

(e) Cooperation

Each head of a Federal department or agency (including the Access Board, the Equal Employment Opportunity Commission, and the General Services Administration) shall provide to the Attorney General such information as the Attorney General determines is necessary to conduct the evaluations under subsection (c) and prepare the reports under subsection (d).

(f) Enforcement**(1) General****(A) Complaints**

Effective 6 months after the date of publication by the Access Board of final standards described in subsection (a)(2), any individual with a disability may file a complaint alleging that a Federal department or agency fails to comply with subsection (a)(1) in providing electronic and information technology.

(B) Application

This subsection shall apply only to electronic and information technology that is procured by a Federal department or agency not less than 6 months after the date of publication by the Access Board of final standards described in subsection (a)(2).

(2) Administrative complaints

Complaints filed under paragraph (1) shall be filed with the Federal department or agency alleged to be in noncompliance. The Federal department or agency receiving the complaint shall apply the complaint procedures established to implement section 794 of this title for resolving allegations of discrimination in a federally conducted program or activity.

(3) Civil actions

The remedies, procedures, and rights set forth in sections 794a(a)(2) and 794a(b) of this title shall be the remedies, procedures, and rights available to any individual with a disability filing a complaint under paragraph (1).

(g) Application to other Federal laws

This section shall not be construed to limit any right, remedy, or procedure otherwise available under any provision of Federal law (including sections 791 through 794a of this title) that provides greater or equal protection for the rights of individuals with disabilities than this section.

(Pub. L. 93-112, title V, § 508, as added Pub. L. 99-506, title VI, § 603(a), Oct. 21, 1986, 100 Stat. 1830; amended Pub. L. 100-630, title II, § 206(f), Nov. 7, 1988, 102 Stat. 3312; Pub. L. 102-569, title V, § 509(a), Oct. 29, 1992, 106 Stat. 4430; Pub. L. 105-220, title IV, § 408(b), Aug. 7, 1998, 112 Stat. 1203; Pub. L. 106-246, div. B, title II, § 2405, July 13, 2000, 114 Stat. 555.)

Editorial Notes**CODIFICATION**

“Section 11101(6) of title 40” substituted in subsec. (a)(2)(A)(i) for “section 5002(3) of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401(3))” and “section 11103(a) of title 40” substituted in subsec. (a)(5) for “section 5142 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1452)” on authority

of Pub. L. 107-217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

AMENDMENTS

2000—Subsec. (f)(1)(A). Pub. L. 106-246, § 2405(1), substituted “Effective 6 months after the date of publication by the Access Board of final standards described in subsection (a)(2),” for “Effective 2 years after August 7, 1998.”

Subsec. (f)(1)(B). Pub. L. 106-246, § 2405(2), substituted “6 months after the date of publication by the Access Board of final standards described in subsection (a)(2).” for “2 years after August 7, 1998.”

1998—Pub. L. 105-220 amended section catchline and text generally. Prior to amendment, text consisted of subsecs. (a) and (b) relating to electronic and information technology accessibility guidelines.

1992—Pub. L. 102-569 amended section generally, substituting present provisions for provisions relating to electronic equipment accessibility guidelines, in consultation with electronic industry, designed to insure individuals with handicaps use of electronic office equipment with or without special peripherals, requiring the Administrator of General Services to adopt guidelines for electronic equipment accessibility established under this section for Federal procurement of electronic equipment, and defining term “special peripherals”.

1988—Subsec. (a)(1). Pub. L. 100-630, § 206(f)(1), inserted “the Director of” before “the National Institute”, struck out “the” before “General Services”, and substituted “individuals with handicaps” for “handicapped individuals”.

Subsec. (a)(3). Pub. L. 100-630, § 206(f)(2), inserted “by the Director of the National Institute on Disability and Rehabilitation Research and the Administrator of General Services in consultation with the electronics industry and the Interagency Committee for Computer Support of Handicapped Employees” after “revised”.

Subsec. (c). Pub. L. 100-630, § 206(f)(3), substituted “an individual with handicaps” for “a handicapped individual”.

§ 794d-1. Reports on accessibility of electronic information to individuals with disabilities

(a)(1) Not later than 100 days after December 29, 2022, the Director of the Office of Management and Budget (in this section referred to as the “Director”), in coordination with the Architectural and Transportation Barriers Compliance Board and the Administrator of General Services (in this section referred to as the “Administrator”), shall disseminate amended or updated criteria and instructions to any Federal department or agency (in this section referred to as an “agency”) covered by section 794d of this title for the evaluation required pursuant to paragraph (3)(B).

(2) Such criteria and instructions shall—

(A) include, at minimum, requirements that information technologies and digital services must—

(i) conform to the technical standards referenced in subsection (a)(2)(A) of such section 794d of this title, as determined by appropriate conformance testing; and

(ii) be accessible to and usable by individuals with disabilities as determined from consultation with individuals with disabilities, including those with visual, auditory, tactile, and cognitive disabilities, or members of any disability organization; and

(B) provide guidance to agencies regarding the types and format of data and information

to be submitted to the Director and the Administrator pursuant to paragraph (3), including how to submit such data and information, the metrics by which compliance will be assessed in the reports required in subsection (b), and any other directions necessary for agencies to demonstrate compliance with accessibility standards for electronic and information technology procured and in use within an agency, as required by such section 794d of this title.

(3) Not later than 225 days after December 29, 2022, the head of each agency shall—

(A) evaluate the extent to which the electronic and information technology of the agency are accessible to and usable by individuals with disabilities described in subsection (a)(1) of such section 794d of this title compared to the access to and use of the technology and services by individuals described in such section who are not individuals with disabilities;

(B) evaluate the electronic and information technology of the agency in accordance with the criteria and instructions provided in paragraph (1); and

(C) submit a report containing the evaluations jointly to the Director and the Administrator.

(b)(1) Not later than 1 year after December 29, 2022, and annually thereafter, the Administrator, in consultation with the Director, shall prepare and submit to the Committees on Appropriations and Homeland Security and Governmental Affairs of the Senate and the Committees on Appropriations and Oversight and Reform of the House of Representatives a report that shall include—

(A) a comprehensive assessment (including information identifying the metrics and data used) of compliance by each agency, and by the Federal Government generally, with the criteria and instructions disseminated under subsection (a)(1);

(B) a detailed description of the actions, activities, and other efforts made by the Administrator over the year preceding submission to support such compliance at agencies and any planned efforts in the coming year to improve compliance at agencies; and

(C) a list of recommendations that agencies or Congress may take to help support that compliance.

(2) The Administrator shall ensure that the reports required under this subsection are made available on a public website and are maintained as an open Government data asset (as that term is defined in section 3502 of title 44).

(Pub. L. 117-328, div. E, title VII, § 752, Dec. 29, 2022, 136 Stat. 4719.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Financial Services and General Government Appropriations Act, 2023, and also as part of the Consolidated Appropriations Act, 2023, and not as part of the Rehabilitation Act of 1973 which comprises this chapter.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Oversight and Reform of House of Representatives changed to Committee on Oversight and Accountability of House of Representatives by House Resolution No. 5, One Hundred Eighteenth Congress, Jan. 9, 2023.

§ 794e. Protection and advocacy of individual rights

(a) Purpose and construction

(1) Purpose

The purpose of this section is to support a system in each State to protect the legal and human rights of individuals with disabilities who—

(A) need services that are beyond the scope of services authorized to be provided by the client assistance program under section 732 of this title; and

(B)(i) are ineligible for protection and advocacy programs under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 [42 U.S.C. 15041 et seq.] because the individuals do not have a developmental disability, as defined in section 102 of such Act [42 U.S.C. 15002]; and

(ii) are ineligible for services under the Protection and Advocacy for Mentally Ill Individuals Act of 1986¹ (42 U.S.C. 10801 et seq.) because the individuals are not individuals with mental illness, as defined in section 102 of such Act (42 U.S.C. 10802).

(2) Construction

This section shall not be construed to require the provision of protection and advocacy services that can be provided under the Assistive Technology Act of 1998 [29 U.S.C. 3001 et seq.].

(b) Appropriations less than \$5,500,000

For any fiscal year in which the amount appropriated to carry out this section is less than \$5,500,000, the Commissioner may make grants from such amount to eligible systems within States to plan for, develop outreach strategies for, and carry out protection and advocacy programs authorized under this section for individuals with disabilities who meet the requirements of subparagraphs (A) and (B) of subsection (a)(1).

(c) Appropriations of \$5,500,000 or more

(1) Reservations

(A) Technical assistance

For any fiscal year in which the amount appropriated to carry out this section equals or exceeds \$5,500,000, the Commissioner shall set aside not less than 1.8 percent and not more than 2.2 percent of the amount to provide a grant, contract, or cooperative agreement for training and technical assistance to the systems established under this section.

(B) Grant for the eligible system serving the American Indian consortium

For any fiscal year in which the amount appropriated to carry out this section equals

¹ See References in Text note below.