

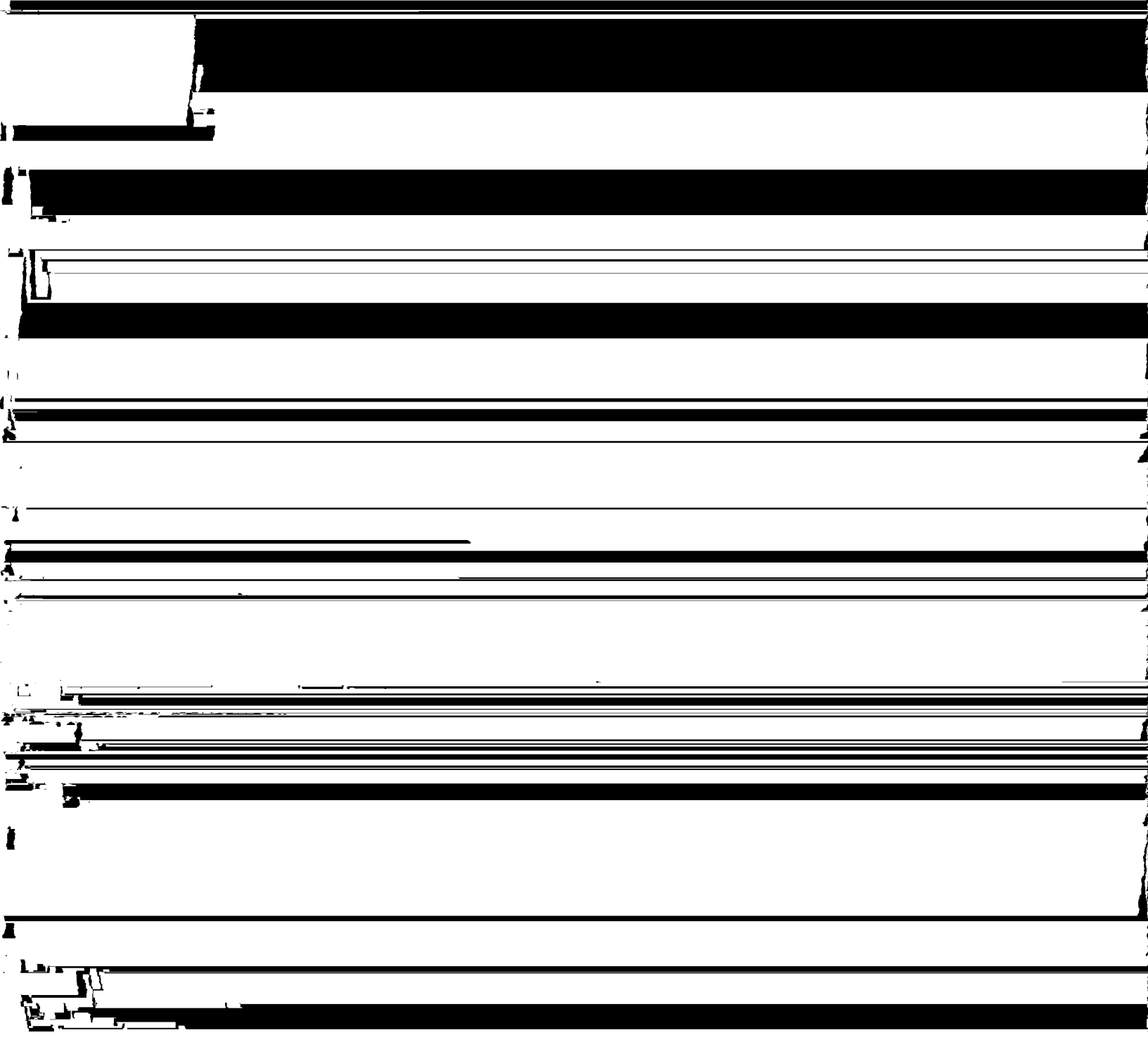
Background

amended, prohibits discrimination on the basis of handicap by recipients of Federal assistance. As recipients of federal assistance, LSC grant recipients are subject to the non-discrimination requirements of Section 504. At the

same time while the Corporation is not obligated to enforce Section 504 of

Enforcement reports having received only a few complaints alleging discrimination by a grantee on the basis of disability. Similarly, LSC's Office of Program Performance has not found widespread issues relating to deficiencies in grantee provision of legal services to persons with disabilities or with regard to employment of persons with disabilities.

Although infrequent, complaints do occasionally arise and, when they



conduct its own investigation. LSC, however, is not an agency with a significant expertise in conducting discrimination investigations and legitimate questions can be posed as to whether LSC's enforcement resources would be better put to other uses.

With respect to claims of violation of the ADA, LSC has no authority to directly enforce the ADA. Rather, the EEOC and Department of Justice

are responsible for enforcement of the ADA and implementing regulations

October 11, 2005
-- Page 5

§1618.5(b) if there is "substantial reason to believe that a recipient has

informal resolution have been unsuccessful, the Corporation may proceed to suspend or terminate financial support of the recipient [. . .]" Thus, if LSC determines that a recipient is in violation of Part 1624, LSC has the

October 11, 2005
-- Page 6

regulations which address coordination of investigations between agencies and the EEOC in complaints of disability-based employment discrimination.

Approaching the matter from another direction altogether, one could

question whether LEO should continue to have a separate regulation on

-- Page 7

...and as a result that LCC is in a position to prohibit discrimination

-- Page 8

is full participation by LSC recipients as well as representatives
of the ~~disability rights~~ community

The need to contract with a third-party facilitator and hold in-person meetings means that a negotiated rulemaking would be resource intensive (in terms of both costs and staff time). Although we believe that conducting a negotiated rulemaking would likely be successful in producing a mutually satisfactory result, we are not convinced that this particular rulemaking demands such a process with the attendant necessary expense. Rather, conducting a Notice and Comment Rulemaking and convening a ~~Public Hearing~~⁹ prior to the development of an NDRM would

Recommendation for Action

Accordingly, staff recommends that USC undertake a

rulemaking to revise 45 CFR Part 1621 through Notice and