

LEGAL SERVICES CORPORATION
45 CFR Part 1624
Prohibition Against Discrimination on the Basis of Disability

AGENCY: Legal Services Corporation.
ACTION: Notice of Proposed Rulemaking.

These comments are submitted on behalf of the Paralyzed Veterans of America (PVA) in response to a Legal Services Corporation (LSC) Notice of Proposed Rulemaking (NPRM) to amend its regulation on prohibitions against discrimination on the basis of disability by updating the terminology used throughout the regulation, by adding a reference to compliance with the Americans with Disabilities Act (ADA) and by adding language to the enforcement provision setting forth LSC policy regarding investigation of complaints of violation of this regulation.

PVA is a congressionally chartered veterans service organization founded in 1946 with over 20,000 members, all of whom are veterans of the armed forces with spinal cord injury or dysfunction. PVA has developed a unique expertise on a wide variety of issues involving the special needs of its members and uses that expertise to be the leading advocate for civil rights and opportunities which maximize the independence of our members.

Generally, PVA supports LSC's minor changes to the regulation. First, we agree with the proposal to update the nomenclature used throughout the regulation to refer to "person with a disability" or "persons with disabilities" instead of "handicapped person(s)," with the understanding that this change is not intended to create any substantive change in meaning.

Second, we support the proposal to add a reference to compliance with the ADA to the regulation. The significant part of this change is that the new language would note that requirements of the current regulation apply in addition to any responsibilities legal services programs may have under the ADA.

Third, we do not object to LSC's proposal to add language to the enforcement provision setting forth LSC current practice regarding investigation of complaints of violation of this regulation. That practice is to refer complainants to appropriate agencies which may be in a better position to investigate claims and order relief, but to always retain the discretion and authority to conduct its own investigations into any claim of disability-based discrimination and make its own findings. We have no reason to doubt LSC's rationale that although it takes complaints of disability-based discrimination it receives seriously, it has limited resources available and does not generally have significant expertise in investigating these types of claims.

Finally, PVA objects to LSC's proposal to eliminate the current section 1624.7 of the regulation on self-evaluation which requires legal services programs to evaluate their facilities, practices and policies to determine the extent to which they comply with the requirements of the regulation. The Department of Justice considers the self-evaluation requirement to be a continuing obligation under Section 504 of the Rehabilitation Act of 1973 and the ADA. It is not sufficient for LSC to note that under current section 1624.5, grantees are required to certify facility accessibility prior to entering into leases or purchases of office space since this requirement seems intended to apply solely to physical access and not to program access. LSC should expect all current and new grantees to conduct a comprehensive self-evaluation.

Respectfully submitted,

Robert N. Herman
Senior Advocacy Attorney
202-416-7699
bobhn@pva.org