

118TH CONGRESS
2D SESSION

S. 4766

To strengthen requirements for the use of accessible information and communications technology by Federal departments and agencies.

IN THE SENATE OF THE UNITED STATES

JULY 24, 2024

Mr. CASEY (for himself, Mr. FETTERMAN, Mr. WYDEN, and Ms. DUCKWORTH) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To strengthen requirements for the use of accessible information and communications technology by Federal departments and agencies.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Section 508 Refresh
5 Act of 2024”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **ACCESS BOARD.**—The term “Access Board”
9 means the Architectural and Transportation Bar-

1 riers Compliance Board established under section
2 502(a)(1) of the Rehabilitation Act of 1973 (29
3 U.S.C. 792(a)(1)).

4 (2) ADMINISTRATOR.—The term “Adminis-
5 trator” means the Administrator of the General
6 Services Administration.

7 (3) DISABILITY.—The term “disability” has the
8 meaning given that term in section 3 of the Ameri-
9 cans with Disabilities Act of 1990 (42 U.S.C.
10 12102).

11 (4) FEDERAL DEPARTMENT OR AGENCY.—The
12 term “Federal department or agency” has the mean-
13 ing given the term agency in section 3502 of title
14 44, United States Code, except that such term shall
15 also include agency components.

16 (5) INFORMATION AND COMMUNICATIONS
17 TECHNOLOGY.—The term “information and commu-
18 nications technology” means all information tech-
19 nology and all other equipment, systems, tech-
20 nologies, or processes, for which the principal func-
21 tion is the creation, manipulation, storage, display,
22 receipt, or transmission of electronic data and infor-
23 mation, as well as any associated content, such as
24 computers and peripheral equipment, information ki-
25 osks and transaction machines, telecommunications

1 equipment, customer premises equipment, multi-
 2 function office machines, software, applications,
 3 websites, videos, and electronic documents.

4 (6) SECTION 508.—The term “section 508”
 5 means section 508 of the Rehabilitation Act of 1973
 6 (29 U.S.C. 794d).

7 **SEC. 3. AMENDMENTS TO DEFINITIONS AND TERMS USED**
 8 **IN SECTION 508 OF THE REHABILITATION**
 9 **ACT OF 1973.**

10 (a) AMENDMENTS.—Section 508 of the Rehabilita-
 11 tion Act of 1973 (29 U.S.C. 794d) is amended—

12 (1) by striking “electronic and information
 13 technology” and inserting “information and commu-
 14 nications technology” each place the term appears;

15 (2) in subsection (a)—

16 (A) in subparagraph (A) of paragraph (1),
 17 by striking ELECTRONIC AND INFORMATION
 18 TECHNOLOGY in the subparagraph heading and
 19 inserting “INFORMATION AND COMMUNICATIONS
 20 TECHNOLOGY”;

21 (B) by striking subparagraph (A) of para-
 22 graph (2) and inserting the following:

23 “(A) The Architectural and Transportation
 24 Barriers Compliance Board (referred to in this
 25 section as the ‘Access Board’) shall maintain

published technical and functional performance criteria necessary to implement the requirements set forth in paragraph (1).”; and

(C) in paragraph (3)—

(i) by striking “Not later than 6 months after the Access Board publishes the standards required under paragraph (2), the Federal Acquisition Regulatory Council shall revise the Federal Acquisition Regulation and each Federal department or agency shall revise the Federal procurement policies and directives under the control of the department or agency to incorporate those standards.”; and

(ii) by striking “Council” and inserting “Federal Acquisition Regulatory Council”; and

(3) by adding at the end the following:

“(j) DEFINITIONS.—In this section:

“(1) FEDERAL DEPARTMENT AND AGENCY.—

The term ‘Federal department and agency’ has the meaning given the term ‘agency’ in section 3502 of title 44, United States Code.

“(2) INFORMATION AND COMMUNICATIONS TECHNOLOGY.—The term ‘information and commu-

1 nications technology’ means all information tech-
 2 nology and all other equipment, systems, tech-
 3 nologies, or processes, for which the principal func-
 4 tion is the creation, manipulation, storage, display,
 5 receipt, or transmission of electronic data and infor-
 6 mation, as well as any associated content, such as—

7 “(A) computers and peripheral equipment;

8 “(B) information kiosks and transaction
 9 machines;

10 “(C) telecommunications equipment;

11 “(D) customer premises equipment;

12 “(E) multifunction office machines;

13 “(F) software;

14 “(G) applications;

15 “(H) websites;

16 “(I) videos; and

17 “(J) electronic documents.”.

18 (b) CONFORMING AMENDMENTS.—

19 (1) The item relating to section 508 in the table
 20 of contents of the Rehabilitation Act of 1973 (29
 21 U.S.C. 701 et seq.) is amended by striking “Elec-
 22 tronic and information technology” and inserting
 23 “Information and communications technology”.

24 (2) Section 204 of the Rehabilitation Act of
 25 1973 (29 U.S.C. 764) is amended—

1 (A) in subsection (b)(2)(C)(i), by striking
 2 “electronic and information technology” and in-
 3 serting “information and communications tech-
 4 nology”.

5 (B) in subsection (b)(2)(D), by striking
 6 “electronic and information technology” and in-
 7 serting “information and communications tech-
 8 nology”.

9 (3) Section 502 of the Rehabilitation Act of
 10 1973 (29 U.S.C. 792) is amended—

11 (A) in subsection (b)(3)(D), by striking
 12 “electronic and information technology” and in-
 13 serting “information and communications tech-
 14 nology”.

15 (B) in subsection (d), by striking “elec-
 16 tronic and information technology” and insert-
 17 ing “information and communications tech-
 18 nology”.

19 **SEC. 4. INVOLVEMENT OF PEOPLE WITH DISABILITIES.**

20 (a) AMENDMENT TO THE REHABILITATION ACT OF
 21 1973.—Section 508 of the Rehabilitation Act of 1973 (29
 22 U.S.C. 794d) is amended by inserting after subsection (g)
 23 the following:

24 “(h) INVOLVEMENT OF PEOPLE WITH DISABIL-
 25 ITIES.—In carrying out this section, Federal departments

1 and agencies shall routinely involve people with disabil-
2 ities. That involvement shall take the form of soliciting
3 feedback and participation from Federal employees and
4 members of the public with disabilities in each of the fol-
5 lowing:

6 “(1) The development of mechanisms or proc-
7 esses to enforce this section within a department or
8 agency.

9 “(2) The acquisition or development of informa-
10 tion and communications technology in a manner
11 that incorporates accessibility for people with dis-
12 abilities from the beginning to the end of the acqui-
13 sition or development process.

14 “(3) Testing information and communications
15 technology for compliance with this section.

16 “(4) Remediating information and communica-
17 tions technology that is not in compliance with this
18 section.

19 “(5) The complaints process under this section,
20 including the effectiveness and timeliness of the
21 complaints process under this section.”.

22 (b) GUIDANCE FOR DEPARTMENTS AND AGEN-
23 CIES.—Not later than 1 year after the date of enactment
24 of this Act, the Access Board, in consultation with the Ad-
25 ministrators, the Director of the Office of Management and

1 Budget, and the Director of the Office of Federal Contract
 2 Compliance Programs shall establish guidelines for de-
 3 partments and agencies to routinely involve people with
 4 disabilities in accordance with subsection (h) of section
 5 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d),
 6 as amended by subsection (a).

7 **SEC. 5. AUTHORITY OF THE ACCESS BOARD TO ENSURE**
 8 **COMPLIANCE WITH SECTION 508.**

9 Section 502(b)(1) of the Rehabilitation Act of 1973
 10 (29 U.S.C. 792(b)(1)) is amended—

11 (1) by striking “ensure compliance with the
 12 standards prescribed pursuant to the Act” and in-
 13 serting “ensure compliance with—”

14 “(A) the standards prescribed pursuant to
 15 the Act”;

16 (2) by inserting “and” after the semicolon at
 17 the end of subparagraph (A); and

18 (3) by adding at the end the following:

19 “(B) the standards prescribed pursuant to
 20 section 508;”.

21 **SEC. 6. UNIFORM COMPLAINT PROCESS; INCORPORATION**
 22 **OF PEOPLE WITH DISABILITIES IN ENFORCE-**
 23 **MENT.**

24 (a) ESTABLISHMENT OF ACCESS BOARD COMPLAINT
 25 PROCESS.—

1 (1) IN GENERAL.—In accordance with the au-
2 thority of the Access Board under section 502(b)(1)
3 of the Rehabilitation Act of 1973 (as amended by
4 section 5), not later than 1 year after the date of
5 enactment of this Act, the Access Board, in con-
6 sultation with the Administrator and the Director of
7 the Office of Management and Budget, shall estab-
8 lish a uniform complaint process for any individual
9 to file a complaint with the Access Board alleging
10 that a Federal department or agency fails to comply
11 with subsection (a)(2) of section 508 of that Act and
12 for actions to resolve such complaints.

13 (2) TIMEFRAME.—The Access Board shall pro-
14 mulgate regulations to establish the timeframe by
15 which complaints shall be processed or adjudicated
16 under such uniform complaint process.

17 (3) TRANSITION OF COMPLAINTS PROCESS.—
18 The Access Board shall establish procedures to en-
19 sure the smooth transition of the complaints process
20 under section 508 before the date of the uniform
21 complaint process described in paragraph (1) (re-
22 ferred to in this paragraph as the “previous com-
23 plaints process”) and the uniform complaints proc-
24 ess established under paragraph (1) (referred to in
25 this paragraph as the “new complaints process”),

1 which shall include ensuring that section 508 com-
 2 plaints that were initiated before the new complaints
 3 process either—

4 (A) be adjudicated under the previous com-
 5 plaints process not later than 6 months after
 6 the new complaints process is established; or

7 (B) if such complaints are not adjudicated
 8 in accordance with subparagraph (A), such
 9 complaints shall be transferred to the Access
 10 Board for consideration under the new com-
 11 plaints process.

12 (b) ENFORCEMENT REGARDING INFORMATION AND
 13 COMMUNICATIONS TECHNOLOGY.—Section 508(f) of the
 14 Rehabilitation Act of 1973 (29 U.S.C. 794d(f)) is amend-
 15 ed to read as follows:

16 “(f) ENFORCEMENT.—

17 “(1) IN GENERAL.—Beginning on the date that
 18 the process described in section 6(a) of the Section
 19 508 Refresh Act of 2024 has been established, any
 20 individual may file a complaint with the Access
 21 Board alleging that a Federal department or agency
 22 fails to comply with standards described in sub-
 23 section (a)(2), in accordance with the authority of
 24 the Access Board under section 502(b)(1).

1 “(2) CIVIL ACTIONS.—The remedies, proce-
 2 dures, and rights set forth in sections 505(a)(2) and
 3 505(b) shall be the remedies, procedures, and rights
 4 available to any individual with a disability filing a
 5 complaint under paragraph (1).”.

6 (c) FEEDBACK.—In developing the complaint process
 7 and carrying out the activities under subsection (f) of sec-
 8 tion 508 of such Act, as amended by subsection (b), the
 9 Access Board shall solicit and incorporate feedback from
 10 people with disabilities, including—

- 11 (1) members of the public with disabilities;
- 12 (2) Federal employees with disabilities; and
- 13 (3) people with disabilities who have previously
- 14 filed complaints under such section.

15 **SEC. 7. PROCUREMENT PROCESS FOR INFORMATION AND**
 16 **COMMUNICATIONS TECHNOLOGY.**

17 (a) ESTABLISHMENT OF TESTING AND REPORTING
 18 PROCESS.—

19 (1) IN GENERAL.—Not later than 1 year after
 20 the date of the enactment of this Act, the Adminis-
 21 trator, in collaboration with the Director of the Of-
 22 fice of Management and Budget, the Director of the
 23 Office of Federal Contract Compliance Programs,
 24 and the Access Board, shall establish a uniform
 25 process for testing and reporting any information

1 and communications technology acquired by a Fed-
2 eral department or agency for compliance with the
3 requirements of section 508.

4 (2) ELEMENTS.—The uniform process estab-
5 lished under paragraph (1) shall include the fol-
6 lowing:

7 (A) A requirement that any contract be-
8 tween a Federal department or agency and a
9 vendor of information and communications
10 technology adopts standard accessibility lan-
11 guage, appropriate for the type of information
12 and communications technology being acquired,
13 that shall be determined by the Administrator,
14 in consultation with the Director of the Office
15 of Management and Budget, the Director of the
16 Office of Federal Contract Compliance Pro-
17 grams, and the Access Board.

18 (B) A requirement that the Federal de-
19 partment or agency test any information and
20 communications technology for compliance with
21 the requirements of section 508 prior to the ac-
22 quisition of such technology, including timelines
23 for such testing.

24 (C) A requirement that the Federal de-
25 partment or agency shall not acquire or deploy

1 information and communications technology
2 that is not compliant with section 508.

3 (D) In the case of an information and
4 communications technology that fails to meet
5 the requirements of section 508, the following
6 accountability measures:

7 (i) Not later than 30 days after dis-
8 covering the noncompliance, the Federal
9 department or agency shall notify the ven-
10 dor of the noncompliance and the basis for
11 the noncompliance.

12 (ii) Following notification, the vendor
13 shall be subject to a mandatory civil pen-
14 alty, the value of which shall be—

15 (I) established by the Adminis-
16 trator, in consultation with the Direc-
17 tor of the Office of Management and
18 Budget, the Director of the Office of
19 Federal Compliance Programs, and
20 the Access Board; and

21 (II) not less than 3 percent of
22 the value of the contract.

23 (iii) The vendor shall, at the expense
24 of the vendor, have 6 months from the
25 date of notification to modify the tech-

1 nology to bring it into compliance with the
2 requirements of section 508.

3 (iv) If the vendor fails to bring the
4 technology into compliance by the deadline
5 established under clause (iii) and the re-
6 quirements of section 508 were included in
7 the contract for the information and com-
8 munications technology—

9 (I) the Federal department or
10 agency shall—

11 (aa) terminate the contract
12 for cause; and

13 (bb) seek reimbursement for
14 the full value of the contract (in
15 addition to the mandatory civil
16 penalty assessed under subpara-
17 graph (D)(ii).

18 (3) TECHNICAL ASSISTANCE.—

19 (A) IN GENERAL.—The Administrator
20 shall provide to Federal departments and agen-
21 cies technical assistance for compliance with the
22 uniform process for testing and reporting estab-
23 lished under paragraph (1).

24 (B) WEBSITE.—The technical assistance
25 required under subparagraph (A) shall include

1 the maintenance of a website that is accessible
2 to the heads of Federal departments and agen-
3 cies and that contains information and tools for
4 compliance with the uniform process established
5 under paragraph (1).

6 (b) GOOD SAMARITAN BONUS PROGRAM.—

7 (1) IN GENERAL.—Not later than 1 year after
8 the date of the enactment of this Act, the Adminis-
9 trator, in collaboration with the Director of the Of-
10 fice of Management and Budget, the Director of the
11 Office of Federal Contract Compliance Programs,
12 and the Access Board, shall establish a process for
13 providing to each vendor that identifies one or more
14 requirement of section 508 that is missing from the
15 contract between the vendor and the Federal depart-
16 ment or agency for information and communications
17 technology a bonus of not more than 3 percent of
18 the value of the contract.

19 (2) ELIGIBILITY.—A vendor is eligible for the
20 bonus under paragraph (1) if—

21 (A) the vendor properly notified the Fed-
22 eral department or agency about the missing re-
23 quirement and provides documentation of such
24 notification;

1 (B) the vendor provides documentation
2 showing that—

3 (i) the missing requirement was added
4 to the contract for the information and
5 communications technology; or

6 (ii) the Federal department or agency
7 declined to add the requirement; and

8 (C) the vendor delivered to the Federal de-
9 partment or agency information and commu-
10 nications technology that complies with every
11 requirement of section 508.

12 (3) DEPARTMENT OR AGENCY REQUIRE-
13 MENTS.—In the case of a Federal department or
14 agency that declines to add a requirement, as de-
15 scribed in paragraph (2)(B)(ii), that Federal depart-
16 ment or agency shall report the decision to decline,
17 and the justification for doing so, to the Adminis-
18 trator and the Access Board.

19 (c) STREAMLINING VERIFICATION OF INFORMATION
20 AND COMMUNICATIONS TECHNOLOGY PROVIDED TO DE-
21 PARTMENTS AND AGENCIES.—

22 (1) CONFORMITY ASSESSMENTS.—Not later
23 than 1 year after the date of the enactment of this
24 Act, the Director of the Office of Management and
25 Budget, in coordination with the Administrator,

1 shall establish a program to enable vendors of infor-
2 mation and communications technology to review an
3 assessment of whether their products and services
4 conform to the standards promulgated pursuant to
5 section 508(a)(2) of the Rehabilitation Act of 1973
6 (29 U.S.C. 794d(a)(2)) and verify the assessment or
7 state that the assessment cannot be verified.

8 (2) LIST ON PUBLIC WEBSITE.—The Adminis-
9 trator shall ensure that the products and services of
10 vendors of information and communications tech-
11 nology that meet the criteria of the program are cat-
12 egorized and listed on a centralized public website.

13 (3) PROGRAM DEVELOPMENT.—In developing
14 the program required under paragraph (1), the Di-
15 rector of the Office of Management and Budget and
16 the Administrator shall consult regularly with Fed-
17 eral departments and agencies, as well as represent-
18 atives from the accessibility community and the in-
19 formation and communications technology industry.

20 (4) GUIDANCE.—The Director of the Office of
21 Management and Budget, in consultation with the
22 Administrator, may issue guidance to Federal de-
23 partments and agencies, as necessary, to implement
24 this subsection.

1 (d) FEDRAMP AUTHORIZATION AND SECTION
 2 508.—Beginning on the date that is 1 year after the date
 3 of enactment of this Act, the Federal Risk and Authoriza-
 4 tion Management Program shall only authorize products
 5 and services that are verified pursuant to subsection (c)
 6 to be fully compliant with section 508.

7 **SEC. 8. AGENCY ACCOUNTABILITY.**

8 (a) GUIDELINES RELATING TO COMPLIANCE OFFI-
 9 CERS.—Not later than 1 year after the date of enactment
 10 of this Act, the Administrator, in consultation with the
 11 Access Board, the Director of the Office of Management
 12 and Budget, and the Office of Federal Contract Compli-
 13 ance Programs shall establish guidelines relating to the
 14 programs for compliance with section 508 and compliance
 15 officers of departments and agencies, including—

16 (1) the role of such programs and authority of
 17 compliance officers in departments and agencies;

18 (2) the relationship of compliance officers with
 19 department and agency information technology offi-
 20 cers; and

21 (3) the relationship of compliance officers with
 22 department and agency acquisition officers, includ-
 23 ing the authority of compliance officers to intervene
 24 in the acquisition process if the information and
 25 communications technology a department or agency

1 is seeking to procure is not compliant with section
2 508.

3 (b) CONTINUOUS ACCESSIBILITY TESTING FOR IN-
4 FORMATION AND COMMUNICATIONS TECHNOLOGY.—

5 (1) ESTABLISHMENT OF TESTING AND EVALUA-
6 TION REQUIREMENTS.—The Administrator, in con-
7 sultation with the Director of the Office of Manage-
8 ment and Budget and the Access Board, shall estab-
9 lish standardized continuous accessibility testing and
10 evaluation requirements with respect to department
11 and agency information and communications tech-
12 nology that is acquired, developed, maintained, or
13 used by a department or agency, including informa-
14 tion and communications technology acquired, devel-
15 oped, maintained, or used before the date of enact-
16 ment of this Act. Such standardized continuous ac-
17 cessibility testing and evaluation requirements shall
18 include regression testing.

19 (2) TECHNICAL ASSISTANCE.—The General
20 Services Administration shall provide technical as-
21 sistance to departments and agencies with contin-
22 uous testing and evaluation required pursuant to
23 paragraph (1), including through the establishment
24 of an online hub that includes tools and guidance re-
25 lating to such testing and evaluation.

1 (c) NONCOMPLIANT INFORMATION AND COMMUNICA-
 2 TIONS TECHNOLOGY.—In the case of information and
 3 communications technology acquired, developed, main-
 4 tained, or used before the date of enactment of this Act
 5 that is found to not be compliant with section 508, as
 6 amended by this Act, the applicable department or agency
 7 shall remediate or remove that information and commu-
 8 nications technology not later than 90 days after the de-
 9 termination of noncompliance.

10 (d) FEDERAL AGENCY ACCESSIBILITY COMPLI-
 11 ANCE.—Section 508 of the Rehabilitation Act of 1973 (29
 12 U.S.C. 794d), as amended by sections 3 and 4, is further
 13 amended by inserting after subsection (h), as added by
 14 section 4, the following:

15 “(i) COMPLIANCE OFFICER.—

16 “(1) IN GENERAL.—

17 “(A) APPOINTMENT.—Not later than 90
 18 days after the date that the Administrator es-
 19 tablishes guidelines pursuant to section 8 of the
 20 Section 508 Refresh Act of 2024, the head of
 21 each Federal department or agency to which
 22 this section applies shall, consistent with such
 23 guidelines, appoint a compliance officer who
 24 shall have knowledge and experience with
 25 website accessibility, the requirements of this

1 section, and the Web Content Accessibility
2 Guidelines that are current as of the date of the
3 appointment.

4 “(B) RESPONSIBILITIES.—Each compli-
5 ance officer appointed under subparagraph (A)
6 shall—

7 “(i) be responsible for ensuring the
8 Federal department or agency is meeting
9 the requirements of this section;

10 “(ii) be responsible for remaining up-
11 to-date on changes to web content accessi-
12 bility requirements and other requirements
13 concerning the accessibility of information
14 and communications technology; and

15 “(iii) report directly to the head of the
16 Federal department or agency.

17 “(2) SIGNED CERTIFICATION.—Beginning not
18 later than 1 year after the date of enactment of the
19 Section 508 Refresh Act of 2024, and annually
20 thereafter, the head of each Federal department or
21 agency to which this section applies shall—

22 “(A) post on the home page of the depart-
23 ment or agency’s website a signed certification
24 that the department or agency is in compliance
25 with the requirements under this section; or

1 “(B) submit to Congress, and post on the
2 home page of the department or agency’s
3 website, a plan with a timeline to ensure the de-
4 partment or agency’s compliance with the re-
5 quirements under this section.

6 “(3) LARGER DEPARTMENTS AND AGENCIES.—
7 With respect to a Federal department or agency to
8 which this section applies that has multiple units
9 within such department or agency headed by Assist-
10 ant Secretaries or Directors, the head of each such
11 unit shall appoint a compliance officer who shall be
12 responsible for ensuring the unit is meeting the re-
13 quirements of this section.

14 “(4) FLEXIBILITY FOR SMALLER DEPART-
15 MENTS AND AGENCIES.—The head of a Federal de-
16 partment or agency to which this section applies
17 that has fewer than 20 full-time employees may ap-
18 point one of such full-time employees as the compli-
19 ance officer for the department or agency, if the ma-
20 jority of the employee’s work duties are related to
21 work as the compliance officer.”.

22 (e) GUIDELINES RELATING TO PERFORMANCE AP-
23 PRAISALS.—

24 (1) IN GENERAL.—Not later than 1 year after
25 the date of enactment of this Act, the Director of

1 the Office of Personnel Management, in consultation
 2 with the Director of the Office of Management and
 3 Budget, the Administrator, and the Access Board,
 4 shall issue guidelines for including compliance with
 5 section 508 as a critical element in performance ap-
 6 praisals for all members of the Senior Executive
 7 Service.

8 (2) REQUIREMENTS.—The guidelines issued
 9 under paragraph (1) shall determine the factors to
 10 be included in the appraisal described in paragraph
 11 (1).

12 (f) FEDERAL ADVISORY COMMITTEES ON EQUAL AC-
 13 CESS.—

14 (1) COMMITTEE ESTABLISHMENT.—Not later
 15 than 1 year after the date of enactment of this Act,
 16 each department or agency shall establish a Federal
 17 Advisory Committee on Equal Access if—

18 (A) the department or agency fails to ap-
 19 point a compliance officer under section 508(i)
 20 of the Rehabilitation Act of 1973 (29 U.S.C.
 21 794d), as added by this Act, or allows the posi-
 22 tion of compliance officer to go unfilled for
 23 more than 6 months;

24 (B) the department or agency fails to pub-
 25 lish on the website of the department or agency

1 a signed certification of compliance with the re-
2 quirements of section 508, or, if unable to pub-
3 lish a signed certification of compliance, a plan
4 to ensure compliance by the department or
5 agency within a specified timeframe;

6 (C) the department or agency fails to pub-
7 lish a signed certification of compliance or up-
8 date documentation, pursuant to a plan pub-
9 lished under subparagraph (B) within the speci-
10 fied timeframe provided under that plan; or

11 (D) the Administrator, in consultation with
12 the Access Board, determines that the depart-
13 ment or agency—

14 (i) is habitually non-compliant with
15 section 508;

16 (ii) has failed to provide appropriate,
17 continuous testing for information and
18 communications technology compliance
19 under the requirements of this Act; or

20 (iii) has failed to appropriately evalu-
21 ate employees, including senior executives,
22 for compliance with section 508, pursuant
23 to the guidelines issued under subsection
24 (d); or

1 (iv) has made inadequate progress to-
2 ward carrying out the compliance plan de-
3 scribed in section 508(i)(2)(B) of the Re-
4 habilitation Act of 1973 (as added by this
5 Act).

6 (2) COMMITTEE MEMBERSHIP.—The Adminis-
7 trator, in consultation with the Access Board, shall
8 determine the size of each Federal Advisory Com-
9 mittee on Equal Access and membership criteria,
10 which shall include a requirement that a majority of
11 the members be individuals with a disability, and
12 represent a variety of disabilities.

13 (3) MEETINGS; TERMINATION.—The Adminis-
14 trator, in consultation with the Access Board, shall
15 determine the frequency of meetings and termination
16 date of each Federal Advisory Committee on Equal
17 Access.

18 (4) REPORTS REQUIRED.—Each Federal Advi-
19 sory Committee on Equal Access of a department or
20 agency shall submit to the Administrator, Access
21 Board, and the Inspector General an annual report
22 relating to—

23 (A) compliance of the department or agen-
24 cy with section 508;

(B) compliance of the department or agency with other Federal accessibility laws, prioritized by area of greatest need, as determined by the Federal Advisory Committee on Equal Access; and

(C) recommendations of the Federal Advisory Committee on Equal Access for improving the department or agency's compliance with section 508 and any other Federal accessibility laws the Federal Advisory Committee on Equal Access examines.

SEC. 9. REPORTS.

(a) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Subsection (d) of section 508 of the Rehabilitation Act of 1973 is amended to read as follows:

“(d) IN GENERAL.—

“(1) ANNUAL COMPLIANCE REPORTS.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator, in consultation with the Director of the Office of Management and Budget and the Access Board, shall prepare and submit to the Committees on Health, Education, Labor, and Pen-

1 sions, Aging, Appropriations, and Homeland
2 Security and Governmental Affairs of the Sen-
3 ate and the Committees on Energy and Com-
4 merce, Appropriations, and Oversight and Re-
5 form of the House of Representatives a report
6 that shall include—

7 “(i) a comprehensive assessment (in-
8 cluding information identifying the metrics
9 and data used) of compliance by each de-
10 partment or agency, and by the Federal
11 Government generally, with the require-
12 ments of this section;

13 “(ii) a detailed description of the ac-
14 tions, activities, and other efforts made by
15 the Administrator over the year preceding
16 submission to support such compliance at
17 agencies and any planned efforts in the
18 coming year to improve compliance at
19 agencies;

20 “(iii) a list of recommendations that
21 agencies or Congress may take to help sup-
22 port that compliance; and

23 “(iv) a list of each instance in which
24 a Federal department or agency declined
25 to include a requirement of this section

1 that is missing from a contract between a
2 vendor and the Federal department or
3 agency, as reported under section 7(b)(3)
4 of the Section 508 Refresh Act of 2024.

5 “(B) REPORT AVAILABILITY.—The Admin-
6 istrator shall ensure that the reports required
7 under this paragraph are made available on a
8 public website and are maintained as an open
9 Government data asset (as that term is defined
10 in section 3502 of title 44, United States
11 Code).

12 “(2) UNRESOLVED COMPLAINTS.—

13 “(A) IN GENERAL.—Beginning not later
14 than 1 year after the date on which the uniform
15 complaint process described in subsection (f), as
16 amended by section 6 of the Section 508 Re-
17 fresh Act of 2024, is implemented, the Access
18 Board, in consultation with the Administrator,
19 shall prepare and submit an annual report in
20 accordance with subparagraph (B), that shall
21 include, at a minimum, information on—

22 “(i) the number of unresolved com-
23 plaints that—

24 “(I) allege that a Federal depart-
25 ment or agency fails to comply with

1 section 508, by department and agen-
2 cy; and

3 “(II)(aa) have been filed since
4 the last annual report that are not re-
5 solved at the time the report is sub-
6 mitted; and

7 “(bb) have been filed before the
8 previous report and remain unresolved
9 at the time the report is submitted;
10 and

11 “(ii) for the purpose of comparing de-
12 partments and agencies, the number of
13 complaints described in clause (i), by de-
14 partment and agency, that have not been
15 resolved within the timeline established as
16 part of such uniform complaint process.

17 “(B) REPORT.—The information described
18 in subparagraph (A) may be submitted as part
19 of the report described in paragraph (1). If
20 such information is not submitted as part of
21 that report, such information shall be submitted
22 to Congress, made available on a public website,
23 and maintained as an open Government data
24 asset (as that term is defined in section 3502
25 of title 44, United States Code).”.

1 (2) REPEAL.—Subsection (b) of section 752 of
 2 the Consolidated Appropriations Act, 2023 (29
 3 U.S.C. 794d–1(b)) is repealed.

4 (b) REPORT TO CONGRESS ON EXCEPTIONS.—

5 (1) IN GENERAL.—Not later than 1 year after
 6 the date of enactment of this Act, the Administrator,
 7 in coordination with the Director of the Office of
 8 Management and Budget, shall submit to the Spe-
 9 cial Committee on Aging of the Senate, the Com-
 10 mittee on Health, Education, Labor, and Pensions
 11 of the Senate, and the Committee on Energy and
 12 Commerce of the House of Representatives, and
 13 make available on a public website and maintain as
 14 an open Government data asset (as that term is de-
 15 fined in section 3502 of title 44, United States
 16 Code), a report on the following exceptions claimed
 17 by departments and agencies with respect to the re-
 18 quirements of section 508 under appendix A of sec-
 19 tion 1194 of title 36, Code of Federal Regulations:

20 (A) E202.2 Legacy ICT.

21 (B) E202.6 Undue Burden or Funda-
 22 mental Alteration.

23 (C) E202.7 Best Meets.

24 (2) REPORT CONTENTS.—The report described
 25 in paragraph (1) shall include, at minimum—

1 (A) a list of each exception in effect as of
2 the date of the report, organized by department
3 and agency, including the date the exemption
4 was claimed and the date the exemption ex-
5 pires;

6 (B) the total number of exceptions claimed
7 by each department and agency;

8 (C) plans of the department or agency for
9 the replacement of exempt information and
10 communications technology with information
11 and communications technology that is compli-
12 ant with section 508, or a justification for not
13 planning to replace exempt information and
14 communications technology; and

15 (D) a description of barriers identified to
16 tracking, evaluating, or reporting on exemptions
17 in effect.

18 (c) COMPTROLLER GENERAL REPORT.—

19 (1) IN GENERAL.—Five years after the date of
20 enactment of this Act, the Comptroller General shall
21 prepare and submit a report to the appropriate con-
22 gressional committees regarding section 508. Such
23 report shall include an evaluation of each of the fol-
24 lowing:

1 (A) The extent that certain departments
2 and agencies, as selected by the Comptroller
3 General, are addressing compliance with section
4 508 requirements, including the requirements
5 established under this Act and the amendments
6 made by this Act.

7 (B) Barriers to implementing this Act and
8 the amendments made by this Act.

9 (C) The extent that accessibility standards
10 for information and communications technology
11 used by Federal departments and agencies align
12 with best practices, and the reasons for any
13 variance.

14 (D) Whether changes in technology since
15 the date of enactment of this Act have created
16 new issues regarding compliance with section
17 508 at departments and agencies selected by
18 the Comptroller General.

19 (E) Recommendations for the executive
20 branch and Congress, as appropriate, for updat-
21 ing section 508 and for improving compliance
22 with section 508.

23 (2) APPROPRIATE COMMITTEES OF CON-
24 GRESS.—For purposes of the subsection, the appro-
25 priate committees of Congress are the following:

1 (A) The Special Committee on Aging of
2 the Senate.

3 (B) The Committee on Health, Education,
4 Labor, and Pensions of the Senate.

5 (C) The Committee on Energy and Com-
6 merce of the House of Representatives.

7 (d) COOPERATION.—Subsection (e) of section 508 of
8 the Rehabilitation Act of 1973 (29 U.S.C. 794d(e)) is
9 amended—

10 (1) by striking “(including the Access Board,
11 the Equal Employment Opportunity Commission,
12 and the General Services Administration)” and in-
13 serting “(including the Access Board and the Equal
14 Employment Opportunity Commission)”; and

15 (2) by striking “Attorney General” and insert-
16 ing “Administrator of General Services and the Di-
17 rector of the Office of Management and Budget”
18 each place the term appears.

19 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated to carry out
21 this Act \$4,500,000 for the period of fiscal years 2025
22 through 2029.

