (OAST)-approved accessibility training;
- 4) Ensuring all programs comply with DHS and Section 508 policies and procedures for ICT accessibility; and
- 5) Ensuring their Directorate or Program Office's electronic content, software, hardware, and support documentation and services conform to the Revised 508 Standards.

4.2. FROs, or their designee(s), are responsible for:

- 1) Ensuring compliance with this Directive in their field location;
- 2) Designating Requiring Officials for their field location;
- 3) Ensuring Requiring Officials complete the appropriate OAST-approved accessibility training; and
- 4) Implementing any additional Directorate or Program Office-specific procedures or guidance for their field office.

4.3. The ICE CIO, or their designee, is responsible for:

- 1) Ensuring adherence to DHS ICT accessibility policies, procedures, standards, and guidelines;
- 2) Ensuring ICT incorporated into the agency enterprise architecture, including electronic content, tools, software, hardware, platforms, and electronic content authoring tools conform to DHS accessibility policies and procedures and the Revised 508 Standards for ICT accessibility;
- 3) Ensuring, in conjunction with the ICE Office of Acquisition Management (OAQ), that ASTP is integrated fully into the acquisition, development, and management process for ICE ICT;

- 4) Designating the ICE Section 508 Coordinator to lead and coordinate ICE's efforts for ICT compliance with applicable laws and DHS accessibility policies and procedures; and
 - 5) Ensuring the Section 508 Coordinator has the requisite training, expertise, and time to perform the tasks associated with this duty.
- 4.4.** The **ICE Office of Public Affairs**, in coordination with web content owners, is responsible for ensuring public-facing web content, including links to web applications and other electronic content, fully conforms to the Revised 508 Standards.
- 4.5.** **OAQ** is responsible for:
- 1) Providing guidance and oversight across ICE to ensure compliance with DHS accessibility policies and procedures and the Revised 508 Standards for new ICT acquisitions; and
 - 2) Ensuring Contracting Officers and Contracting Officers Representatives include relevant Section 508 compliance language in all contractual actions and retain the Section 508 documentation provided with purchase requests for tracking purposes.
- 4.6.** The **ICE Office of Diversity and Civil Rights (ODCR)** is responsible for:
- 1) Collaborating with the DHS Office for Civil Rights and Civil Liberties (CRCL) and OAST for shared, related, and inter-dependent duties to ensure ICE's compliance with DHS accessibility policies and procedures and the Revised 508 Standards; and
 - 2) Reporting, tracking, and assisting with Section 508 grievances to ensure conformance to CRCL's complaint process.
- 4.7.** The **ICE Section 508 Coordinator** is responsible for:
- 1) Ensuring all ICE policies (in consultation with the ICE Office of Regulatory Affairs and Policy), procedures, testing, and remediation related to ICT accessibility maintain awareness and ensure compliance with DHS ICT accessibility policies and procedures and the Revised 508 Standards;
 - 2) Providing technical assistance and guidance to Requiring Officials, IT Program Managers, and other IT project members;
 - 3) Evaluating, documenting, and reporting on ICE programmatic and technical compliance to the OAST;
 - 4) Adopting and implementing DHS testing, compliance determination, and remediation management procedures;

- 5) Reviewing and authorizing Alternative Means Plans and Remediation Plans;
- 6) Reviewing and authorizing requests for exceptions for Legacy ICT, Federal Contracts, and Maintenance and Monitoring Spaces and a Best Meets exemption;
- 7) Coordinating with OAST for review and final authorization for a National Security exception and exemptions for Undue Burden and Fundamental Alteration; and
- 8) Collaborating with and providing technical assistance to ODCR and CRCL to resolve Section 508-related complaints.

4.8. Requiring Officials are responsible for:

- 1) Ensuring compliance with DHS accessibility policies and procedures and the Revised 508 Standards;
- 2) Ensuring they, along with Contracting Officers (KOs), Contracting Officer's Representatives (CORs), IT Program Managers, and other project members, complete the appropriate OAST-approved accessibility training; and
- 3) Justifying all claims for Section 508 exceptions and/or exemptions in writing.

4.9. IT Program Managers, KOs, and CORs are responsible for:

- 1) Ensuring all items that contain ICT features and functions, including all documents, comply with DHS accessibility policies and procedures and the Revised 508 Standards;
- 2) Providing a Section 508 Compliance Plan that describes applicable requirements and acceptance testing/quality assurance plans for each required ICT acquisition;
- 3) Conducting and validating ICT testing in accordance with DHS-approved Section 508 testing standards;
- 4) Drafting and providing an Alternative Means Plan, for accessing or using ICT through an alternative means, for approval;
- 5) Communicating any alternative means to impacted users and implementing the alternative means prior to deployment of ICT systems; and
- 6) Developing, coordinating, and tracking Section 508 Remediation Plans to address compliance shortfalls.

5. Procedures/Requirements. See DHS Instruction No. 139-05-001 for all exception and exemption requests, procedures, and requirements in implementing this policy. Within ICE, exception and exemption requests must be submitted on the Compliance

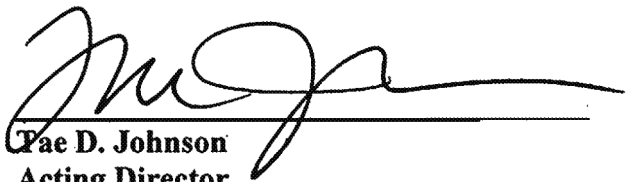
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Determination Form with supporting documentation such as the Alternative Means Plan, if applicable, to the ICE Section 508 Coordinator.

6. **Recordkeeping.** All relevant documents produced or provided in accordance with this Directive must be maintained in accordance with the National Archives and Records Administration (NARA) General Records Schedule or an applicable DHS or ICE records schedule. If a schedule does not exist that covers the records, they are considered unscheduled. Unscheduled records cannot be destroyed or deleted until a schedule has been developed and approved by NARA.
7. **Authorities/References.**
 - 7.1. Rehabilitation Act of 1973, Pub. L. No 93-112, 87 Stat. 355 (1973).
 - 7.2. Rehabilitation Act Amendments of 1986, Pub. L. No. 99-506, § 603, 100 Stat 1830-31 (1986) (codified as 29 U.S.C. § 794d).
 - 7.3. Rehabilitation Act Amendments of 1998, Pub. L. No. 105-220, tit. IV, § 408, 112 Stat. 1203-06 (1998) (codified as amended at 29 U.S.C. § 794d).
 - 7.4. E-Government Act of 2002, Pub. L. No.107-347, § 202, 116 Stat. 2911-12 (2002).
 - 7.5. Telecommunication Act of 1996, Pub. L. No. 104-104, § 255, 110 Stat. 75-76 (1996).
 - 7.6. 40 U.S.C. §§ 11101-11703 (2022).
 - 7.7. 42 U.S.C. § 12102 (2022).
 - 7.8. 6 C.F.R. Part 15 (2022).
 - 7.9. 36 C.F.R. Part 1194 (2022).
 - 7.10. 48 C.F.R. Part 39 (2022).
 - 7.11. DHS Directive No. 139-05, Accessible Systems and Technology Program (Rev. 1, Nov. 12, 2018).
 - 7.12. DHS Directive No. 142-02, Information Technology Integration and Management (Rev. 1, Apr. 12, 2018).
 - 7.13. DHS Directive No. 046-01, Office for Civil Rights and Civil Liberties (Nov. 1, 2013).
 - 7.14. DHS Instruction No. 139-05-001, Managing the Department's Accessible Systems and Technology Program (Rev. 1, Nov. 20, 2018).

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- 7.15. DHS Instruction No. 142-02-001, Information Technology Integration and Management (Mar. 4, 2015).
- 7.16. DHS Management Directive No. 3500, Operational Roles and Responsibilities of the Officer for Civil Rights and Civil Liberties & the Office of Chief Counsel (Oct. 26, 2005).
- 7.17. DHS Homeland Security Acquisition Manual (HSAM) 3039 (Oct. 2009).
- 7.18. ICE Systems Lifecycle Management Guide, Version 1.2 (Jun. 2017).
- 7.19. ICE Policy 8002.1, Equal Employment Opportunity Complaints Processing (Apr. 11, 2006).
- 8. **Attachments.**
 - 8.1 ICE Section 508 Compliance Determination Form
- 9. **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.



Tae D. Johnson
Acting Director

U.S. Immigration and Customs Enforcement

January 18, 2023

DATE