



To enhance mission performance, TSA is committed to promoting a culture founded on its values of Integrity, Innovation and Team Spirit.

REVISION: This revised directive supersedes TSA MD 1400.19, *Section 508 Compliance*, dated July 1, 2014.

SUMMARY OF CHANGES: Section 3, Authorities, updated; Section 4, Definitions, deleted duplicate Information Technology; Section 5, Responsibilities, updated; Section 6, Policy, updated; and Section 8, Procedures, updated.

1. **PURPOSE:** This directive provides TSA policy and procedures to ensure that employees and members of the public with disabilities have access to and use of TSA information and data that is comparable to the access and use provided to employees and members of the public without disabilities.
2. **SCOPE:** This directive applies to all TSA employees and contractors that develop, procure, maintain or use Electronic and Information Technology (EIT) unless covered by exceptions for National Security, Incidental to Contract, Back Office, Fundamental Alteration and/or Undue Burden.
3. **AUTHORITIES:**
 - A. 6 CFR Part 15, Enforcement of Nondiscrimination on the Basis of Disability in Programs or Activities Conducted by the Department of Homeland Security (DHS)
 - B. [36 CFR Part 1194, Electronic and Information Technology Accessibility Standards](#)
 - C. [48 CFR Part 39.2, Federal Acquisition Regulations \(FAR\) System, Acquisition of Information Technology, Electronic and Information Technology](#)
 - D. Clinger-Cohen Act of 1996
 - E. [DHS Directive 142-02, Information Technology Integration and Management](#)
 - F. [DHS Directive 139-05, Office of Accessible Systems and Technology](#)
 - G. [Final FAR Rule for Implementing Section 508 of the Rehab Act Electronic and Information Technology Accessibility for Persons with Disabilities](#)
 - H. OMB Circular A-130, "Management of Federal Information Resources"
 - I. [OMB Memorandum for Chief Acquisition Officers and Chief Information Officers, "Ensuring the Accessibility of Federal Electronic and Information Technologies Procured by Federal Agencies", November 6, 2007](#)

- J. 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”
- K. Section 202(d) of the E-Government Act of 2002, “Accessibility to People with Disabilities”
- L. Section 508 of the Rehabilitation Act of 1973, as amended by the Workforce Investment Act of 1998
- M. [TSA Section 508 Compliance Guide](#)

4. DEFINITIONS:

- A. Accessibility Support Services Program: TSA program that provides the strategic direction for ensuring that TSA employees and members of the public with disabilities have comparable access to TSA information and data; and provides programmatic and technical assistance to TSA personnel regarding the implementation of Section 508.
- B. Accommodation Plan: A plan that addresses the needs of users of TSA systems that are less than fully conforming to applicable Section 508 standards, which outlines the user’s needs and identifies modifications and/or accommodations that will be provided as the result of inaccessible EIT.
- 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 (e.g., screen readers and screen magnification software).
- D. Back-office Products Exception: 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 with no local or remote access possible).
- E. Electronic and Information Technology (EIT): Refers to information technology (IT) including any equipment or inter-connected 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; telecommunication products; web sites (Internet, intranet and extranet); video and multimedia products; desktop and portable computers; and office equipment such as copiers and printers.
- F. Exception: Exceptions are instances in which EIT products are not expected to comply with Section 508 standards. For information regarding exceptions, reference TSA Section 508 Compliance Guide.
- G. Functional Performance Criteria (FPC): Section 508 technical standards and functional performance criteria that 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.
- H. Fundamental Alteration Exception: Alteration of EIT products or services to meet Section 508 technical standards from 36 CFR 1194.21-26, or functional performance criteria from 36 CFR 1194.31 that will cause the EIT products or services not to meet business needs. Applying fundamental alteration requires a detailed analysis involving business requirements and how

changing the EIT to be compliant with Section 508 would cause the EIT to not fulfill its intended purpose.

- I. Information Technology (IT): Per OMB Circular A-11, Section 11, and as defined by the Clinger-Cohen Act of 1996, sections 5002, 5141, and 5142, information technology means any equipment or interconnected system(s) or subsystem(s) of equipment used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. For purposes of this definition, equipment is “used” by an agency where the agency uses the equipment directly or it is used by a contractor under a contract with the agency that (1) requires the use of such equipment or (2) requires the use, to a significant extent, of such equipment in the performance of a service or the furnishing of a product. Information technology includes computers; ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources. It does not include any equipment acquired by a Federal contractor incidental to a Federal contract. The EAB will review all IT investments, including any investments categorized as non-IT on the E300 but that contain IT elements.

- J. National Security Exception: Any telecommunications or information system operated by the U.S. Government in which 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.

NOTE: Excludes systems that are to be used for routine administrative and business applications, such as payroll, finance, logistics and personnel management applications.

- K. Office of Accessible Systems and Technology (OAST): DHS organization that establishes DHS policies, procedures, partnerships, and practices to ensure that EIT procured, developed, maintained, or used is accessible to DHS employees and customers with disabilities; and provides programmatic and technical assistance to DHS component agencies regarding implementation of Section 508.

- L. Products Incidental to a Contract Exception: Products acquired or used by a contractor to fulfill a contract that are neither used nor accessed by Federal employees or members of the public.

NOTE: Contracted employees in their professional capacity are not considered members of the public.

- M. Requiring Officials: 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.
- N. Section 508 Coordinator: Government personnel responsible for ensuring Section 508 compliance processes and procedures are implemented as EIT is developed, procured, used or maintained across TSA.
- O. Technical Standards: Provide criteria specific to various types of EIT, including software applications and operating systems, web-based information and applications, telecommunication products, video and multimedia products, self-contained, closed products and desktop and portable

computers. The standards also set forth requirements establishing a minimum level of accessibility.

P. Undue Burden Exception: Significant difficulty or expense.

Q. Web Content Managers (or Equivalent): A Web Content Manager is the person who has authority to accept, deny, or modify content for a web site, web application, or other web components. He/she may be a content creator and designer, but may also be the point of contact for getting information posted on a web site.

5. RESPONSIBILITIES:

A. OIT Assistant Administrator/Chief Information Officer (OIT AA/CIO) is responsible for:

- (1) Ensuring TSA programs, offices, individuals, and entities adhere to TSA Section 508 and DHS EIT accessibility policies, processes, standards, guidance and procedures;
- (2) Appointing and maintaining a Section 508 Coordinator and ensuring that he/she has the requisite training, expertise, and time to perform the tasks associated with active management of TSA's Accessibility Support Services Program; and
- (3) Ensuring that Section 508 compliance solutions conform to the appropriate information technology security requirements commensurate with the sensitivity of the system and information contained.

B. Section 508 Coordinator is responsible for:

- (1) Serving as the central point of contact for the implementation of Section 508 compliance across TSA, to include:
 - (a) Ensuring that current, appropriate, and accurate information is included in all TSA training and educational materials related to Section 508;
 - (b) Facilitating efficient communication of TSA Section 508 issues internally with Program Managers, System Owners, Contracting Officer Representatives (COR) and all other identified stakeholders; and
 - (c) Participating in the DHS Section 508 Coordinators Council, as well as other interagency, industrial, and professional organizations related to Section 508.
- (2) Providing leadership and guidance per EIT Accessibility Standards, including technical and programmatic support, to the TSA Accessibility Support Services Program;
- (3) Establishing and aligning TSA procedures to assure effective compliance with Section 508 requirements and DHS EIT accessibility policies and procedures, through establishing liaisons between TSA and OAST;
- (4) Working with the Requiring Officials to develop Section 508 Accommodation Plans, as necessary, to address the needs of users of TSA systems, who may need accommodation in

accordance with Section 508, and coordinating the authorization and approval of such plans with DHS OAST;

- (5) Ensuring accessibility standards are incorporated into Enterprise Architecture, System Engineering Life Cycle processes and other system development governance activities;
- (6) Reviewing and authorizing all requests to purchase, develop, use or maintain EIT that claim Fundamental Alteration, Back Office or Incidental to Contract Exceptions;
- (7) Complying with established DHS processes for EIT accessibility, and providing technical assistance related to investigations of Section 508 complaints to the DHS Office of Civil Rights and Civil Liberties involving TSA procured, developed, or maintained EIT;
- (8) Coordinating the review and authorization of TSA exception claims based on National Security or an Undue Burden with DHS OAST;
- (9) Reviewing IT acquisitions submitted to the TSA Office of Acquisition for applicable Section 508 compliance language added using the DHS Accessibility Requirements Tool (DART);
- (10) Coordinating and developing TSA's response to the Department of Justice Bi-Annual Survey reporting TSA compliance progress with Section 508 requirements; and
- (11) Ensuring all purchase requests that claim National Security or Undue Burden exceptions shall be reviewed and authorized by the DHS OAST.
- (12) Tracking, collecting, and providing information related to Section 508 implementation to DHS OAST and to appropriate Government oversight agencies as requested.

C. Each TSA Program Office is responsible for appointing a Section 508 Requiring Official.

D. Section 508 Requiring Officials, also referred to as the Section 508 Point of Contact (POC), are responsible for:

- (1) Including Section 508 in requirements planning;
- (2) Defining the functional requirements for the development, procurement, and/or maintenance of EIT within TSA;
- (3) Identifying and selecting applicable Section 508 EIT accessibility functional performance criteria and technical standards;
- (4) Performing market research of commercial off-the-shelf (COTS) or government off-the-shelf (GOTS) EIT-procured products, so that the product which best meets Section 508 compliance standards is selected;
- (5) Selecting the product or services that best meets the business needs of the Agency and the requirements of Section 508. These are derived from Section 508 EIT accessibility functional performance criteria and technical standards;

- (6) Working with the Section 508 Coordinator to document Accommodation Plans when TSA-developed and -maintained products do not fully comply with Section 508 EIT accessibility functional performance criteria and all applicable technical standards;
- (7) Documenting appropriately the product or services that best meet both Section 508 functional and technical requirements when selected;
- (8) Requesting exceptions to Section 508 and obtaining authorization signatures through the TSA Section 508 Coordinator, when appropriate;
- (9) Ensuring all exceptions and documentation are reviewed and authorized by the TSA Section 508 Coordinator and DHS OAST prior to the acquisition of EIT;
- (10) Ensuring applicable requirements and associated language are included in any solicitation; and
- (11) Working with Site Collection Administrators (SCA) to manage and maintain content on the iShare page.

E. Contracting Officers are responsible for:

- (1) Ensuring that all relevant Section 508 compliance language is included in contractual actions for EIT items and services using the DHS Accessibility Requirements Tool (DART) located on the OAST DHS Connect Webpage; and
- (2) Ensuring that all Section 508 documentation provided to a contractor or vendor is retained for tracking purposes with the contract file and a copy provided to the Section 508 Coordinator.

F. Contracting Officer Representatives (CORs) are responsible for:

- (1) Identifying appropriate and applicable Section 508 standards, exceptions, and associated language and working with program managers to ensure their inclusion in all task orders, statements of work, contractual solicitations, and other documents that direct services that involve the selection of compliant EIT products; and
- (2) Completing the DHS OAST Introduction to Section 508 training.

G. Web Content Managers (or equivalent) are responsible for:

- (1) Ensuring that all web content fully conforms to Section 508 EIT accessibility standards and meets functional performance criteria; and
- (2) Consulting with the Section 508 Coordinator for access to manual and automated tools provided by DHS OAST to evaluate TSA web sites and applications for Section 508 compliance.

H. Chief Procurement Officer is responsible for:

- (1) Providing guidance across TSA to ensure compliance with Section 508 related policies and procedures as related to new acquisitions; and
- (2) Providing guidance to contracting officials to ensure EIT procurements comply with the 48 CFR 39.2.

I. Officer for Civil Rights and Liberties is responsible for:

- (1) Ensuring compliance with Section 508 complaint processes, reporting and tracking requirements within TSA;
- (2) Evaluating the effectiveness of the Section 508 complaint process and providing reports as requested to appropriate Government oversight organizations; and
- (3) Advocating for compliance with Section 508 and its inclusion in the TSA budget and strategic planning activities.

J. Chief Counsel is responsible for:

- (1) Providing legal advice on matters pertaining to Section 508 compliance to the Office of Civil Rights and Liberties, Ombudsman and Travelers Engagement and to the Section 508 Coordinator; and
- (2) Ensuring that all Equal Employment Opportunity officers/officials are knowledgeable about Section 508 requirements.

K. Chief Financial Officer is responsible for:

- (1) Providing guidance across TSA to ensure compliance with Section 508 related policies and procedures as related to purchase card acquisitions; and
- (2) Providing guidance to TSA financial offices to ensure EIT procurements paid for using Government purchase cards comply with the 36 CFR 39.2.

L. Government Purchase Card Holders and Approvers are responsible for:

- (1) Ensuring that the Section 508 Coordinator has approved all Section 508 exception documentation prior to the acquisition of EIT;
- (2) Ensuring that all Section 508 documentation provided with the procurement package is retained and available for audit; and
- (3) Annually completing Section 508 training.

M. All TSA Employees are responsible for:

- (1) Understanding the Section 508 requirements and how they apply to their processes; and
- (2) Ensuring documents that are intended to be distributed electronically comply with the Section 508 EIT Accessibility Requirements.

- N. System Owners/Program Managers are responsible for ensuring Section 508 compliance in their systems and programs.
- O. Application Developers are responsible for developing or customizing applications comply with the Section 508 EIT Accessibility Standards.
- P. DHS OAST is responsible for establishing a DHS Section 508 Program, setting DHS Section 508 policy and procedures, and approving all exceptions requested by components.

6. POLICY:

- A. TSA shall establish and maintain an active Accessibility Support Services Program.
- B. TSA shall ensure that employees and members of the public 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 shall be provided by an alternate method or format.
- C. When developing EIT, program managers shall ensure that functional requirements are identified, applicable Section 508 EIT accessibility functional performance criteria and technical standards are selected and inserted in project requirements documentation; the EIT is tested against those requirements; and appropriate documentation is produced.
- D. Should project managers deploy or accept systems that are less than fully conforming to applicable Section 508 technical standards based on legitimate business need, a new Accommodation Plan shall be prepared to address the needs of employees with disabilities. This plan shall be developed along with the Section 508 Coordinator who shall coordinate the authorization and approval of such plans with DHS OAST.
- E. The Office of Civil Rights and Liberties, Ombudsman and Travelers Engagement shall follow DHS Section 504 complaint procedures for all Section 508-related complaints.
- F. The Section 508 Coordinator shall ensure all purchase requests that claim National Security or Undue Burden exceptions are reviewed and authorized by DHS OAST; and shall also review and authorize all purchase requests that claim Fundamental Alteration, Back Office and Incidental to Contract exceptions.
- G. TSA shall provide EIT accessibility for employees and members of the public with disabilities. In addition, all contracts, statements of work, task orders, and solicitations must require all EIT products and services to be compliant with Section 508 EIT accessibility requirements. They must also state the Section 508 standards that apply and the exceptions that may be granted, as applicable. EIT procurement, development and maintenance shall comply with Section 508 technical standards.
- H. All EIT deliverables shall utilize the applicable 36 CFR Part 1194, Section 508 technical standards, regardless of technology, to fulfill functional performance criteria. To ensure accessibility for people with disabilities, the EIT can have accessibility features built in or have the capability to install assistive technology hardware or software.

- I. In determining whether an action would result in an undue burden, TSA shall consider all agency resources available to the program or organization for which the product is being developed, procured, maintained, or used.
- J. Remediation items will be subject to a 60-day project plan, unless otherwise approved by the TSA 508 Section Coordinator. A remediation item is any EIT product or service that is Section 508 non-compliant based on 36 CFR Part 1194 standards.

7. PROCEDURES:

- A. Section 508 compliance is implemented through FAR requirements that govern the basic acquisition phases: Need, Requirement, Research, and Solicitation. The governing FAR regulations for each phase are stated below:
 - (1) Need Phase: TSA must include Section 508 in requirements planning, thus determining from the start how Section 508 will apply. FAR 7.103(q) requires that the agency-head or designee (i.e., OIT AA/CIO) prescribe procedures to consider Section 508 requirements in requirements planning and proposed acquisitions.
 - (2) Requirement Phase: TSA must include Section 508 requirements when describing agency need and identify the specific Section 508 standards that apply to required EIT product or service deliverables. FAR 11.002 (f) specifies that requiring activities must prepare requirements documents for EIT that comply with Section 508. FAR 12.202 (d) reiterates that same regulation especially for the acquisition of commercial items.
 - (3) Research Phase: TSA must consider Section 508 requirements when assessing EIT availability and researching EIT that can meet the identified Section 508 standards. FAR 10.001(a)(3)(vii) requires TSA to assess the availability of EIT that meets applicable Section 508 standards when performing market research.
 - (4) Solicitation Phase: TSA must ensure EIT acquisitions meet the applicable Section 508 standards by documenting appropriate Section 508 language in solicitations and including Section 508 factors when evaluating proposals and accepting contract deliverables. FAR 39.203 generally implements Section 508 and the Access Board Standards. FAR 39.203(a) specifically states "Unless an exception at 39.204 applies, acquisitions of EIT supplies and services must meet the applicable accessibility standards at 36 CFR Part 1194."
- B. When requesting a National Security Exception or an Undue Burden exception to complying with the Section 508 EIT Accessibility requirements, complete [DHS Form 4105, National Security Exception – Request and Authorization Form](#) and submit the completed forms to the Section 508 Coordinator.
- C. When requesting a Back-office Products Exception, Products Incidental to a Contract Exception, or a Fundamental Alteration Exception to complying with the Section 508 EIT Accessibility requirements, complete [DHS Form 4109, Back-Office Exception - Request and Authorization Form](#), [DHS Form 4107, Incidental to Contract Exception - Request and Authorization Form](#), or [DHS Form 4108, Fundamental Alteration Exception - Request and Authorization Form](#), respectively, and submit the completed form to the Section 508 Coordinator.

D. Reference the [Accessibility Support Services Program](#) iShare page for additional information and resources.

- 8. APPROVAL AND EFFECTIVE DATE:** This policy is approved and effective the date of signature unless otherwise specified.

APPROVAL

Signed

December 27, 2016

Stephen Rice
Assistant Administrator
Chief Information Officer
Office of Information Technology

Date

EFFECTIVE

Date

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