

1964 (42 U.S.C. 2000e-16), including the application of sections 706(f) through 706(k) (42 U.S.C. 2000e-5(f) through (k)) (and the application of section 706(e)(3) (42 U.S.C. 2000e-5(e)(3)) to claims of discrimination in compensation), shall be available, with respect to any complaint under section 791 of this title, to any employee or applicant for employment aggrieved by the final disposition of such complaint, or by the failure to take final action on such complaint. In fashioning an equitable or affirmative action remedy under such section, a court may take into account the reasonableness of the cost of any necessary work place accommodation, and the availability of alternatives therefor or other appropriate relief in order to achieve an equitable and appropriate remedy.

(2) The remedies, procedures, and rights set forth in title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) (and in subsection (e)(3) of section 706 of such Act (42 U.S.C. 2000e-5), applied to claims of discrimination in compensation) shall be available to any person aggrieved by any act or failure to act by any recipient of Federal assistance or Federal provider of such assistance under section 794 of this title.

(b) In any action or proceeding to enforce or charge a violation of a provision of this subchapter, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.

(Pub. L. 93-112, title V, § 505, as added Pub. L. 95-602, title I, § 120(a), Nov. 6, 1978, 92 Stat. 2982; amended Pub. L. 111-2, § 5(c)(1), Jan. 29, 2009, 123 Stat. 6.)

#### REFERENCES IN TEXT

The Civil Rights Act of 1964, referred to in subsec. (a)(2), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241. Title VI of the Civil Rights Act of 1964 is classified generally to subchapter V (§ 2000d et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

#### AMENDMENTS

2009—Subsec. (a)(1). Pub. L. 111-2, § 5(c)(1)(A), inserted “(and the application of section 706(e)(3) (42 U.S.C. 2000e-5(e)(3)) to claims of discrimination in compensation)” after “(42 U.S.C. 2000e-5(f) through (k))”.

Subsec. (a)(2). Pub. L. 111-2, § 5(c)(1)(B), inserted “(42 U.S.C. 2000d et seq.) (and in subsection (e)(3) of section 706 of such Act (42 U.S.C. 2000e-5), applied to claims of discrimination in compensation)” after “1964”.

#### EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-2 effective as if enacted May 28, 2007, and applicable to certain claims of discrimination in compensation pending on or after that date, see section 6 of Pub. L. 111-2, set out as a note under section 2000e-5 of Title 42, The Public Health and Welfare.

### **§ 794b. Removal of architectural, transportation, or communication barriers; technical and financial assistance; compensation of experts or consultants; authorization of appropriations**

(a) The Secretary may provide directly or by contract with State vocational rehabilitation agencies or experts or consultants or groups thereof, technical assistance—

(1) to persons operating community rehabilitation programs; and

(2) with the concurrence of the Access Board established by section 792 of this title, to any public or nonprofit agency, institution, or organization;

for the purpose of assisting such persons or entities in removing architectural, transportation, or communication barriers. Any concurrence of the Access Board under paragraph (2) shall reflect its consideration of cost studies carried out by States.

(b) Any such experts or consultants, while serving pursuant to such contracts, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding the daily equivalent of the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382 of title 5, including travel time, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 for persons in the Government service employed intermittently.

(c) The Secretary, with the concurrence of the Access Board and the President, may provide, directly or by contract, financial assistance to any public or nonprofit agency, institution, or organization for the purpose of removing architectural, transportation, and communication barriers. No assistance may be provided under this subsection until a study demonstrating the need for such assistance has been conducted and submitted under section 792(i)(1) of this title.

(d) In order to carry out this section, there are authorized to be appropriated such sums as may be necessary.

(Pub. L. 93-112, title V, § 506, as added Pub. L. 95-602, title I, § 120(a), Nov. 6, 1978, 92 Stat. 2983; amended Pub. L. 100-630, title II, § 206(e), Nov. 7, 1988, 102 Stat. 3312; Pub. L. 102-569, title V, § 507, Oct. 29, 1992, 106 Stat. 4428; Pub. L. 105-220, title IV, § 408(a)(4), Aug. 7, 1998, 112 Stat. 1203; Pub. L. 105-394, title II, § 203(b), Nov. 13, 1998, 112 Stat. 3653.)

#### AMENDMENTS

1998—Subsec. (a). Pub. L. 105-220, § 408(a)(4)(A), in concluding provisions, inserted last sentence and struck out former last sentence which read as follows: “Any concurrence of the Access Board under this paragraph shall reflect its consideration of the cost studies carried out by States under section 792(c)(1) of this title.”

Subsec. (c). Pub. L. 105-394 substituted “792(i)(1)” for “792(h)(1)”.

Pub. L. 105-220, § 408(a)(4)(B), substituted “provided under this subsection” for “provided under this paragraph”.

1992—Subsec. (a). Pub. L. 102-569, § 507(a), (b), substituted “community rehabilitation programs” for “rehabilitation facilities” in par. (1) and inserted “Access” before “Board” in par. (2) and concluding provisions.

Subsec. (b). Pub. L. 102-569, § 507(c), substituted “the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382” for “the rate of basic pay payable for grade GS-18 of the General Schedule, under section 5332”.

Subsec. (c). Pub. L. 102-569, § 507(a), (d), inserted “Access” before “Board” and substituted “792(h)(1)” for “792(h)(2)”.

1988—Subsec. (a). Pub. L. 100-630, § 206(e)(1), (2), redesignated former par. (1) as subsec. (a) and former subpars. (A) and (B) as pars. (1) and (2), respectively.

Subsec. (b). Pub. L. 100-630, §206(e)(1), (3), redesignated former par. (2) as subsec. (b) and substituted "travel time" for "traveltime".

Subsec. (c). Pub. L. 100-630, §206(e)(1), (4), redesignated former par. (3) as subsec. (c) and inserted a comma after "the President".

Subsec. (d). Pub. L. 100-630, §206(e)(1), redesignated former par. (4) as subsec. (d).

#### **§ 794c. Interagency Disability Coordinating Council**

##### **(a) Establishment**

There is hereby established an Interagency Disability Coordinating Council (hereafter in this section referred to as the "Council") composed of the Secretary of Education, the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Housing and Urban Development, the Secretary of Transportation, the Assistant Secretary of the Interior for Indian Affairs, the Attorney General, the Director of the Office of Personnel Management, the Chairperson of the Equal Employment Opportunity Commission, the Chairperson of the Architectural and Transportation Barriers Compliance Board, the Chairperson of the National Council on Disability, and such other officials as may be designated by the President.

##### **(b) Duties**

The Council shall—

(1) have the responsibility for developing and implementing agreements, policies, and practices designed to maximize effort, promote efficiency, and eliminate conflict, competition, duplication, and inconsistencies among the operations, functions, and jurisdictions of the various departments, agencies, and branches of the Federal Government responsible for the implementation and enforcement of the provisions of this subchapter, and the regulations prescribed thereunder;

(2) be responsible for developing and implementing agreements, policies, and practices designed to coordinate operations, functions, and jurisdictions of the various departments and agencies of the Federal Government responsible for promoting the full integration into society, independence, and productivity of individuals with disabilities; and

(3) carry out such studies and other activities, subject to the availability of resources, with advice from the National Council on Disability, in order to identify methods for overcoming barriers to integration into society, independence, and productivity of individuals with disabilities.

##### **(c) Report**

On or before July 1 of each year, the Interagency Disability Coordinating Council shall prepare and submit to the President and to the Congress a report of the activities of the Council designed to promote and meet the employment needs of individuals with disabilities, together with such recommendations for legislative and administrative changes as the Council concludes are desirable to further promote this section, along with any comments submitted by the National Council on Disability as to the effectiveness of such activities and recommendations in meeting the needs of individuals with disabili-

ties. Nothing in this section shall impair any responsibilities assigned by any Executive order to any Federal department, agency, or instrumentality to act as a lead Federal agency with respect to any provisions of this subchapter.

(Pub. L. 93-112, title V, §507, as added Pub. L. 95-602, title I, §120(a), Nov. 6, 1978, 92 Stat. 2983; amended Pub. L. 96-88, title V, §508(m)(2), Oct. 17, 1979, 93 Stat. 694; Pub. L. 98-221, title I, §104(b)(4), Feb. 22, 1984, 98 Stat. 18; Pub. L. 99-506, title VI, §602, title X, §1001(f)(4), Oct. 21, 1986, 100 Stat. 1830, 1843; Pub. L. 102-569, title V, §508(a), Oct. 29, 1992, 106 Stat. 4429; Pub. L. 113-128, title IV, §456(d), July 22, 2014, 128 Stat. 1676.)

#### AMENDMENTS

2014—Subsec. (a). Pub. L. 113-128 inserted "the Chairperson of the National Council on Disability," before "and such other".

1992—Pub. L. 102-569 amended section generally, changing Council name from Interagency Coordinating Council to Interagency Disability Coordinating Council, including as members Secretary of Housing and Urban Development, Secretary of Transportation, and such other officials as designated by the President, requiring Council to be responsible for developing and implementing policies and practices to eliminate inconsistencies among Federal departments and agencies responsible for enforcement of provisions of this subchapter and to carry out such studies and other activities, with advice from the National Council on Disability, to identify methods for overcoming barriers to integration into society, independence, and productivity of individuals with disabilities, and directing in annual report inclusion of any comments submitted by National Council on Disability as to effectiveness of activities and recommendations in meeting needs of individuals with disabilities.

1986—Pub. L. 99-506, §602, inserted reference to Assistant Secretary of the Interior for Indian Affairs.

Pub. L. 99-506, §1001(f)(4), which directed the substitution of "Chairperson" for "Chairman" was executed by substituting "Chairperson of the Architectural and Transportation Barriers Compliance Board" for "Chairman of the Architectural and Transportation Barriers Compliance Board" to reflect the probable intent of Congress.

1984—Pub. L. 98-221 substituted "Chairman of the Office of Personnel Management" for "Chairman of the United States Civil Service Commission" and purported to substitute "Secretary of Education, the Secretary of Health and Human Services," for "Secretary of Health, Education, and Welfare" which amendment could not be executed in view of the previous amendment by Pub. L. 96-88. See 1979 Amendment note below.

1979—Pub. L. 96-88 substituted requirement that the Secretaries of Education and Health and Human Services be members of the Council for requirement that the Secretary of Health, Education, and Welfare be a member.

#### EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-88 effective May 4, 1980, with specified exceptions, see section 601 of Pub. L. 96-88, set out as an Effective Date note under section 3401 of Title 20, Education.

#### TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (c) of this section relating to requirement that the Council submit an annual report of activities to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 175 of House Document No. 103-7.