

to employment in a locker room or toilet facility used only by members of one sex.

Subpart F—Procedures

§ 146.600 Notice of covered programs.

Within 60 days of September 29, 2000, each Federal agency that awards Federal financial assistance shall publish in the FEDERAL REGISTER a notice of the programs covered by these Title IX regulations. Each such Federal agency shall periodically republish the notice of covered programs to reflect changes in covered programs. Copies of this notice also shall be made available upon request to the Federal agency's office that enforces Title IX.

§ 146.605 Enforcement procedures.

The investigative, compliance, and enforcement procedural provisions of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) (“Title VI”) are hereby adopted and applied to these Title IX regulations. These procedures may be found at 22 CFR part 141.

[65 FR 52879, Aug. 30, 2000]

PART 147—INFORMATION AND COMMUNICATION TECHNOLOGY

Subpart A—General Provisions

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AUTHORITY: 22 U.S.C. 2651a; 29 U.S.C. 794, 794d; 36 CFR part 1194.

SOURCE: 81 FR 32646, May 24, 2016, unless otherwise noted.

Subpart A—General Provisions

EDITORIAL NOTE: Nomenclature changes to subpart A appear at 84 FR 37577, Aug. 1, 2019.

§ 147.1 Purpose.

The purpose of this part is to implement section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794d), which requires that when Federal departments and agencies develop, procure, maintain, or use information and communication technology, they shall ensure that the information and communication technology is accessible to individuals with disabilities who are Federal employees, applicants for employment, or members of the public.

§ 147.2 Application.

This part applies to all development, procurement, maintenance, and use of information and communication technology (ICT), as defined in E103.4 of appendix A to 36 CFR part 1194.

[81 FR 32646, May 24, 2016, as amended at 84 FR 37577, Aug. 1, 2019]

§ 147.3 Definitions.

The Department of State adopts the definitions in E103.4 of appendix A to 36 CFR part 1194. In addition, as used in this part:

Department means the United States Department of State and any of its passport agencies or other facilities.

Secretary means the Secretary of State or his or her designee.

Section 508 means section 508 of the Rehabilitation Act of 1973, as amended, codified at 29 U.S.C. 794d.

[81 FR 32646, May 24, 2016, as amended at 84 FR 37577, Aug. 1, 2019]

§ 147.4 Notice.

(a) The Secretary shall ensure that employees, applicants for employment, and the members of the public are provided with adequate notice of the requirements of Section 508, the Revised 508 Standards (36 CFR 1194.1 and appendices A, C and D to 36 CFR part 1194), and this part, as they relate to the programs or activities conducted by the Department.

(b) The Secretary shall ensure that the home page of the Department's public-facing Web site provides Department policy regarding accessibility of ICT in accordance with Section 508 and 36 CFR part 1194.1, as well as an email

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address for the public to ask questions or express concerns.

[81 FR 32646, May 24, 2016, as amended at 84 FR 37577, Aug. 1, 2019]

§ 147.5 Discrimination prohibited.

The Department must comply with Revised 508 Standards when it develops, procures, maintains, or uses ICT. The Department must ensure that individuals with disabilities who are Federal employees or members of the public have access to and use of information and data that is comparable to that provided to Federal employees or members of the public without disabilities, unless providing comparable access would impose an undue burden on the Department.

[81 FR 32646, May 24, 2016, as amended at 84 FR 37577, Aug. 1, 2019]

§ 147.6 Information and communication technology requirements.

(a) *Development, procurement, maintenance, or use of ICT.* When developing, procuring, maintaining, or using ICT, the Department shall ensure, unless an undue burden would be imposed on the Department, that the ICT allows, regardless of the type of medium of the technology, that—

(1) Individuals with disabilities who are Department employees have access to and use of information and data that is comparable to the access to and use of the information and data by Department employees who are not individuals with disabilities; and

(2) Individuals with disabilities who are members of the public seeking information or services from the Department have access to and use of information and data that is comparable to the access to and use of the information and data by such members of the public who are not individuals with disabilities.

(b) In meeting its obligations under paragraph (a) of this section, the Department shall comply with the Revised 508 Standards (36 CFR 1194.1 and appendices A, C and D to 36 CFR part 1194).

(c) *Alternative means of access when undue burden is imposed.* When development, procurement, maintenance, or use of ICT that meets the standards as

provided in 36 CFR part 1194.1 would impose an undue burden, the Department shall provide individuals with disabilities covered by this section with the relevant information and data by an alternative means of access that allows the individual to use the information and data.

(d) *Procedures for determining undue burden.* The Department procedures for finding that full compliance with 36 CFR part 1194.1 would impose an undue burden can be found at: <http://www.state.gov/m/irm/impact/126338.htm>.

[81 FR 32646, May 24, 2016, as amended at 84 FR 37577, Aug. 1, 2019]

Subpart B—Complaint Procedures

§ 147.7 Filing a Section 508 complaint.

(a) An individual with a disability who alleges that Department's ICT does not allow him or her to have access to and use of information and data that is comparable to access and use by individuals without disabilities, or that the alternative means of access provided by the Department does not allow the individual to use the information and data, may file a complaint with the Department's Office of Civil Rights (S/OCR).

(b) Employees, applicants for employment, or members of the general public are encouraged to contact personnel in the Department office that uses or maintains a system that is believed not to be compliant with Section 508 or 36 CFR part 1194.1 to attempt to have their issues addressed. Nothing in this complaint process is intended to prevent Department personnel from addressing any alleged compliance issues when made aware of such requests directly or indirectly.

(c) A Section 508 complaint must be filed not later than 180 calendar days after the complainant knew, or should have known, of the alleged discrimination, unless the time for filing is extended by the Department. A Section 508 complaint must be submitted in writing by fax, email, mail, or hand delivery to the S/OCR office, using the Form DS-4282, Discrimination Complaint Form, which can be downloaded at: <https://eforms.state.gov/Forms/ds4282.PDF>.

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(d) Once a Section 508 complaint has been received, S/OCR will conduct an investigation into the allegation(s) and render a decision as to whether a Section 508 violation has occurred. Within 180 days of the receipt of a complete complaint under this part, the Secretary shall notify the complainant of the results of the investigation in a letter containing—

(1) Findings of fact and conclusions of law;

(2) A description of a remedy for each violation found; and

(3) A notice of the right to appeal.

Upon request of the complainant, the decision will be provided in an alternate format, such as an electronic format, braille, or large print.

(e) Appeals of the findings of fact and conclusions of law or remedies must be filed by the complainant within 90 days of receipt from the Department of the notice required by §147.7(d). The Department may extend this time for good cause.

(f) Timely appeals shall be accepted and processed by the Department.

(g) The Secretary shall notify the complainant of the results of the appeal within 60 days of the receipt of the appeal. If the Secretary determines that additional information is needed from the complainant, the Secretary shall have 60 days from the date of receipt of the additional information to make his or her determination on the appeal.

(h) Individuals who submit a complaint must keep S/OCR updated at all times with current contact information, to include address, phone number, and working email address. If the Department needs additional information

and is unable, after reasonable attempts for 30 days, to contact a complainant using his or her contact information, it may consider the complaint abandoned, and may close the complaint without action. A complainant may re-submit a complaint that was closed due to the inability of the Department to contact the complainant.

(i) A Department employee who receives a Section 508 complaint or a communication that raises an issue that might reasonably be considered a Section 508 complaint, should forward such communication to S/OCR.

[81 FR 32646, May 24, 2016, as amended at 82 FR 34853, July 27, 2017; 84 FR 37578, Aug. 1, 2019]

§ 147.8 Final agency action.

Either a decision by the Secretary on the merits of a complaint, or no notification in writing from the Secretary within 180 days of filing the complaint, will constitute a final agency action and exhaustion of the complainant's administrative remedies for purposes of 5 U.S.C. 701, *et seq.*

§ 147.9 Intimidation and retaliation prohibited.

No person may discharge, intimidate, retaliate, threaten, coerce or otherwise discriminate against any person because such person has filed a complaint, furnished information, assisted or participated in any manner in an investigation, review, hearing or any other activity related to the administration of, or exercise of authority under, or privilege secured by Section 508 and the regulations in this part.

[84 FR 37578, Aug. 1, 2019]