



Status Report

July, 1993

# Enforcement of the Americans with Disabilities Act Title III

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## Background

- Title III of the Americans with Disabilities Act (ADA), which bans discrimination on the basis of disability by public accommodations, went into effect generally on January 26, 1992.
- Public accommodations such as restaurants, hotels, theaters, doctors' offices, pharmacies, retail stores, museums, libraries, parks, private schools, and day care centers, may not discriminate on the basis of disability. Private clubs and religious organizations are exempt.
- Reasonable changes in policies, practices, and procedures must be made to avoid discrimination.

### Auxiliary Aids

- Auxiliary aids and services must be provided to individuals with vision or hearing impairments or other individuals with disabilities, unless an undue burden would result.

### Physical Barriers

- Physical barriers in existing facilities must be removed, if removal is readily achievable. If not, alternative methods of providing the services must be offered, if they are readily achievable.
- All new construction in public accommodations, as well as in "commercial facilities" such as office buildings, must be accessible. Elevators are generally not required in buildings under three stories or with fewer than 3,000 square feet per floor, unless the building is a shopping center, mall, or a professional office of a health care provider.
- Alterations must be accessible. When alterations to primary function areas are made, an accessible path of travel to the altered area (and the bathrooms, telephones, and drinking fountains serving that area) must be provided to the extent that the added accessibility costs are not disproportionate to the overall cost of the alterations. Elevators are required as described above.
- Entities such as hotels that also offer transportation must generally provide equivalent transportation service to individuals with disabilities. New fixed-route vehicles capable of carrying more than 16 passengers must be accessible.

## **Enforcement**

- The Public Access Section of the Civil Rights Division of the Department of Justice has responsibility for investigating and litigating complaints alleging violations of title III. It also handles the Department's litigation under title II (covering actions by State and local governments) of the Act.
- The Public Access Section has encouraged voluntary compliance by providing education and technical assistance to business, industry, and members of the general public.
- Where public accommodations are alleged to be out of compliance, the Section has opened complaint investigations, entered into many important settlement agreements, filed two lawsuits, intervened in a third and participated as amicus in four others.

## **Remedies**

- Individuals may bring private lawsuits to obtain court orders to stop discrimination, but money damages cannot be awarded.
- Individuals can also file complaints with the Attorney General who may file lawsuits to stop discrimination and obtain money damages and penalties.

## Active Investigations and Compliance Reviews

The Department attempts to resolve most complaints through informal or formal settlement agreements and is authorized to file civil actions and seek monetary damages and civil penalties.

The Public Access Section has received complaints from individuals in 49 States, the District of Columbia, and Puerto Rico. The section is currently investigating over 800 complaints lodged against all categories of entities covered by the ADA. The complaints allege a wide variety of violations, including discriminatory policies, lack of auxiliary aids, and failure to remove barriers in existing facilities.

The Department will soon begin compliance reviews of new construction and alterations projects that are in the planning phases for facilities around the country. These reviews follow a December 12, 1992, notification to all contractors and architects with active projects in 15 States of the ADA's alterations requirements (effective January 26, 1992) and new construction requirements (effective January 26, 1993.)

## First Consent Decree

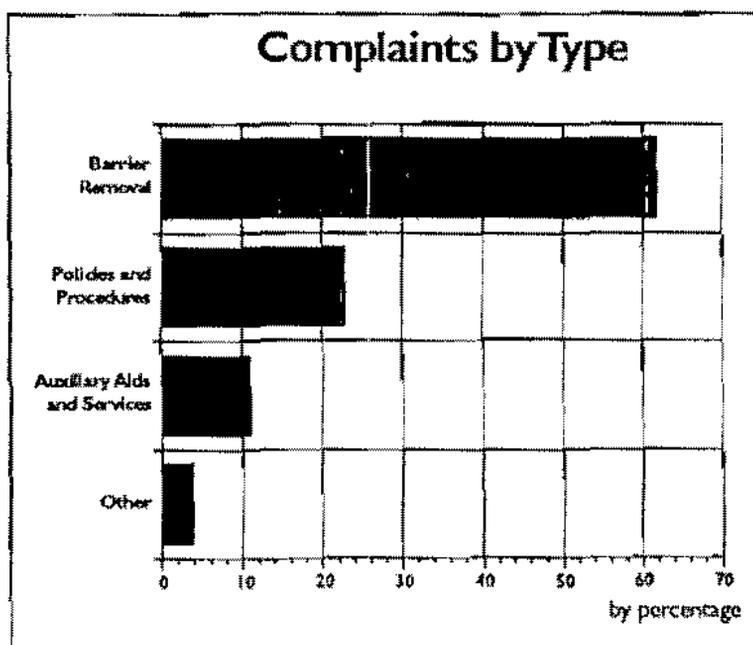
*U.S. v. Venture Stores, Inc.*, Illinois

On May 26, 1993, a Federal District Court judge signed a consent decree resolving a lawsuit filed by the Department against Venture Stores, Inc., a St. Louis, Missouri, firm that operates more than 90 discount department stores in eight states.

Under the agreement, Venture will now accept state ID cards as identification and will make payments to the four individual complainants.

The Department's complaint charged that Venture's check payment policy violated the ADA because it permitted only those customers with drivers' licenses to pay for merchandise with a personal check. Individuals who did not have a drivers' licenses because of their disabilities could not pay by check even if they had a state-issued identification card, unless they obtained a special check-cashing card.

### Complaints by Type



## Litigation

### *U.S. v. Becker CPA Review, Inc.*, District of Columbia

On December 28, 1992, the Department of Justice filed its first lawsuit under the ADA, against Becker CPA Review for failing to provide effective auxiliary aids to students with hearing impairments. Becker, the nation's largest CPA review course, prepares over 10,000 students a year to take the national certified public accountant exam. The Department is seeking (1) a permanent change in Becker's policy so that sign language interpreters are provided to those who need them; (2) civil penalties; and (3) damages for the original complainant, two other people with hearing impairments who have reported that they were not accommodated, and any others who may have had similar experiences.

### *Pinnock v. International House of Pancakes (IHOP)*, California

The Department has intervened in a private action in which the defendant is challenging the constitutionality of the ADA. The plaintiff claims that IHOP failed to undertake readily achievable barrier removal and to provide auxiliary aids and services. Pursuant to Federal statute, the Attorney General was notified of the defendant's constitutional challenge, so that the United States would have the opportunity to intervene in the matter and defend the constitutionality of the statute. The Department's brief will be filed this summer.

### *Kinney v. Yerusolim*, Pennsylvania

A class of persons with mobility impairments sued the City of Philadelphia and charged that the City violated title II of the ADA by failing to install curb cuts whenever it resurfaced its streets. The Federal District Court found in favor of plaintiffs, and the City appealed. On May 10, 1993, the Department filed a friend of the court brief in the United States Court of Appeals for the Third Circuit. In its brief, the United States argued that the lower court correctly found a violation of title II. The United States also argued that the lower court properly held there is no "undue burden" defense in a case involving alterations, which include street resurfacing.

### *Livingston v. Guice*, North Carolina

The plaintiff, who uses a wheelchair, filed suit in Federal District Court alleging that the State of North Carolina and a State court judge violated title II of the ADA by preventing her from entering a courtroom through the only accessible entrance known to her. On March 4, 1993, the Department filed, as amicus curiae, a memorandum in response to defendants' motion to dismiss. The Department argued that the States have no Eleventh Amendment immunity from ADA suits, that there is a private right of action for damages under title II, and that the court should not postpone a decision in this case until the Department acted on a related administrative complaint.

### *Galloway v. Superior Court of the District of Columbia*, District of Columbia

A blind person filed suit in Federal District Court charging that the Superior Court's policy of excluding persons from jury service based solely on their disability violates title II of the ADA and section 504 of the Rehabilitation Act of 1973. The District Court found a violation of both statutes. On May 4 and 21, 1993, the Department filed, as amicus curiae, memoranda concerning the availability of damages to remedy the violations. The Department argued that the plaintiff is entitled to seek compensatory damages under both the ADA and section 504, and that neither an overt nor physical manifestation of emotional injury is necessary to support an emotional distress claim for compensatory damages.

### *Rosenthal v. State Board of Law Examiners*, New York

A person with learning disabilities filed suit challenging the New York State Board of Law Examiners' refusal to provide her with accommodations for taking the State bar examination. The Department filed an amicus brief in support of plaintiff's claims under titles II and III of the ADA. The case was eventually settled, with the plaintiff receiving the accommodations, including a separate room for taking the exam, twice the usual amount of time, and the assistance of a person to transcribe her answers onto the multiple choice answer sheet.

## Formal Settlement Agreements

In some cases, a voluntary agreement is reduced to writing as a formal settlement agreement, which is signed by both the Department and the respondent. A formal settlement agreement includes provisions for enforcement, but does not involve court action.

### First Settlement Agreement Under Title III

In March 1993 the Department entered into its first formal settlement agreement under title III. The agreement resolved a complaint that a branch of the Municipal Credit Union in New York City could only be entered by steps and was therefore inaccessible to people who use wheelchairs, as well as to people with other mobility impairments. The complaint alleged that the Credit Union had failed to take steps to remove barriers to access and that such removal was readily achievable. The Credit Union agreed to install a permanent ramp at the entrance, to notify its customers of the change, post appropriate signs, and instruct the staff to provide any requested assistance to individuals with disabilities.

### Inter-Continental Hotel, New York

The Department recently reached a formal settlement agreement with the Inter-Continental Hotel in midtown New York, a member of a chain of prestigious hotels in major cities. The hotel will make numerous changes to its 691-room facility and procedures over the next five years, including removing physical barriers in public areas such as the front entrance, lobby, and ballroom, as well as in 21 guest rooms; providing television decoders, telephone handset amplifiers, visual smoke alarms, and visual door knock and telephone indicators in 35 guest rooms; making elevator modifications to provide access for persons with vision impairments; and modifying reservation and room assignment policies to ensure that accessible rooms are made available to those who request them.

## Informal Resolution of Complaints

A number of complaints have been successfully resolved without litigation or a formal settlement agreement. In some instances, the public accommodation promptly agreed, after learning of the complaint, to take action to resolve the issues. In others, extensive negotiation took place. Following are some examples of successful outcomes.

### *Existing facilities: barrier removal*

- A national retail chain agreed to provide accessible parking spaces at a store that was the subject of a complaint, and took the initiative to implement the policy nationwide.
- A major rental car company agreed to provide accessible parking at a major metropolitan airport. The company restriped the parking lot, added appropriate signs, and instituted a valet service for customers with disabilities.
- A private school made changes (including modifications to restrooms and provision of a ramp) to the buildings in which its high school graduation ceremony and reception were being held. These actions followed a complaint by a person who uses a wheelchair and wanted to attend a relative's graduation from the school.
- A complainant, who uses a wheelchair, stated that she could not participate in a health club's arthritis rehabilitation program, which was taking place in an inaccessible swimming pool. The club agreed to install a wheelchair lift.

### *Communications: auxiliary aids*

- A private psychiatric hospital provided a patient who is deaf with a qualified sign language interpreter for all of her psychoeducational and psychotherapeutic sessions. In addition, the hospital has developed a written policy for providing services to persons with disabilities.

- Several hotels have agreed to furnish auxiliary aids to guests who have hearing impairments. The auxiliary aids include telecommunication devices for deaf persons (TDDs), closed caption decoders for televisions, telephone amplifiers, visual smoke alarms, visual door knockers, visual phone alerts, and wake-up devices.
- An art institute provided an interpreter for a deaf student taking a post-secondary summer course. The institute hired contract interpreters for the 40-hour course and plans to hire a permanent staff person whose duties would include interpreting for future courses.
- A sports store that produces instructional videotapes provided transcripts of its video on how to fly a plane. The transcripts and video have assisted a deaf student in obtaining her pilot's license.

#### *Discrimination in policies*

- A mortgage company agreed to pay damages to a complainant who alleged that the company rejected, on the basis of his disability, his application for refinancing his mortgage loan. The mortgage company paid to the complainant direct expenses that were sustained as a result of refinancing his mortgage elsewhere, and other damages, with a total payment of \$6,000.
- A rental car company revised its policy relating to cash qualifications for rental car customers. Previously, customers who did not have credit cards could only rent a car with cash if they had a verifiable employment history. A person with a disability who was unemployed due to the disability, and who did not have a credit card, was denied service altogether. Now customers may complete a written application that includes disability-related income as an alternative to employment information.

## Certification

The ADA authorizes the Department to certify that State or local laws or building codes meet or exceed the ADA's minimum accessibility requirements. In enforcement proceedings, compliance with a certified code constitutes rebuttable evidence of compliance with the ADA.

The Department provides technical assistance to State and local governments and to private organizations seeking to develop accessibility codes that are equivalent to the ADA.

The Public Access Section recently issued its first response to a request for certification of a State accessibility code. The May 20, 1993, letter to the State of Washington is in the form of technical assistance and is not a formal preliminary determination of equivalency or nonequivalency. It includes a side-by-side analysis of the State's standards and the ADA standards.

The Department is also reviewing the 1992 revision of the American National Standards Institute (ANSI) Standard for Accessible and Usable Buildings and Facilities (CABO/ANSI A117.1-1992), in response to a request from the Council of American Business Officials for technical assistance.

## Education and Technical Assistance

The Public Access Section is responsible for the Civil Rights Division's technical assistance program, which encourages voluntary compliance with the ADA through education, training, and information, and through grants to nonprofit organizations for similar activities. As part of this effort, the Section has produced handbooks, manuals, and fact sheets. It has mailed millions of copies of these documents and the ADA regulations issued by the Department, provided speakers for hundreds of conferences and

seminars, handled thousands of calls through its information line, and awarded \$3.4 million in grant funds to 19 organizations. The Department expects to award 10 to 15 additional technical assistance grants by August 1993, with total funding of up to \$2.5 million.

The Department issued its first annual supplements updating the Title II and Title III Technical Assistance Manuals on January 26, 1993.

### Sources for Technical Assistance

The Public Access Section has established an ADA information line that is available 24 hours a day. Callers can choose to speak with an operator from 1 p.m. to 5 p.m. (EST) Monday through Friday, or at any time they can listen to recorded information or request technical assistance materials. The information line number is (202) 514-0301 (voice) or (202) 514-0383 (TDD).

Copies of documents mentioned in this publication, other than T.A. manuals, can be obtained by writing to:

Freedom of Information/Privacy Act Branch  
Room 7337  
Civil Rights Division  
U.S. Department of Justice  
Washington, DC 20530

The address of the Public Access Section is:

U.S. Department of Justice  
Public Access Section  
Post Office Box 66738  
Washington, DC 20035-6738

In addition, the U.S. Department of Education has funded centers in ten regions of the country to provide ADA technical assistance to the public. These centers can be reached by calling (800) 949-4232.



## Telephone Numbers for ADA Information

This list contains the telephone numbers of Federal agencies that are responsible for providing information to the public about the **Americans with Disabilities Act** and organizations that have been funded by the Federal government to provide information through staffed information centers.

The agencies and organizations listed are sources for obtaining information about the law's requirements and informal guidance in understanding and complying with the ADA. They are not, and should not be viewed as, sources for obtaining legal advice or legal opinions about your rights or responsibilities under the ADA.

For your convenience, the numbers for reaching these offices by both voice telephone and TDD telephone devices (also called text telephones) are listed. A directory indicating which agencies and organizations to call for information on the different provisions of the ADA is attached.

Architectural and Transportation Barriers Compliance Board	1-800-872-2253 (voice) 1-800-872-2253 (TDD)
The Arc (formerly named Association for Retarded Citizens of the United States)	1-800-433-5255 (voice) 1-800-855-1155 (TDD) (tell operator you would like to place a collect call to 817/277-0553)
Disability Rights Education and Defense Fund	1-800-466-4232 (voice) 1-800-466-4232 (TDD)
Equal Employment Opportunity Commission	
For ADA documents	1-800-669-3362 (voice) 1-800-800-3302 (TDD)
For inquiries	1-800-669-4000 (Voice) (for TDD access, use your local relay service)

Federal Communications Commission	
For ADA documents and information	202/632-7260 (voice) (for TDD access, use your local relay service)
For legal inquiries	202/634-1808 (voice) (for TDD access, use your local relay service)
Job Accommodation Network	
Within West Virginia	1-800-526-7234 (voice) 1-800-526-7234 (TDD) 1-800-526-4698 (V/TDD)
National Council on Disability Information Line: ADA Watch	
	1-800-875-7814 (voice) 301/577-7814 (TDD)
National Easter Seal Society Project ACTION (Accessible Community Transportation in Our Nation)	
	202/347-3066 (voice) 202/347-7385 (TDD)
President's Committee on Employment of People with Disabilities Information Line: ADA Work	
	1-800-232-9675 (voice) 1-800-232-9675 (TDD)
U.S. Department of Justice	
	202/514-0301 (voice) 202/514-0383 (TDD)
U.S. Department of Labor, Office of Federal Contract Compliance Programs	
	202/523-9428 (voice) 1-800-326-2577 (TDD)
U.S. Department of Transportation	
Federal Transit Administration (for ADA documents and information)	202/366-1656 (voice) 202/366-2979 (TDD)
Office of the General Counsel (for legal questions)	202/366-9306 (voice) 202/755-7687 (TDD)
Federal Aviation Administration	202/376-6406 (voice)
Rural Transit Assistance Program (for information and assistance on public transportation issues)	1-800-527-8279 (voice) 1-800-527-8279 (TDD)

## Regional Disability and Business Technical Assistance Centers

For ADA information, assistance, and copies of ADA documents supplied by the Equal Employment Opportunity Commission and the Department of Justice, which are available in standard print, large print, audio cassette, braille, and computer disk:

Toll-free number for reaching any of the following Centers	1-800-949-4232 (voice) 1-800-949-4232 (TDD)
Region I (Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut)	207/874-6535 (voice) 207/874-6535 (TDD)
Region II (New York, New Jersey, Puerto Rico)	609/392-4004 (voice) 609/392-4004 (TDD)
Region III (Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, West Virginia)	703/525-3268 (voice) 703/525-3268 (TDD)
Region IV (Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida)	404/888-0022 (voice) 404/888-0022 (TDD)
Region V (Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota)	312/413-1407 (voice) 312/413-1407 (TDD)
Region VI (Arkansas, Louisiana, Oklahoma, Texas, New Mexico)	713/520-0232 (voice) 713/520-5136 (TDD)
Region VII (Iowa, Missouri, Nebraska, Kansas)	314/882-3600 (voice) 314/882-3600 (TDD)
Region VIII (North Dakota, South Dakota, Montana, Wyoming, Colorado, Utah)	719/444-0252 (voice) 719/444-0252 (TDD)
Region IX (Arizona, Nevada, California, Hawaii, Pacific Basin)	510/465-7884 (voice) 510/465-3189 (TDD)
Region X (Idaho, Oregon, Washington, Alaska)	1-800-435-7232 (voice) 1-800-435-7232 (TDD)

# Directory of Staffed Telephone Lines for ADA Information

## EMPLOYMENT PROVISIONS OF THE ADA AND INFORMATION ABOUT EMPLOYING PEOPLE WITH DISABILITIES

For specific information about the employment provisions that affect —

- Private employers with fifteen (15) or more employees; or
- State and local government employers with fifteen (15) or more employees, call:

Equal Employment Opportunity Commission

- Local governments with less than fifteen (15) employees, call:

U.S. Department of Justice

For information about how the responsibilities of a Federal contractor under Section 503 of the Rehabilitation Act relate to their responsibilities under the ADA, call:

U.S. Department of Labor, Office of  
Federal Contract Compliance Programs

For information about the ADA and for advice and guidance about cost-effective ways and means to accommodate employees who have disabilities, call:

Disability Rights Education and Defense Fund

Job Accommodation Network

Regional Disability and Business  
Technical Assistance Centers

For other sources of information and assistance, call:

National Council on Disability

President's Committee on Employment  
of People with Disabilities

## COMMUNICATIONS PROVISIONS OF THE ADA

For specific information about the requirements that apply to —

- Employers for communicating effectively with applicants and employees who have hearing, speech, or vision disabilities, call:

Equal Employment Opportunity Commission

- Government agencies and public accommodations for communicating effectively with customers or clients who have hearing, speech, or vision disabilities; or
- Lodging establishments and health care institutions for providing TDD's and closed captioning decoders for their customers' or patients' use, call:

U.S. Department of Justice

- Telephone companies for providing relay services for communicating with people who use TDD's; or
- Television stations for transmitting certain public service announcements with closed captioning, call:

Federal Communications Commission

For information about the ADA and for advice and guidance about how to communicate effectively with people who have vision, hearing, or speech disabilities, call:

Disability Rights Education and Defense Fund

Job Accommodation Network

Regional Disability and Business Technical Assistance Centers

For other sources of information and assistance, call:

National Council on Disability

President's Committee on Employment  
of People with Disabilities

## PROVISIONS OF THE ADA THAT APPLY TO FACILITIES

For technical information about the *standards* for new construction and for alterations in —

- Public accommodations;
- Commercial facilities;
- Government facilities; or
- Transportation facilities, call:

Architectural and Transportation Barriers Compliance Board

For specific information about *when and where* the new construction and alterations standards apply, call:

U.S. Department of Justice

For specific information about the requirements that apply to . —

- Public accommodations for removing barriers in *existing* facilities that make goods or services inaccessible to persons with disabilities; or
- Government agencies for making programs and activities in *existing* facilities accessible to persons with disabilities, call:

U.S. Department of Justice

For information about the ADA and for advice and guidance about how to remove barriers that make places of public accommodation or government programs inaccessible, call:

Disability Rights Education and Defense Fund

Job Accommodation Network

Regional Disability and Business Technical Assistance Centers

For other sources of information and assistance, call:

National Council on Disability

President's Committee on Employment of People with Disabilities

**Note:** For information about the accessibility standards that apply to residential facilities under the Fair Housing Act, contact the U.S. Department of Housing and Urban Development.

## PROVISIONS OF THE ADA THAT APPLY TO TRANSPORTATION SERVICES

For specific information about the provisions that apply to —

- Public transportation systems owned and operated by *government agencies*;
- Public transportation systems owned and operated by *private companies*; or
- Transportation services provided by *public accommodations* for their customers, participants, or the general public (such as transportation provided by hotels or shopping centers, student transportation systems, and transportation provided in recreational facilities), call:

U.S. Department of Transportation  
Federal Transit Administration

For information and general assistance concerning public transportation issues, including accessibility, funding, training, management, and drug testing, call:

U.S. Department of Transportation  
Rural Transit Assistance Program (RTAP)

For information on a project that seeks to improve mass transportation services for people with disabilities, call:

National Easter Seal Society  
Project ACTION

For other sources of information and assistance, call:

National Council on Disability  
President's Committee on Employment of People with Disabilities

## **PROVISIONS OF THE ADA AS THEY APPLY TO SPECIAL FOCUS ISSUES**

For information about how the ADA affects persons with mental retardation, call:

The Arc

## **RESOLVING ADA MISUNDERSTANDINGS AND DISPUTES**

For assistance, call:

Disability Rights Education and Defense Fund

Regional Disability and Business Technical Assistance Centers

## **TAX PROVISIONS RELATED TO THE ADA**

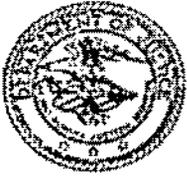
The U.S. Congress has established tax credits and deductions that may assist businesses in complying with the ADA. IRS publication 907 explains these provisions. To obtain a copy, call:

Internal Revenue Service

1-800-829-3676 (voice)

1-800-829-4059 (TDD)

202/622-3110 (voice)



# Department of Justice

FOR IMMEDIATE RELEASE  
MONDAY, JULY 26, 1993

CR  
(202) 514-2007  
TDD (202) 514-1888

## TECHNICAL ASSISTANCE GRANTS AWARDED UNDER THE AMERICANS WITH DISABILITIES ACT

WASHINGTON, D.C. -- The Department of Justice announced grant awards of \$1.4 million today to seven organizations to conduct technical assistance projects promoting compliance with the Americans with Disabilities Act (ADA). These grants are part of a FY 93-94 \$2.5 million dollar technical assistance program. Additional grants will be announced by the end of the summer.

"Educating the public is a key priority for our ADA enforcement program," declared Attorney General Janet Reno.

Grants were awarded to:

### Access Video Fund

The Access Video Fund will produce a videotape entitled "Open to the Public" documenting the efforts of two cities to comply with title II of the ADA.

### Adaptive Environments

Adaptive Environments will receive support for an ongoing project to incorporate universal design concepts -- the concepts on which the ADA standards for accessible design are based --

(MORE)

into the curricula of architecture, interior design, industrial design, and landscape architecture schools and programs.

Community Board Program

The Community Board Program will oversee a model project designed to develop effective mediation techniques to resolve ADA complaints. Mediators in San Francisco, Chicago, Denver, Boston, and Atlanta will be trained on the ADA and will then handle ADA cases. A study will document the effectiveness of ADA-trained mediators in assisting businesses and persons with disabilities in resolving complaints.

Disability Rights Education and Defense Fund

The Disability Rights Education and Defense Fund will continue a telephone information line that was created under a prior ADA grant to assist persons with disabilities, businesses, State and local government agencies, and the general public in understanding the requirements of the ADA.

Police Executive Research Forum

The Police Executive Research Forum (PERF) will produce materials for training police regarding the ADA rights of persons with mental illness. This project will be modeled on a prior ADA grant under which PERF produced materials to train police to recognize and respect the rights of persons who have epilepsy or other seizure disorders.

(MORE)

U.S. Conference of Mayors

The U.S. Conference of Mayors will provide material on the requirements of title II to more than 1,000 cities with populations of 30,000 or more, publish articles on the ADA in the association's monthly magazine, offer an ADA seminar at the association's annual conference, create a directory of city ADA coordinators, and select examples of good ADA practices as models for city officials charged with ensuring compliance with title II of the ADA.

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ADDENDUM

Video Fund

The Video Fund will produce a videotape version of a comprehensive ADA training program conducted by the Disability Rights Education and Defense Fund in 1992 under a contract with the Equal Employment Opportunity Commission and the Department of Justice.



## The Americans with Disabilities Act (ADA) Technical Assistance Grant Program

### Organizations That Were Awarded Grants in FY 1991 and FY 1992

This document lists organizations that received ADA technical assistance grants from the U.S. Department of Justice in FY 1991 and FY 1992, describes the projects those grantees undertook, and lists materials they produced or are developing. Persons who are interested in obtaining copies of the materials should contact the grantees directly to determine which materials are available and when materials that are still being developed will be available.

#### **American Foundation for the Blind (AFB) and Gallaudet University — National Center for Law and Deafness (NCLD)**

1615 M Street, N.W.  
Suite 250  
Washington, D.C. 20036  
AFB (202) 223-0101 (Voice and TDD)  
NCLD (202) 651-5343 (Voice and TDD)

This project, a collaboration between two organizations, was designed to provide technical assistance to both consumers and covered entities relating to communicating effectively with persons who have vision and/or hearing impairments. AFB and NCLD established telephone information lines to answer questions about communications barriers and the ADA. In addition, NCLD produced two booklets, a videotape, and supplemental materials to explain the ADA's requirements for effective communication with persons who have hearing impairments. AFB produced three booklets regarding the requirements for communicating effectively with persons who have vision impairments.

#### **"ADA Questions and Answers for Deaf and Hard of Hearing Individuals"**

*Free*

This 32 page booklet answers questions that persons who are deaf or hard of hearing may have about the ADA's requirements for effective communication and lists agencies and organizations that can provide assistance.

**"ADA Questions and Answers for Health  
Care Providers"** *Free*

This 24 page booklet answers questions that health care providers may have about their obligations to communicate effectively with persons who have hearing impairments and lists agencies and organizations that can provide assistance.

**"ADA: Access for Deaf Americans" Videotape** *\$24.00 plus shipping and handling  
See info on how to order below.*

This 68 minute videotape provides an overview of the requirements of titles I-IV of the ADA, with explanations of the legal terminology of the ADA and examples of how the ADA's requirements may be met. (Presented in American Sign Language with voice dubbing. Also open-captioned.)

To order NCLD videotape,  
Professional and Community Training Program  
National Academy  
Gallaudet University  
800 Florida Avenue, N.E.  
Washington, D.C. 20002  
(202) 651-5096

**"Of Consuming Interest: A Guide to Titles II  
and III of the ADA for People with Vision Loss"** *Free*

This booklet contains information about the ADA for individuals who are blind, deaf-blind, or visually impaired.

**Self-Evaluation Checklist for Hotels and Motels** *Free*

This document provides guidance for hotels and motels in making their services and facilities accessible for persons who are blind, deaf-blind, or visually impaired.

**Self-Evaluation Checklist for Health Care Facilities** *Free*

This document provides guidance for health care providers in making their services and facilities accessible for persons who are blind, deaf-blind, or visually impaired.

**American Hotel and Motel Association**

1201 New York Avenue, N.W.  
Washington, D.C. 20005-3931  
(202) 289-3100 (Voice)

The American Hotel and Motel Association is a federation of associations serving the lodging industry with the potential to reach 75% of the hotel and motel rooms in the United States. It reprinted and disseminated articles explaining the ADA from its publication, *Lodging Magazine*, and conducted ADA seminars for the lodging industry in every state in the country. It also developed and distributed an ADA compliance manual for use by the lodging industry.

**"Accommodating All Guests"**

*Free*

This 70 page compliance manual provides information on the requirements of the ADA as they apply to the lodging industry.

**American Speech-Language-Hearing Association (ASHA)**

10801 Rockville Pike

Rockville, MD 20852

(800) 638-8255 (Voice and TDD)

The American Speech-Language-Hearing Association (ASHA) is the professional and credentialing association for over 64,000 speech-language pathologists, audiologists, and scientists. ASHA produced two fact sheets aimed at audiologists and speech-language pathologists and a videotape for businesses regarding the effective communication provisions of the ADA.

**"Communication" Fact Sheet**

*Free*

This two page fact sheet provides an overview of various communication disabilities and methods that can be used to improve the effectiveness of communication.

**"Communication and the ADA" Fact Sheet**

*Free*

This four page fact sheet provides guidance on complying with the ADA's requirements for communicating effectively with persons who have hearing and speech impairments.

**"Communication Means Business" Videotape**

*Contact ASHA for price information*

This 18-minute videotape features interviews with people who have hearing, speech, and language impairments; examples of communication barriers; applications of various auxiliary aids and services; steps for achieving effective communication; and how businesses can comply with the effective communication requirements of the ADA. Open Captioned.

**The Arc**

National Headquarters

500 E. Border, S-300

Arlington, Texas 76010

(800) 433-5255 (Voice)

(800) 855-1155 (TDD: Special Needs Operator. Tell operator that you would like to place a collect call to The Arc at (817) 277-0553.)

The Arc (formerly, Association for Retarded Citizens of the U.S.), the largest advocacy organization for individuals with mental retardation and their families, produced three documents and established a telephone information line to answer ADA questions and to educate businesses and child care providers on ways to make their services accessible to persons with mental retardation. In addition, The Arc conducted two national ADA training seminars, one for The Arc chapters and another for organiza-

tions representing child care facilities. The Arc currently is developing a manual for child care centers and a guide for businesses to assist them in complying with the ADA's requirements for accommodating persons with mental retardation.

**"Access ADA"**

*Free*

This flyer provides basic information to assist businesses in recognizing and accommodating the varying needs of people with mental retardation.

**"Child Care Settings and the ADA"**

*Free*

This two page fact sheet provides information on the ADA requirements that apply to child care centers and family day care homes.

**"Americans with Disabilities Act: Questions and Answers on Title III for Public Accommodations"**

*Free*

This is a four page reprint from the ADA Questions and Answers booklet published by the Department of Justice and the Equal Employment Opportunity Commission.

**"All Kids Count! Child Care and the Americans with Disabilities Act"**

*Undetermined*

This 100 page training manual will provide information on the requirements of title III as they apply to child care centers. This document will be available to organizations representing child care centers and The Arc chapters in mid 1993.

**A Business Guide to Accommodating People with Mental Retardation**

*Free*

This eight page publication will provide information on techniques that can be utilized by businesses in accommodating the needs of individuals with mental retardation. It will be available in mid-1993.

**The Association on Higher Education and Disability (AHEAD)**

P.O. Box 21192

Columbus, Ohio 43221-0192

(800) 247-7752 (Voice and TDD)

AHEAD and the National Clearinghouse on Licensure Enforcement and Regulation (CLEAR), the professional association for persons within the licensure and certification industry, developed a manual based on a prior successful AHEAD publication, *Testing Accommodations for Students with Disabilities*. The new manual focuses on testing accommodations and ADA compliance by boards of licensure and certification. Also, AHEAD provided a telephone information line staffed by an AHEAD Information Specialist to enable CLEAR's membership to discuss the ADA's impact on its industry with someone with knowledge and expertise about the ADA.

**"Testing Accommodations for Persons with Disabilities:  
A Guide for Licensure, Certification, and Credentialing"** *Free*

This 20 page manual is aimed at agencies that administer or utilize tests for licensure, certification, or credentialing purposes and sets forth the ADA requirements for the modification of examination policies and practices as appropriate to accommodate individuals with disabilities.

**"Testing Accommodations for Persons with Disabilities  
under the ADA: The Impact on Licensure, Certification, and Credentialing"** *Free*

This brochure is aimed at government officials who oversee agencies that administer or utilize tests for licensure, certification, or credentialing purposes.

## **Building Owners and Managers Association International (BOMA)**

Publications Orders

P.O. Box 79330

Baltimore, MD 21279-0330

Fax orders: (301) 843-0159

Telephone orders: (800) 426-6292 (Voice & TDD)

The Building Owners and Managers Association International (BOMA) is a trade association representing the owners or managers of over half of the total office space in the United States — over five billion square feet. It conducted a series of seminars around the country and produced a seminar on videotape to disseminate information about the requirements of the ADA for commercial facilities and places of public accommodation.

**"The ADA Title III: Public Accommodations and  
Commercial Facilities" Videotape**

*\$45.00 for BOMA members;  
\$60.00 for non-members,  
including shipping and  
handling*

This one hour videotape focuses on the legal requirements for making facilities accessible. It covers the rules for barrier removal, alterations, and new construction. Closed captioned. Open captioned version available upon request.

## **Council of Better Business Bureaus' Foundation**

4200 Wilson Boulevard, Suite 800

Arlington, VA 22203-1804

(703) 247-3656 (Voice)

(703) 247-3668 (TDD)

The Council of Better Business Bureaus' Foundation, the non-profit educational arm of the Better Business Bureau network, in partnership with the Disability Rights Education and Defense Fund (DREDF), worked with local Better Business Bureaus to bring local business leaders in six different business sectors together with local disability leaders to discuss questions and concerns about complying with the ADA. Booklets emanating from these meetings explain the requirements of the ADA and

answer questions of these six sectors. In addition, the Foundation conducted ADA educational workshops hosted by local Better Business Bureaus in several regions of the country and provided guidance to other Bureaus that were conducting ADA workshops.

**Title III Compliance Guides**

*Contact the Foundation for price information*

Six booklets provide information on title III for automotive sales, rental, and service establishments; retail stores; restaurants and bars; recreation and fitness facilities; grocery stores; and outpatient medical and health facilities. Emphasis on service practices and physical access in existing facilities.

**Disability Rights Education and Defense Fund (DREDF)**

2212 Sixth Street  
Berkeley, CA 94710  
(800) 466-4ADA (Voice and TDD)

As a national organization representing individuals with all types of disabilities throughout the United States, DREDF played a central role in the development and passage of the ADA. In this project, DREDF established a telephone information line to field questions on titles II and III of the ADA and to respond to requests for ADA materials. The grant also funded a six-day seminar to train community-based representatives from the disability community on how to instruct covered entities in complying with the ADA and how to assist individuals with disabilities in securing their rights under the ADA.

**ADA Training Manual**

*Contact DREDF for price information*

This 216 page document provides a section-by-section interpretation of all four titles and the transportation section of the ADA.

**Guide to Legal Documents**

*Free*

A straightforward, 15 page description of the ADA, this guide is aimed at educating the layperson about the legislative history of the law and the differences between the statute, the proposed regulations, and the final regulations.

**Eastern Washington University**

MS-10, Hargreaves 217  
Eastern Washington University  
Cheney, WA 99004-2415  
(509) 458-6326 (Voice)

The Center for Health Research at Eastern Washington University is producing eight videotapes, accompanying printed materials, and a videotaped public service announcement to serve as training and resource materials for use by daycare centers. The materials will be distributed nationally to daycare provider/trainers.

## Child Care Videotapes

*Contact grantee  
for price information*

Eight eight-minute videotapes on child care and the ADA. Written information will accompany these tapes. These tapes and accompanying materials will be available in mid 1993.

## Food Marketing Institute (FMI)

Publications Sales

800 Connecticut Avenue NW

Washington, D.C. 20006

(202) 452-8444 (Voice)

(800) 433-8200 (Voice)

(202) 429-4529 (Fax)

The Food Marketing Institute (FMI) is a trade association that represents approximately 97% of the national grocery chains. In conjunction with the National Center for Access Unlimited, FMI produced an ADA "starter kit" and compliance manual for its members, staffed a booth on the ADA at FMI's annual convention, and conducted a regional ADA training seminar.

### "ADA Starter Kit for Supermarkets"

*\$10.00 for FMI members;  
\$20.00 for non-members*

A portfolio with materials on ADA compliance for the food marketing industry, including "Ten Step Plan," "Facilities Survey and Budget Book," "ADA Nationwide Resources," and Department of Justice materials.

### "ADA Compliance Manual for Supermarkets"

*\$25.00 for FMI members;  
\$50.00 for non-members*

This 216 page document offers ADA compliance strategies for the food marketing industry.

## The Foundation on Employment and Disability (TFED)

3820 Del Amo Blvd., #201

Torrance, CA 90503

(800) 499-4232 (Voice within California)

(800) 499-0559 (TDD within California)

(310) 214-8661 (Voice outside California toll area)

(310) 214-8663 (TDD outside the California toll area)

(310) 214-3430 (Rotary-dial callers)

This project focused on reaching business persons and persons with disabilities who are isolated from traditional information sources by their language and culture. TFED produced two brochures on the ADA in Cambodian, Cantonese, English, Korean, Mandarin, Spanish, and Vietnamese and established a multilingual telephone line to facilitate dissemination of the brochures to minority communities in Los Angeles, Orange County, and San Francisco. In addition, TFED disseminated information about

the ADA through articles in community publications and presentations to civic, social, and religious organizations.

**"Doing Business in Compliance with the ADA"** *Free*

This 28 page booklet provides information on the requirements of the ADA that apply to business owners and lists agencies and organizations that can provide assistance.

**"The ADA: Entitlement to Access"** *Free*

This 24 page booklet provides information for persons with disabilities about the ADA's requirements for employment and access to places of public accommodation and lists agencies and organizations that can provide assistance.

### **The Institute for Law and Policy Planning**

P.O. Box 5137  
Berkeley, CA 94705  
(510) 486-8352 (Voice)

This grant funded a 30-minute broadcast-quality film documentary on readily achievable ways to remove barriers that impede access to a public accommodation's goods and services, and a shorter video for viewing by small groups. The film includes before-and-after surveys of three small businesses, film of barriers being removed, and interviews with owners and customers with disabilities. The film was produced by Ward and Associates. The barrier removal projects were planned and supervised by Barrier Free Environments. DREDF served as a consultant to the project.

**"Open for Business" Videotape** *\$125 for disability groups;  
\$179 for businesses\**

Available in 15 or 30 minute versions, this videotape presents options for readily achievable barrier removal in places of public accommodation.

\* Disability groups will receive a package containing four videotapes: two 15 minute versions and two 30 minute versions. Two will be audiodescribed and two will be captioned. Businesses will receive the captioned version of the longer videotape unless they request otherwise.

### **National Association of Protection and Advocacy Systems**

900 2nd Street, N.E.  
Suite 211  
Washington, D.C. 20002

The National Association of Protection and Advocacy Systems is a national association of State protection and advocacy centers that are established under Federal law to ensure the protection of legal rights for persons with developmental disabilities, mental illness, and other disabilities. The grant funded a national outreach/training project that included three regional "train-the-trainer" seminars to educate advocates from State protection and advocacy centers about the ADA and twelve ADA training projects undertaken by selected protection and advocacy centers at the State or local level.

## **National Center for State Courts**

300 Newport Ave.

Williamsburg, VA 23187

(804) 253-2000 (Voice and TDD)

The National Center for State Courts is a national organization that provides research, technical assistance, training, and clearinghouse services to State and local court systems. It used existing publications and scheduled conferences to disseminate information on the ADA to State and local court personnel, developed a self-evaluation guide for court personnel to use in evaluating their compliance with the ADA, and currently is developing a model curriculum for educating judges and court administrators about the ADA.

### **ADA Title II Self-Evaluation**

*\$10.00, including shipping  
and handling*

This book covers both the general requirements and the physical accessibility requirements of the ADA and provides checklists for performing a self-evaluation.

## **National Conference of States on Building Codes and Standards (NCSBCS)**

505 Huntmar Park Drive

Suite 210

Herndon, VA 22070

703) 437-2034 (Voice)

This grant provided training to State and local building regulatory officials concerning the process outlined in the ADA under which States and localities may submit their accessibility codes to the Attorney General for certification as meeting or exceeding the accessibility standards of the ADA.

The National Conference of States on Building Codes and Standards (NCSBCS) represents the nations governors through State building regulatory officials. Working with the Paralyzed Veterans of America (PVA), a national disability rights organization, NCSBCS held a national seminar for regulatory officials and persons with disabilities to explain and promote the ADA certification process as a means by which States and localities can support and foster compliance with the new construction and alterations requirements of the ADA. NCSBCS and PVA also developed a model for States and localities to follow in getting their accessibility codes certified and for resolving accessibility disputes within their own regulatory channels.

## **National Federation of the Blind (NFB)**

1800 Johnson Street  
Baltimore, MD 21230  
(410) 659-9314 (Voice)  
(410) 625-2867 (TDD)

The National Federation of the Blind (NFB) undertook a project to assist entities covered by the ADA in finding methods for converting visually displayed information, such as flyers, brochures, and pamphlets, to formats accessible to individuals who are visually impaired. In addition to responding to requests for assistance, NFB produced a booklet explaining the ADA's requirements for communicating effectively with persons who have vision impairments.

**"Toward Equal Access: Providing Information Access *Free*  
Services to Blind and Visually Impaired Persons Under the ADA"**

This eight page booklet offers information on the ADA requirements to provide written material in formats accessible to persons with vision impairments.

## **National Rehabilitation Hospital**

ADA Compliance Program  
102 Irving Street, N.W.  
Washington, D.C. 20010  
(202) 877-1493/1495 (Voice)  
(202) 726-3996 (TDD)

The National Rehabilitation Hospital directed its grant activities toward explaining the requirements of the ADA as they apply to public and private sector health care providers. It held day-long ADA seminars at nine regional sites, presented ADA information at several national conferences, and produced a brochure for persons with disabilities, a brochure for health care providers, and an extensive manual covering the ADA as it applies to the health care field.

**"Information for Persons with Disabilities: *Free*  
Access to Public and Private Health Care"**

Brochure explaining the obligations of health care providers under titles II and III of the ADA.

**"Answers to Questions Most Commonly Asked *Free*  
by Hospitals and Health Care Providers"**

Brochure answering questions most often asked by health care providers about their obligations under the ADA.

**Technical Assistance Manual for Hospitals  
and Health Care Providers”**

*\$100.00, including shipping  
and handling*

Large technical assistance manual, over 700 pages, containing information about the requirements of titles I, II, and III of the ADA and Section 504 of the Rehabilitation Act of 1973 as they apply to hospitals and health care facilities; case studies; answers to questions commonly asked about the communications provisions of the ADA; cost estimates; the ADA Accessibility Guidelines (ADAAG); the Uniform Federal Accessibility Standards (UFAS); a checklist for evaluating facilities; and a comprehensive technical assistance information and resource section.

**National Restaurant Association (NRA)**

1200 17th Street, N.W.  
Washington, D.C. 20036-3097  
(202) 331-5960 (Voice)

The National Restaurant Association (NRA) produced informational material to demonstrate ADA compliance methods for the food service industry. Through a contract with the National Center for Access Unlimited (a joint venture between United Cerebral Palsy Associations and Adaptive Environments Center, Inc.), NRA produced a manual containing self-inspection checklists and illustrations of ADA compliance techniques, including barrier removal, alterations, new construction, communications, supportive attitudes, and dispute resolution. NRA also produced a 15-minute videotape illustrating methods of compliance for the food service industry.

**“A Warm Welcome” Videotape**

*\$12.50\*, plus shipping and handling*

This 15 minute videotape highlights compliance techniques for the food service industry. Closed captioned.

**“ADA: Answers for Foodservice Operators”**

*\$8.50\*, plus shipping and handling*

This 48 page document presents an overview of the title III ADA requirements that effect the food service industry, and offers easy methods to achieve compliance.

\*If both publications are ordered together, the total cost will be \$15.00, plus shipping and handling.

## **Police Executive Research Forum (PERF)**

2300 M Street, N.W.

Suite 910

Washington, D.C. 20037

(202) 466-7820 (Voice)

The Police Executive Research Forum (PERF), in collaboration with the Epilepsy Foundation of America and Eastern Kentucky University's Police Studies Department, developed a model policy statement for committing police departments to the ADA and developed training materials to train police and sheriffs departments at all levels (police officer, supervisor, and executive-level) on proper techniques and procedures for interacting with persons who have seizure disorders. In addition, PERF currently is developing materials to train police on interacting with persons who have mental retardation and persons who have speech or hearing impairments.

**"Model Policy: ADA: General Commitment to the Act"** *\$2.50*

This document is a model policy statement for executives to use in committing their agencies to the ADA.

**"Take Another Look: Police Response to Seizures and Epilepsy"** Videotape *\$10.00 plus shipping and handling*

**"Take Another Look: Seizure Recognition and Management"** Brochure *\$.10 plus shipping and handling*

**"Police Response to Seizures and Epilepsy: A Curriculum Guide for Law Enforcement Trainers"** Training Curriculum *\$8.00 plus shipping and handling*

Information for law enforcement personnel on how to recognize and respond effectively to a person who has a seizure disorder.

**Recognizing and Responding to People who have Mental Retardation — Training Curriculum** *Contact PERF for price information*

This curriculum is being designed to train law enforcement personnel to respond effectively to people who have mental retardation.

**Responding to People with Speech and Hearing Impairments -- Training Curriculum** *Contact PERF for price information*

This curriculum is being designed to train law enforcement personnel to respond effectively to people who have hearing or speech impairments.

**ACTION:** Notice.

Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), the Office of Human Development Services (OHDS) has submitted to the Office of Management and Budget (OMB) for approval of an information collection for the Administration on Aging's Certification of Maintenance of Effort.

**ADDRESSES:** Copies of the information collection request may be obtained from Larry Cuerrero, OHDS Reports Clearance Officer, by calling (202) 245-6275.

Written comments and questions regarding the requested approval for information collection should be sent directly to: Angela Antonelli, OMB Desk Officer for OHDS, OMB Reports Management Branch, New Executive Office Building, room 3502, 725 17th Street, NW., Washington, DC 20503, (202) 395-7316.

**Information on Document**

**Title:** Certification of Maintenance of Effort.

**OMB No.:** Title III, section 309(c) of the Older Americans Act of 1965, as amended, Pub. L. 89-73, requires that a State's allotment be reduced by the percentage by which its State expenditures for such year are less than its average annual expenditures from State sources for the period of three fiscal years preceding such year. The information collected on the SF-269 report, which is provided to the federal government, combines the funds from State and local sources; as a result, the Department would be unable to identify funds solely from State sources.

The information will be used by the Administration on Aging (AoA) to verify the amount of State expenditures and make comparisons with the average annual expenditures for the period of three fiscal years preceding such year to assure that a State is in compliance with 45 CFR 1321.49. This section requires a State agency to spend for both services and administration at least the average amount of State funds it spent for the three previous fiscal years to meet the required non-federal share applicable to its allotments. If the information is not collected, AoA would not be able to comply with section 309(c) of the Older Americans Act.

**Annual Number of Respondents:** 57

**Annual Frequency:** 1

**Average Burden Hours Per Response:**

0.5

**Total Burden Hours:** 28.5

Dated: November 27, 1990.

Mary Sheila Gall,  
Assistant Secretary for Human Development  
Services.

[FR Doc. 90-20434 Filed 12-4-90; 8:45 am]

BILLING CODE 4330-01-M

**DEPARTMENT OF THE INTERIOR****National Park Service****Delaware Water Gap National  
Recreation Area**

**AGENCY:** National Park Service;  
Delaware Water Gap National  
Recreation Area Citizens Advisory  
Commission.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice sets forth dates of the next two meetings of the Delaware Water Gap National Recreation Area Citizens Advisory Commission. Notice of these meetings is required under the Federal Advisory Committee Act.

**Date:** January 12, 1991.

**Time:** 9 a.m.

**Location:** Montague Township  
Municipal Office, Clove Road,  
Montague, New Jersey.

**Alternate Date in Case of Inclement  
Weather:** January 20, 1991.

**Date:** February 9, 1991.

**Time:** 9 a.m.

**Location:** Northampton County  
Government Center, 4th Floor Council  
Chambers, 7th and Washington  
Streets, Easton, PA.

**Alternate Date in Case of Inclement  
Weather:** February 16, 1991.

**AGENDA:** The agendas will be devoted to committee reports, Superintendent's report, old business, new business, correspondence, identification of topics of concern. An opportunity for public comment to the Commission will be provided.

**FOR FURTHER INFORMATION CONTACT:**

Richard C. Ring, Superintendent;  
Delaware Water Gap National  
Recreation Area Bushkill, PA 18324; 717-  
580-2435.

**SUPPLEMENTARY INFORMATION:** The Delaware Water Gap National Recreation Area Citizens Advisory Commission was established by Public Law 100-573 to advise the Secretary of the Interior and the United States Congress on matters pertaining to the management and operation of the Delaware Water Gap National Recreation Area, as well as on other matters affecting the Recreation Area and its surrounding communities.

The meeting will be open to the public. Any member of the public may

file with the Commission a written statement concerning agenda items. The statement should be addressed to The Delaware Water Gap National Recreation Area Citizens Advisory Commission, P.O. box 284, Bushkill, PA 18324. Minutes of the meeting will be available for inspection four weeks after the meeting at the permanent headquarters of the Delaware Water Gap National Recreation Area located on River Road 1 mile east of U.S. Route 209, Bushkill, Pennsylvania.

James W. Coleman, Jr.,  
Regional Director, Mid-Atlantic Region  
[FR Doc. 90-20485 Filed 12-4-90; 8:45 am]  
BILLING CODE 4330-70-M

**DEPARTMENT OF JUSTICE****Technical Assistance Plan for the  
Americans with Disabilities Act of 1990**

**AGENCY:** Department of Justice.

**ACTION:** Notice.

**SUMMARY:** The Department of Justice has prepared a technical assistance plan for public comment in accordance with the requirements of section 506 of the Americans with Disabilities Act of 1990 (ADA). The purpose of this plan is to explain the strategies that will be followed to assist entities covered by the ADA; individuals with disabilities, Federal agencies, and the general public to understand the rights and responsibilities established by the ADA. This plan was prepared in consultation with the Equal Employment Opportunity Commission, the Department of Transportation, the Architectural and Transportation Barriers Compliance Board, the Federal Communications Commission, the National Council on Disability, the President's Committee on Employment of People with Disabilities, the Small Business Administration, the Department of Commerce, and the National Institute on Disability and Rehabilitation Research.

**DATES:** Comments must be received by January 4, 1991.

**ADDRESSES:** Comments should be sent to Stewart B. Oneglia, Chief, Coordination and Review Section, Civil Rights Division, U.S. Department of Justice, Box 66118, Washington, DC 20035-6118.

**FOR FURTHER INFORMATION CONTACT:**  
James D. Bennett, Supervisory Program Analyst, (202) 307-2220 (Voice) and (202) 307-2678 (TDD).

This document is available on request in the following accessible formats:

- Audio tape;
- Large print;
- Braille; and
- Electronic file on computer disk and electronic bulletin board (202) 514-6193.

**SUPPLEMENTARY INFORMATION:** The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination on the basis of disability in employment, State and local government operations, public transportation, public accommodations, and telecommunications (42 U.S.C. 12101-12213). The ADA requires that the Department of Justice (DOJ) develop a technical assistance plan to assist entities covered by the ADA, and Federal agencies, to understand their responsibilities under this law. The ADA further requires that DOJ prepare the plan in consultation with the Equal Employment Opportunity Commission, the Department of Transportation, the Architectural and Transportation Barriers Board, and the Federal Communications Commission, and the ADA provides that DOJ may consult the National Council on Disability, the President's Committee on Employment of People with Disabilities, the Small Business Administration, and the Department of Commerce. All of these agencies were consulted in the development of the proposed plan, and DOJ also consulted the National Institute on Disability and Rehabilitation Research.

The purpose of this proposed plan is to outline how technical assistance with respect to understanding the ADA will be provided to entities covered by the ADA, individuals with disabilities, and the general public. The proposed plan discusses technical assistance in the areas of employment; public accommodations, transportation, State and local government services, and telecommunications, and the actions that the agencies identified above will undertake to fulfill their statutory responsibilities. We seek comments on all aspects of the plan. Following analysis of the comments received, a final technical assistance plan will be published by January 26, 1991, as required by section 506 of the ADA.

The responsibility for publishing this plan has been delegated by the Attorney General to the Assistant Attorney General for Civil Rights (55 FR 40853) (1990). This proposed technical assistance plan is issued in accordance with the requirements of section 506 of the ADA (Pub. L. 101-336, 104 Stat. 371, 42 U.S.C. 12206).

Dated: November 27, 1990.

John R. Dunne,  
Assistant Attorney General for Civil Rights.

**Americans with Disabilities Act of 1990:  
Proposed Federal Government Technical  
Assistance Plan**

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**I. Introduction**

**A. Technical Assistance Provisions of the Americans With Disabilities Act**

The Americans with Disabilities Act of 1990 (ADA), which was signed into law by President Bush on July 26, 1990, provides to individuals with disabilities comprehensive civil rights protections that are similar in scope to those provided to individuals on the basis of race, national origin, sex, and religion. The ADA seeks to ensure equal opportunity for individuals with disabilities in employment; public accommodations, public services (including transportation), and telecommunications.

The ADA recognizes the necessity of educating the public about its rights and responsibilities under the Act. Section 506 of the ADA requires the Attorney General, in consultation with the Chair of the Equal Employment Opportunity Commission (EEOC), the Secretary of Transportation, the Chair of the Architectural and Transportation Barriers Compliance Board (ATBCB), and the Chairman of the Federal Communications Commission (FCC), to develop a plan to assist entities covered under the ADA, as well as other Federal agencies, in understanding their responsibilities under the Act.

The Attorney General is authorized to obtain the assistance of other Federal agencies in preparing the technical assistance plan. These agencies, especially the National Council on Disability (NCD) and the President's Committee on Employment of People with Disabilities (PCEPD), and including the Small Business Administration (SBA) and the Department of Commerce, also have a role in the planning and delivery of technical assistance under the ADA. Other Federal agencies not specifically mentioned in the statute, such as the National Institute on Disability and Rehabilitation Research of the Department of Education, are part of the ADA technical assistance planning and delivery network by virtue either of their mission or their current or planned programs.

The ADA requires the Attorney General to develop the technical assistance plan not later than 180 days after the date of the ADA's enactment, i.e., by not later than January 26, 1991. It is the Department of Justice's (DOJ) intention to publish the final technical assistance plan within the 180 day period established by the ADA. The Attorney General also is required to publish the technical assistance plan for public comment according to the provisions of the Administrative Procedure Act.

This document constitutes the proposed technical assistance plan developed by the Attorney General, in consultation with the above-cited agencies, that is being presented for public review and comment in the Federal Register. The period covered by the plan is FY 1991 through FY 1994; however, certain technical assistance activities, such as those carried out under grants and contracts that may be awarded during FY 1994, can be expected to continue into FY 1995 and FY 1996.

It is important to remember that the scope and amount of technical assistance actually provided under the ADA will depend upon the result of the Federal Government's budget preparation and approval process, and subsequent appropriations by Congress. Specific additional appropriations will be required to carry out the assistance and outreach initiatives described in this plan. In the absence of additional appropriations, the technical assistance grants and contracts described in this plan cannot be implemented, and the overall provision of technical assistance necessarily will be limited to minimum levels of dissemination of basic information regarding the ADA's

requirements and compliance techniques.

Four Federal agencies have primary responsibility for implementing the ADA: DOJ, EEOC, DOT, and FCC. The ADA authorizes these agencies, within their respective spheres of responsibility under the ADA, to render technical assistance to individuals and institutions that have rights or duties under the ADA. These agencies are required to publish regulations under title I (employment), title II (public services, including transportation), title III (public accommodations), and title IV (telecommunications). They specifically are required to provide and make available, not later than six months after the publication of these regulations, appropriate technical assistance manuals to individuals or entities with rights or duties under the ADA. However, the Act states that the failure to receive technical assistance or publications required under the Act does not excuse entities covered under the ADA from complying with its provisions.

The four implementing agencies are convinced that, once given information on how to comply with the ADA, covered entities will do so voluntarily. The Federal Government's experience in implementing section 504 of the Rehabilitation Act of 1973, as amended, has demonstrated that a publicized, readily available, comprehensive technical assistance program responsive to the problems and needs of its audience offers many advantages. It reduces misunderstandings regarding rights and responsibilities, facilitates voluntary compliance, and promotes the exchange of information and the development of more effective and less costly methods to address compliance issues. It also avoids an unnecessary reliance on enforcement and litigation mechanisms to achieve compliance.

#### *B. Definition and Description of Technical Assistance*

Technical assistance, as used in this plan, refers to the provision of expert advice, and both general and specific information and assistance, to the public and to entities covered by the ADA. The purposes of this technical assistance are twofold: to inform the public (including individuals with rights protected under the Act) and covered entities about their rights and duties; and to provide information about cost-effective methods and procedures to achieve compliance. Many of the initial strategies and programs described in this plan are directed at providing broad dissemination of basic program information and compliance

requirements. Longer-range activities focus on addressing particular compliance issues and methods.

The technical assistance discussed in this plan will take many forms. It will employ virtually all aspects of communications, including the use of publications, exhibits, videotapes and audiotapes, public service announcements, and electronic bulletin boards. The development and dissemination of this body of information and materials in alternate formats accessible to individuals with disabilities is essential to the ADA technical assistance program.

Technical assistance under the ADA will include presentations at interactive group events such as conferences, workshops, and training programs. It also will include advice to individuals that addresses a specific topic or the resolution of a specific problem, such as can be provided through the use of telephone hotlines, information clearinghouses or on-site experts.

Finally, technical assistance will include a variety of clearinghouse functions in order to benefit from the experiences of covered entities and individuals with disabilities in complying with the ADA. Information systematically will be sought and shared to enhance the development, assessment, and replication of new and improved compliance methods and techniques.

Technical assistance under the ADA will be provided by staff of the four implementing agencies, by staff of other Federal agencies under agreements with the implementing agencies, by individual experts or consultants retained by the implementing agencies, and by associations, groups, or organizations under grant or contract to the implementing agencies. The ADA specifically authorizes the four Federal agencies with implementation responsibilities under the Act to enter into grants and contracts, subject to the availability of appropriations, with individuals, not-for-profit institutions, and associations that represent individuals who have rights or responsibilities under the ADA, and to enter into contracts with for-profit entities.

This plan provides for the extensive use of the skills, knowledge, and experience of trade associations, advocacy groups, and other similar organizations that have existing lines of communications and credibility with covered entities and persons with disabilities. By working with existing networks, whenever feasible, Federal agencies can maximize the resources

devoted to technical assistance. Further, as the Federal Government's experience with section 504 enforcement and compliance has demonstrated, there will be a continuing need for technical assistance beyond the first several years of ADA implementation. By entering into a technical assistance partnership with appropriate national, regional, and "grassroots" organizations, Federal agencies can build the capacity of these organizations to provide technical assistance to their respective constituencies after the period covered by this plan and for as long as needed.

These organizations outside of the Federal Government will be active participants in the identification of the specific audiences that are covered or affected by the ADA's requirements. They will assist in the definition of the differing problems and technical assistance needs of these widely varied audiences. These associations, groups, and organizations also will participate in the development of technical assistance initiatives to address specific compliance problems and issues. In addition, they will participate in the actual delivery of technical assistance. The knowledge, experience, credibility, and existing communications networks and delivery systems that they possess will be a key element in assuring the success of the overall ADA technical assistance program.

The Federal agencies providing technical assistance under this plan recognize the importance of sound planning and evaluation to the development of an effective technical assistance program. They recognize that it is important to coordinate their activities to avoid overlap or duplication of efforts. They also recognize the need to share information and evaluate the operation and effectiveness of their respective technical assistance activities.

#### *C. Coordination of Federal Technical Assistance Activities*

This plan describes a comprehensive, coordinated Federal multiyear program of technical assistance to promote compliance with the ADA. Although specific program development, management, and evaluation responsibilities rest with DOJ, EEOC, DOT, and FCC, the need remains for government-wide coordination, especially during the FY 1991 through FY 1994 period covered by the plan.

To this end, the Attorney General will establish an ADA Technical Assistance Working Group. This working group will be chaired by DOJ. It will be composed of representatives of the four

implementing agencies (DOJ, EEOC, DOT, and FCC), representatives from the ATJCH, NCD, PCEH, SBA and Department of Commerce, and representatives from other agencies with ADA technical assistance responsibilities and activities that the Attorney General may identify and invite to participate. The working group will meet at least twice annually to discuss its activities under this plan, to assess the adequacy and effectiveness of technical assistance that is being provided, and to make recommendations to the Attorney General for improved coordination in the planning and delivery of technical assistance under this plan.

The Attorney General will prepare guidelines for the development of annual updates to this ADA Technical Assistance Plan by the agencies represented on the working group. These annual updates will be submitted to the Attorney General by October 1 of each year. The Attorney General also may require other Federal agencies, identified by the working group as having ADA technical assistance responsibilities or programs, to submit technical assistance plans. The technical assistance plans or updates will describe progress made during the past fiscal year to implement the provisions of the ADA and this plan, the results of any assessments or evaluations of technical assistance delivery or innovative methods or procedures to promote compliance, and program initiatives proposed for the current fiscal year.

The Attorney General, based upon the review of agency plans, will prepare an annual report that describes technical assistance provided by or on behalf of the Federal Government in support of the ADA. This report will be issued by December 31 of each year.

#### *D. Organization and Contents of the Plan*

Section II of this plan describes EEOC's technical assistance programs. Section III discusses DOJ's technical assistance program. Section IV describes the technical assistance to be provided by DOT. Section V focuses on FCC's technical assistance program. Section VI describes the technical assistance roles and activities of other Federal agencies in the planning and delivery of technical assistance under the ADA. Each section provides a brief summary of the agencies' responsibilities under the ADA and provides information on the entities and audiences for whom technical assistance projects and initiatives are to be developed.

Each agency's plan describes, on a broad program level, the technical assistance to be provided and the purposes the assistance is intended to achieve. Given that not all goals can be accomplished at once, each plan describes a framework of priorities for technical assistance delivery.

Neither the overall plan nor the individual component plans are intended to serve as detailed project-level operational documents, especially with respect to longer-range program activities. However, each plan does provide more detailed information with respect to short-term technical assistance activities (e.g., FY 1991 activities already underway).

#### **II. Equal Employment Opportunity Commission Technical Assistance Program**

Title I of the ADA prohibits employment discrimination on the basis of disability against qualified individuals with disabilities. Employers with 25 or more employees will be subject to the nondiscrimination requirements of the ADA on July 26, 1992; employers with 15 to 24 employees will be covered two years later, on July 26, 1994. The phase-in of coverage over four years was established to allow time for employers to become informed about their obligations under the statute and to provide additional time for smaller employers to comply with their obligations. This phase-in parallels the manner in which coverage of title VII of the Civil Rights Act of 1964 was applied to employers. All employers who are subject to title VII, with the exception of the Federal government, will be subject to the nondiscrimination requirements of the ADA. (The Federal government is covered by similar nondiscrimination requirements as well as affirmative action requirements under the Rehabilitation Act of 1973.)

The Equal Employment Opportunity Commission (EEOC or the Commission) is primarily responsible for the enforcement of the ADA's nondiscrimination provisions in employment. As is the case with title VII, which is also primarily enforced by the Commission, the Department of Justice has concurrent litigation authority under the ADA with respect to nondiscrimination in employment by State and local governmental entities. The Commission is responsible for issuing regulations to carry out the ADA's employment requirements by July 26, 1991.

As outlined in this proposed plan, the Commission, in cooperation with other governmental and private agencies and organizations, will conduct or expand

existing technical assistance activities designed to ensure that employers, individuals, and the public learn about the ADA's requirements with respect to employment and develop the ability to identify and solve employment compliance problems. The Commission expects these technical assistance efforts to result in greater compliance with the ADA's employment requirements, with a corresponding reduction in the need to resort to enforcement activity.

The Commission initially will seek to develop active liaison with a wide range of organizations and associations representing employers, other covered entities, and individuals with disabilities, at national and local levels, and to explore ways in which their established informational channels can be used to provide general and specific information on the employment requirements of the ADA. These organizations also will be asked to identify specific technical assistance needs of their constituencies, so that the Commission may better direct its efforts to meet these needs.

In addition, the Commission will solicit from these groups examples of ways to accommodate individuals with disabilities and other practical experiences that will be helpful in promoting voluntary compliance. The Commission also will utilize resources of other Federal agencies with responsibilities and specialized expertise on disability issues related to employment. To assure consistent guidance, materials developed by other agencies with respect to title I legal requirements will be reviewed by EEOC, pursuant to Executive Order 12067.

Employers and other covered entities will be actively encouraged to seek information and assistance to maximize voluntary compliance. The Commission's technical assistance program will be separate and distinct from its enforcement responsibilities. Accordingly, employers and others who request information or assistance in regard to a particular aspect of compliance, or who participate in training conducted by the Commission, will not be subject to investigation or other enforcement action on the basis of such inquiries or participation.

The Commission's technical assistance program will include development of informational materials and training for employers, individuals with disabilities and the public, and assistance in response to individual requests. The program will be designed to provide information needed for compliance with the law to all those

covered by title I legal requirements. However, in allocating limited resources, priority may be given to providing technical assistance to targeted audiences. For example, small employers generally have not had previous experience in meeting nondiscrimination requirements of the Rehabilitation Act that have applied to larger employers who are Federal contractors or grantees. In addition, smaller employers have little access to information and assistance provided by commercial consultant services. The Commission also is aware of concerns expressed by small employers that indicate particular needs for guidance and assistance on the nature of their title I obligations.

The Commission's technical assistance program will be implemented in phases related to the effective dates of the statute and the issuance of regulations by the Commission. The Commission will focus its efforts on providing information and assistance on title I requirements prior to July 26, 1992, so that covered entities and individuals with disabilities are informed about their rights and obligations by the time the law comes into effect. It will provide general information on rights and responsibilities in employment under the ADA, specific information on the application of ADA nondiscrimination requirements to a range of employment practices, as well as guidance on how employers may comply with the law's reasonable accommodation requirements. In addition to technical assistance activities conducted by EEOC, many activities will be conducted by organizations representing employers and disabled individuals. The Commission also will utilize the resources of other Federal agencies to communicate legal requirements as widely as possible.

Prior to the issuance of regulations, EEOC will disseminate general information on the basic statutory requirements through a wide range of communications and information channels. It will publish a basic brochure on title I requirements, and separate, more detailed pamphlets providing information on legal requirements for employers as well as information on title I rights for disabled applicants and employees. Additional fact sheets and questions and answers will be developed in response to specific inquiries. The Commission's informational materials will be available in alternative formats to make them accessible to individuals with disabilities.

Information also will be provided to public media and to specialized communications media of employer and disability-oriented organizations. Commission staff will provide information on the law through active participation in conferences, workshops and meetings of these organizations throughout the country. An exhibit providing information on ADA requirements will be displayed at organizations' conferences and conventions.

EEOC will respond to individual inquiries through systems now used to respond to public inquiries on other laws it enforces, including a toll-free "800" number which will provide basic information on the ADA. Queries not answered by recorded information will be transferred to the nearest field office for a personal response. EEOC staff will be trained to assure that accurate helpful information is provided to the public. Staff also will be equipped to refer employers and others to appropriate specialized sources of assistance (such as national and local organizations representing persons with disabilities, the technical resources of regional disability research centers, and vocational rehabilitation agencies), that can provide assistance on making accommodations and other aspects of compliance.

Following issuance of the implementing regulations in July 1991, an expanded information and outreach program will be conducted to provide more detailed guidance to employers and individuals with disabilities on the application of the regulatory requirements. A comprehensive technical assistance manual will be produced and disseminated six months before the effective date of title I. The manual will be a major resource for employers and disabled persons. It will explain the legal requirements of the statute and regulations as they apply to specific employment practices, and will include guidance on reasonable accommodation, such as ways to accommodate individuals with specific types of impairments in specific work situations, as well as detailed guidance and examples of other important aspects of compliance.

The manual will include an extensive directory of technical assistance resources for reasonable accommodation, accessibility, and other aspects of compliance. EEOC intends to publish the manual in a format that can be updated with supplements as the Commission issues further guidance on specific issues, and as additional

technical assistance references and resources become available.

Further guidance on key title I policy issues will be developed prior to the effective date of the law for EEOC's internal compliance manual. This policy guidance, with the regulations, will be used to train Commission staff nationwide, before the law goes into effect. The compliance manual guidance also will be available to the public at EEOC headquarters and its 50 field offices, in public libraries, and through commercial information services. Information on this guidance, in simplified and condensed formats, will be developed for broader public dissemination.

The Commission will conduct training seminars for employers and for individuals with disabilities on the regulatory requirements and their application to specific employment practices. It will expand the availability of training by producing videotapes of training sessions and explore use of mechanisms such as video-conferences to reach wider audiences. Organizations representing employers and disabled persons will be encouraged to conduct training for their members, with materials, speakers and other assistance from the Commission. If funding is available, training and technical assistance also may be developed and conducted by other organizations, under grants or contracts from the Commission.

The Commission will expand public information and technical assistance activities near the effective date of title I. Public service announcements will be aired on radio and television, additional information will be provided to a broad range of general and specialized media, and Commission speakers will participate in radio, television, organizational and other forums throughout the country, to emphasize and clarify legal requirements.

EEOC will continue to provide technical assistance after the law becomes effective, through additional information materials, training activities and response to requests for information and assistance. As the Commission develops additional policy guidance, and as particular aspects of compliance are identified by employers and disabled individuals to require further explanation, informational materials and training will address these specific compliance issues. Expanded technical assistance will be provided by Commission field staff. A central information library of technical assistance resources will be developed and updated to facilitate response to

individual requests. The Commission will continue to work closely with disability groups, employer organizations, and other Federal agencies, utilizing their resources and information networks to supplement its own technical assistance activities, and to provide specialized assistance that will aid compliance with the employment requirements of the ADA.

### III. Department of Justice Technical Assistance Program

The Department of Justice is responsible for enforcing titles II and III of the ADA, and is responsible for providing technical assistance related to compliance with those titles, except as described below. Title II prohibits discrimination on the basis of disability by non-Federal public entities, and title III prohibits such discrimination in public accommodations. Although, as discussed below, each of these titles covers different types of entities and establishes separate substantive requirements, technical assistance in both areas will be discussed in this portion of the plan because DOJ has responsibilities in both areas and will pursue similar strategies in each area.

Title II of the ADA prohibits discrimination on the basis of disability by public entities, including State and local governments. Although the coverage provided by title II extends to public transportation services provided by such public entities, technical assistance related to transportation is covered in section IV of this plan. The ADA requires that State and local government operations be in compliance with those requirements of title II that are covered in this section of the plan effective January 26, 1992. The ADA further requires DOJ to issue regulations implementing the nontransportation requirements of title II by July 26, 1991. Compliance with title II shall be in accordance with the requirements of section 504 of the Rehabilitation Act of 1973, as amended. Accordingly, State and local governments will be required to ensure that government facilities, services, and communications are accessible to individuals with disabilities except where a fundamental alteration in the program or an undue burden would result. Enforcement of title II will be effected by Federal agencies to be designated by DOJ or by lawsuits brought by private parties.

Title III of the ADA prohibits discrimination on the basis of disability by public accommodations so that individuals with disabilities will have the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations in

places of public accommodation. Although the coverage provided by title III extends to certain public transportation services provided by certain private entities, technical assistance related to transportation will be covered in section IV of this plan. The ADA requires that public accommodations be in compliance with those requirements of title III that are covered in this section of the plan effective January 26, 1992. The ADA further requires DOJ to issue regulations implementing the nontransportation requirements of title III by July 26, 1991.

Compliance with title III means that public accommodations will be readily accessible to individuals with disabilities. In order to accomplish this, the ADA establishes physical accessibility standards to make new construction and alterations accessible. The ADA also requires public accommodations to remove physical barriers to accessibility in existing facilities, if readily achievable, or, if such removal is not readily achievable, alternative methods of providing the services must be offered if those methods are readily achievable. In addition, entities covered by title III will be required to provide auxiliary aids and services to individuals with disabilities, such as hearing or vision impairments, in order to ensure that such individuals have access to the goods and services offered by a public accommodation, unless an undue burden would result. Enforcement of title III will be by DOJ or by lawsuits brought by private parties.

Examples of public accommodations addressed in this portion of the plan are private entities, other than those providing public transportation services, with operations that affect commerce, such as: places of public lodging, including inns, hotels, and motels; establishments that serve food or beverages, including restaurants and bars; places of entertainment or exhibition, including theaters, concert halls, and stadiums; places of public gathering, including auditoriums, convention centers, and lecture halls; sales or retail establishments, including bakeries, grocery stores, clothing stores, hardware stores, and shopping centers; service establishments, including laundromats, dry cleaners, banks, barber shops, beauty shops, travel services, shoe repair services, funeral parlors, gas stations, accountants' offices, attorneys' offices, pharmacies, insurance offices, health care providers' offices, and hospitals; places of public display or collection, including museums, libraries, and galleries; places

of recreation, including parks, zoos, and amusement parks; places of education, including nursery, elementary, secondary, undergraduate, and postgraduate private schools; social service establishments, including day care centers, senior citizen centers, homeless shelters, food banks, and adoption agencies; and places of exercise or recreation, including gymnasiums, health spas, bowling alleys, and golf courses.

DOJ will expand existing technical assistance activities designed to ensure that entities and individuals affected by titles II and III learn about the ADA's requirements and develop the ability to identify and solve compliance problems. The goal of this aspect of the plan is to provide technical assistance to as many entities and individuals as possible over the term of the plan. DOJ recognizes that it will be necessary to set priorities that take into consideration the relative need for such assistance and strategies for maximum effectiveness of such assistance.

Since July, 1990, DOJ has staffed an ADA information line to take requests for materials and answer questions about the ADA. Concomitantly, DOJ has developed and distributed general information, such as fact sheets, pamphlets, and copies of the ADA, in printed and accessible formats. DOJ has established a speakers' bureau to make DOJ personnel available to make speeches and participate in workshops, seminars, classes, conferences, conventions, and other similar meetings. A display also has been developed for use at such gatherings to focus attendees' attention on the ADA and facilitate the distribution of materials.

DOJ plans to base its future technical assistance activities on research, requests from contacts, and information received during the process of issuing regulations. DOJ will survey the universe of entities covered by titles II and III as well as existing networks of agencies, organizations, and associations that represent the covered entities. DOJ then will determine which of these organizations could most effectively provide technical assistance, and how to structure such technical assistance efforts.

Projects undertaken in conjunction with organizations of covered entities will inform and train covered entities about ADA requirements and how to solve compliance problems. Those projects will also provide information about model compliance strategies and will assist individual entities in achieving compliance. DOJ planning efforts will also determine the most

effective types of informational and training materials and mechanisms for delivery of training for the different types of audiences that must be reached. For example, the informational needs and training delivery mechanisms for places of recreation, such as amusement parks, would differ greatly from those required by sales or retail establishments, such as grocery stores. In addition, DOJ will do research to determine issues on which further information is needed and prepare materials and training accordingly.

Similar types of determinations with respect to most effective technical assistance and the structuring of such assistance efforts will be made with respect to organizations and associations of, or representing, individuals with disabilities. Projects undertaken with such organizations will provide information and training to persons with disabilities to enable them to assist covered entities to resolve compliance questions.

In addition, DOJ will use teleconferences and videotapes to reach widely dispersed audiences. Depending on the needs of the particular groups participating in a given teleconference, a varying mix of presentations and questions and answers will be provided. Teleconferences will be videotaped and copies of the tapes distributed and made available for rebroadcast by media such as cable television stations. Wherever possible, other Federal agencies involved in enforcing the ADA or providing technical assistance about the ADA will participate in these teleconferences.

In addition to other types of training materials, DOJ will also prepare video training tapes that will be tailored to assist major groups of entities in complying with the ADA. For example, there could be one training tape designed to answer questions related to compliance by entities in the food service industry, and there could be another tape oriented toward answering compliance questions raised by sales and retail establishments.

In accordance with a requirement of the ADA, DOJ will also develop a technical assistance manual. DOJ will use both research and contacts to determine the contents of the manual and the most effective format for wide distribution. It is anticipated that it will be made available in electronic format (CD-ROM and computer disk), which will both enhance DOJ's ability to distribute the manual in an efficient manner and make the manual readily available to persons with sensory impairments. Moreover, as policy develops and as information is received

regarding technical assistance needs, in succeeding years this manual will be updated and revised.

Other technical assistance materials will be developed to meet varying degrees of technical need by entities and individuals affected. For example, a narrative description of the requirements of the regulations implementing title III will be developed for general use. Question-and-answer booklets will be prepared, some for general use, others for use by specific types of entities that are encountering specific types of compliance issues. In addition, technical assistance guides (TAG's) each of which address a specific compliance issue or resource, will continue to be prepared. (DOJ has issued 43 such guides to assist entities in complying with section 504 of the Rehabilitation Act of 1973, as amended, and this ongoing program is now expanded to cover the ADA.)

Additional special technical assistance and training projects will be undertaken by DOJ, either directly or through grants or contracts. Personnel from other Federal agencies, who are either involved in ADA enforcement or other activities of have significant contact with individuals with disabilities, will be trained on the requirements of titles II and III. Examples might include personnel from United States Attorney's offices, the Rehabilitation Services Administration, and the civil rights offices of other Federal Executive agencies.

In addition, special training or outreach projects will be planned to meet needs as they are identified. Where problems are significant in terms of number or degree, checklists for compliance or models of compliance for certain types of entities and certain types of compliance issues will be developed for duplication elsewhere. (For example, checklists for the food service industry could be prepared, or compliance models for health providers' offices could be developed.) Or, where problems are found in terms of providing information to individuals with disabilities who are members of minority groups, including racial, language, or cultural minorities, special outreach and training projects will be developed. Special projects will be conducted to reach specific audiences, in some instances at a national level and in other instances at the local level, whichever will be more effective.

#### IV. Department of Transportation Technical Assistance Program

The Department of Transportation (DOT) has lead responsibility for issuing a regulation to implement title II of the

ADA with respect to nondiscrimination in public mass transportation systems. (DOT has already issued a portion of the rules needed to implement the ADA, concerning the acquisition of accessible vehicles.) DOT has significant enforcement responsibilities for processing complaints alleging violations of the ADA in the public and private transportation sectors. The Secretary of Transportation reviews paratransit plans developed by local public transportation service providers. The Secretary also may grant relief from requirements addressing issues such as the purchase of new accessible vehicles or alteration of existing facilities. DOT has substantial interagency consultation responsibilities, primarily with the Architectural and Transportation Barriers Compliance Board (ATBCB) for the development of accessibility standards for public transit vehicles and facilities.

An entirely new sector of transportation service providers is affected by title III of the ADA. For the first time, many private entities engaged in transportation services are prohibited by Federal law from discriminating on the basis of disability. The ADA requires new over-the-road buses to be accessible within six years (seven years for small companies). This deadline may be extended by the President after completion of a study of Congress's Office of Technology Assessment. Other new vehicles, such as vans, must be accessible, unless the transportation company provides service to individuals with disabilities that is equivalent to that operated for the general public. If a private charter company can accommodate its disabled consumers by using accessible vehicles in its existing fleet (or by using leased vehicles), newly purchased vehicles do not have to be accessible. With regard to private sector transportation, the ADA also requires that related transportation operations, including station facilities, must meet the requirements for public accommodations under title III.

Under title III, DOT must issue a regulation for such private sector transportation services, including an interim regulation for over-the-road buses until the technology study is completed. DOT will coordinate its activities and consult extensively with the ATBCB and DOJ in the development of private sector transportation service accessibility standards.

Under its general mandate to establish and administer national transportation policy, DOT has been involved over the years in an array of technical assistance efforts to make

transportation services accessible, safe, convenient, and affordable for persons with disabilities. As a result, DOT has developed considerable institutional expertise in accessibility issues as they relate to transportation services. Many ongoing technical assistance projects and projected FY 1991 activities also are applicable to the ADA. Thus, DOT's technical assistance program under ADA would be dovetailed into the agency's ongoing efforts to enforce accessibility requirements, and to otherwise assist transportation providers and representatives of disabled individuals.

One of DOT's major technical assistance initiatives in the area of accessibility is Project Action, a program mandated by Congress in 1988, that calls for the creation and demonstration of cooperative methods for improving accessible transportation.

It is managed by the Easter Seal Society in conjunction with DOT's Urban Mass Transportation Administration. Congress, after consulting with transportation industry and disability rights leaders, identified Project Action's technical assistance priorities. These areas include: identifying people with disabilities in the community and their transportation needs; developing outreach and marketing strategies; developing training programs for transit providers and for transit users with disabilities; and applying technology to eliminate barriers to transportation accessibility.

DOT would use these identified transportation access critical areas as the strategy springboard for its technical assistance activities under the ADA. DOT also would seek to expand upon these priority areas. Particular attention would be paid to identifying the range of disabilities that require innovation to make transportation accessible, and to providing technical assistance materials in alternate formats. The objects is to provide adequate notice so that the public and especially individuals with disabilities can participate effectively in the development of standards and regulations under the ADA. DOT also would focus on programs designed to train transit operators and educate consumers. DOT would give priority to expanding these activities beyond single-event orientation training.

Currently, DOT provides technical assistance to selected Federal agency staff and to a wide variety of public and private transportation entities, including many mass transit professionals. Individual consumers are also targeted. Many of these activities have been responsive to specific requests. DOT, as part of its ADA technical assistance

initiatives, would actively encourage staff to develop technical assistance outreach efforts and to establish and maintain ongoing assessments (including compliance reviews and audits) of covered entity and consumer needs.

The goal of DOT's initial technical assistance activities would be to reach the public at large, the staff of State and local transit authorities, contract providers in the transit industry, equipment vendors, trade and professional organizations, disability advocacy groups, and individual consumers. DOT would provide technical assistance principally by using existing staff. However, to implement the ADA, and as budgeted resources permit, DOT could supplement its technical assistance effort with grants, cooperative agreements, and contracts.

DOT could encourage projects that are expected to continue to provide assistance beyond the duration of Federal funding, particularly when they foster cooperation between the transit industry and the disability community or promote interagency coordination. In selecting technical assistance grantees or contractors, DOT will consider giving priority to the grantees and contractors with the capacity to continue technical assistance activities, to produce deliverables that can be readily replicated, and to address innovative subject areas or solutions to problems.

DOT is considering a number of technical assistance activities, including the following:

- DOT could prepare materials for dissemination to covered entities and consumers that summarize and explain ADA requirements and DOT's policies and regulations. Preparation of such materials includes updating UMTA's 1986 bus lift and securement device guidelines.

- DOT could promote the training of transit industry officials, disability advocates, and individual consumers to encourage voluntary compliance with the ADA. Training transportation design and construction professionals, engineers and architects, and State and local code enforcement agencies also will be encouraged. Areas of emphasis would include innovative technology (such as wheelchair lift and securement devices), transit operator training, consumer use outreach, marketing, and training, and the identification of the variety of disabilities that must be accommodated to achieve access to transportation.

- DOT could develop guidance materials for DOT's program and legal staff to facilitate ADA enforcement techniques and strategies. Training in

the newly covered areas of private sector transportation compliance would be provided as appropriate.

- DOT could continue with efforts underway to foster the exchange of information, materials, technical assistance strategies, techniques, and successful compliance practices and procedures among DOT staff providing technical assistance. Where current procedures are inadequate, DOT would intra-agency memoranda of understanding or other types of formal agreements to enhance such activities.

- DOT could improve its coordination with outside staff, including those of State and local transportation and civil rights agencies, to facilitate meeting mutual civil rights and ADA compliance objectives and to promote the sharing of information. Again, formal memoranda of understanding or delegation agreements to improve current efforts would be developed in warranted.

To summarize, DOT efforts would be intended to promote an extensive exchange of information, materials, techniques, and strategies to achieve compliance with the ADA. DOT would spread its technical assistance efforts equitably among its own staff, the transportation industry, and disability advocacy and individual consumers. Comment is sought on whether these activities are beneficial or sufficient, or whether there are more or different activities that DOT should consider. Given that DOT's resources for providing technical assistance may be limited, comment is also sought on how these activities should be prioritized.

#### V. Federal Communications Commission Technical Assistance Program

Title IV of the Americans With Disabilities Act (ADA) amends title II of the Communications Act of 1934 and codifies the requirement that common carriers provide intrastate and interstate telecommunication relay services for telephone calls made between users of telecommunication devices for the deaf (TDD's) and users of voice telephones. Title IV also requires closed-captioning of federally produced or funded television public service announcements.

The Federal Communications Commission (FCC) has responsibility for issuing regulations to carry out the ADA's provisions for common carriers to establish relay services within three years either individually, through designees, or through selected vendors. The FCC also has significant enforcement responsibilities with regard to the establishment and operation of the intrastate and interstate relay

systems. Within 180 days, the FCC shall resolve complaints alleging violations of the relay service regulations. In instances where the FCC has certified a State relay service program, primary enforcement authority is placed with the States. However, the FCC exercises jurisdiction over complaints when States do not process complaints in timely fashion (180 days or sooner if State programs require) or when the State program is decertified by the FCC.

The FCC has been involved historically with issues concerning the telecommunications needs of hearing impaired and other disabled persons. For example, for purposes of section 504 of the Rehabilitation Act of 1973, as amended, the FCC is an "executive agency" and has issued its handicapped nondiscrimination regulations. Section 710 of the Communications Act, Telephone Service for the Disabled, 47 U.S.C. 610, required the Commission to establish regulations "as are necessary to ensure reasonable access to telephone service by persons with impaired hearing." Thus, prior to the ADA, the FCC gained considerable expertise on the broad subject of accessibility to telecommunications by disabled persons. As a result of these activities and its traditional role in regulating the telecommunications industry, the FCC has concluded that the principal method for providing the ADA's required technical assistance is through its rulemaking activity.

With its attendant private and public press coverage, the FCC's rulemaking process can be expected to go far in developing effective and efficient relay services as well as performing necessary education functions. The overarching principle the FCC will follow in telephone relay service rulemaking and other technical assistance efforts under the ADA will be to continue to provide the broadest and fairest opportunity for public participation to the telecommunications industry, disability rights advocacy groups, and to consumers.

In addition, the FCC will actively pursue other technical assistance actions to complement its regulation. For example, as resources permit, outside contractors and grantees may be used to develop technical assistance projects, especially in issue areas that require study or creative solutions to complex problems. The use of innovative technological products will be another focus area of technical assistance efforts. These efforts will be implemented by FCC staff, the regulated entities, and disability rights advocacy groups. In addition to responding to

requests for technical assistance, the FCC headquarters and field staff will encourage affirmative outreach efforts based on existing staff resources and on the continuing assessment of needs among the common carriers, consumers, and their respective representative organizations.

Some specific ADA technical assistance activities and focus areas that will receive particular attention during FY 1991 are as follows:

- The FCC will encourage its staff to coordinate with and pursue advice and comments from all interested parties affected by telecommunications relay systems, *i.e.*, beyond the public forums. This action will include participation by FCC staff in the Technical Assistance Working Group. Ideally, meetings of industry or consumer coalitions will result in consensus recommendations about how to implement functional and reliable relay service systems that can be shared among covered entities and brought to the Commission for consideration and action.

- The FCC's headquarters Office of Public Affairs and the Field Operations Bureau through its Public Service Division will develop and disseminate ADA materials such as news releases, public notices, internal information documents, forms, bulletions, fact sheets, and other information material that summarize the ADA and the FCC's telephone relay regulations and enforcement procedures thereunder.

- The FCC will train appropriate staff about the ADA's requirements, particularly staff within the Common Carrier Bureau who work directly with the telecommunications industry, Public Utility Commissions, and State and local officials with telecommunications responsibilities.

- Material and training courses will be provided to the FCC's investigative personnel and legal staff charged with responding to complaints. Because primary enforcement responsibility for State certified relay programs resides with State officials, the FCC will promote the sharing of information about successful telephone relay operations and techniques.

- By virtue of the fact that there are approximately 17 States with operational formal relay programs and approximately 10 more are in planning stages, the FCC's technical assistance effort will seek to encourage the exchange of research, technical, and program information among these entities and carriers or States with less experience in relay systems. The FCC's staff will provide scientific and technical support, monitor scientific and

technological developments, and analyze information in this regard.

- The FCC will seek to resolve in its rulemaking and technical assistance efforts issues that hinder effective and reliable relay services. They include such matters as operator confidentiality, ability of relay systems and operators to handle all classes of calls (credit card calls, TDD/voice mixed calls, calls to recorded messages, 911 emergency), skills of operators to interpret typewritten American sign language, general skills of operators as regards typing, spelling, and vocabulary, and transmission by both ASCII Baudot formats.

- The FCC will coordinate with other Federal agencies and disseminate information about the requirement that federally funded or produced public service announcements require closed captioning of verbal content. The FCC will monitor implementation of this provision and, if noncompliance dictates, the FCC will pursue remedial action.

#### VI. Technical Assistance Provided by Other Federal Agencies

##### A. Architectural and Transportation Barriers Compliance Board

The Architectural and Transportation Barriers Compliance Board (ATCB or the Board) is an independent Federal agency established by section 502 of the Rehabilitation Act principally to enforce the Architectural Barriers Act. The Board's other major functions include establishing minimum guidelines for accessibility standards and providing technical assistance to entities affected by the Rehabilitation Act of 1973.

Pursuant to its technical assistance authority, the Board has been and is currently involved in various projects related to accessibility under the Uniform Federal Accessibility Standards (UFAS), the current Federal standard implementing the Architectural Barriers Act. The Board is also engaged in various other projects that are not specifically connected with UFAS but which were or will be undertaken pursuant to the Board's broad technical assistance authority under section 502 of the Rehabilitation Act. With the passage of the ADA, each of these projects will be amended to include specific ADA components, and other future projects will be specifically aimed at providing technical assistance under the ADA.

The ADA identifies UFAS as the interim accessibility standard for new construction and alterations if the Department of Justice (DOJ) or Department of Transportation (DOT)

regulations are delayed or until the new ATBCU supplemental minimum guidelines are issued. Provision of technical assistance concerning UFAS is, accordingly, particularly important to ensure adequate understanding of ADA requirements. The Board has begun several major technical assistance projects concerning UFAS, including a retrofit manual, a UFAS checklist (which is now in printing), a training program, and a videotape.

In addition to these projects aimed at providing assistance in understanding UFAS, the Board plans to offer training specifically on the ADA at 30 locations throughout the country, assuming adequate resources. The Board will also provide technical assistance about the ADA through brochures, pamphlets, and other materials related to the development of the supplemental minimum guidelines, which it is required to issue within nine months of enactment of the ADA.

The Board has undertaken or will undertake a series of projects specifically related to transportation. The Board has designated 1991 and 1992 as transportation focus years, and all future transportation projects will have statements of work that have ADA components in them. During 1991 the Board will be developing training materials for the Urban Mass Transportation Administration (UMTA) and, during 1992, the Board will conduct training sessions for UMTA staff using those materials.

The Board will continue to fund and manage research projects to ensure that accessibility standards are consistent with emerging technologies and needs. The Board intends to conduct research on mobility aids and maneuvering space in vehicles as well as on transit facility design for persons with hearing and visual impairments. Upon completion of these research projects, the Board will provide technical assistance in the form of brochures, pamphlets, etc., to disseminate the research results. Each of these projects, although originally developed under the Board's section 502 or Architectural Barriers Act authority, is directly related to the ADA and will serve to provide technical assistance on implementation of the ADA.

In addition to modifications to projects already contemplated and authorized under other authorities, the Board will provide technical assistance to transportation officials specifically regarding implementation of the ADA. Given sufficient resources, it will develop a manual on transit vehicles and will subsequently give training around the country in connection with its facility accessibility training.

The Board currently provides technical assistance to Federal agencies as well as to a wide variety of private entities, including architects, designers, and private individuals. This effort will be greatly expanded under the ADA and will include technical assistance concentrated primarily on the building profession. The focus will be on architects, designers, architecture and design schools, engineering schools, organizations of construction companies and construction-related manufacturers, State and local code enforcement officials and organizations representing such officials, and State and local officials who are particularly responsible for access. Work with State code enforcement agencies will include technical assistance efforts for those agencies interested in improving their accessibility codes and obtaining certification. The Board's transportation efforts will be directed toward transportation planners and engineers (those who prepare bid specifications or similar documents), and equipment designers and manufacturers. Since July 1990, the Board has operated a toll-free information line to provide information to consumers and professionals about accessibility requirements under titles II and III of the ADA. In addition, the Board has an extensive technical library that is open to the public. The library has more than 3,500 titles, which provide technical information on products, services, and methods related to accessible design in new construction and alterations. The Board also has a computerized data base catalog of this collection with abstracts and is currently exploring options for making this resource available to the public through a computer bulletin board or other on-line service.

The ATBCB and DOJ will work closely together in connection with the development of accessibility standards for the regulations implementing title III and, when ADA enforcement begins, the ATBCB will provide technical assistance to DOJ in connection with complaints filed with DOJ alleging violations of the new construction and alterations standards of the ADA. Likewise, in the area of transportation, the ATBCB will work closely with DOT in developing standards for vehicles and public transit facilities under title II. As part of its technical assistance effort, the Board will subsequently be available to DOT to provide technical assistance on complaints filed alleging violations of those standards.

#### *B. Department of Commerce*

The Department of Commerce (DOC) is responsible for fostering, promoting

and developing commerce in both domestic and foreign markets. In order to accomplish these objectives, DOC is involved in an extensive array of activities in which a variety of offices within DOC interact with, and provide services to, the business community nationwide and State and local governments. These existing programs and services will be used by DOC to provide technical assistance to entities covered by the ADA, particularly in the areas of employment, public accommodations, and State and local government operations. Among the offices of DOC that will be participating in technical assistance efforts will be the National Technical Information Service, the International Trade Administration, the Office of Business Liaison, the National Institute of Science and Technology, the Office of Information Resources Management, the Minority Business Development Agency, and the Census Bureau.

Depending on the particular mission and expertise of each of these offices within DOC, some of these offices will focus more on providing information about the rights and responsibilities established by the ADA, and other DOC offices will focus more on the complementary function of providing information that will assist covered entities in complying with the ADA. For example, the International Trade Administration, the Office of Business Liaison, and the Minority Business Development Agency will all use their respective publications to disseminate information about the requirements of the ADA, about sources of additional information related to specific issues, and about resources available to assist their clientele to comply with the ADA. As appropriate, these offices will also utilize their mailing lists of clients to disseminate materials related to ADA issues of special interest to their client communities. As a general principle, these activities will be directed toward the dissemination of materials that have been prepared by other Federal agencies, particularly EEOC, DOJ, or ATBCB, or the incorporation of materials that have been prepared by EEOC, DOJ, or ATBCB into DOC publications. In addition, field staff in these offices will be prepared to serve as information coordinators so that when clients in the business community served by the DOC office call with specific questions about compliance with the ADA or sources available to assist them in complying with the ADA, DOC field staff will be able to make appropriate referrals.

For other offices within DOC, the technical assistance provided will focus on the dissemination of information that will assist entities covered by the ADA to comply with its requirements. For example, the Office of Information Resources will continue to provide workshops and exhibits for participants from the business community and from the public sector that provide information on computer technology available to assist in making reasonable accommodations for individuals with disabilities in employment and to assist in enabling individuals with disabilities to participate in other types of programs or activities. Similarly, the National Institute of Science and Technology will acquire a collection of scientific and technical publications on disability issues, particularly publications that will be useful to the resolution of compliance questions. The availability of these publications, in a variety of accessible formats, will be extensively publicized by the Service. In addition, the National Institute of Science and Technology will continue to conduct research on disability-related issues and will disseminate its findings relevant to the solution of compliance issues arising under the ADA in the most effective manner available. The Census Bureau will make statistical information on individuals with disabilities available to business, government, and community representatives seeking to identify and resolve compliance issues.

#### *C. National Council on Disability*

The National Council on Disability (NCD) is an independent Federal agency responsible for reviewing all Federal laws, programs, and policies affecting individuals with disabilities and for making recommendations in these areas, as it deems necessary, to the President, the Congress, and a variety of Federal Executive departments and agencies, including the Department of Education, the Rehabilitation Services Administration, and the National Institute on Disability and Rehabilitation Research (NIDRR). In addition, NCD establishes policies for and monitors the performance of NIDRR, and it reviews and approves standards concerning "Independent Living" and "Projects With Industry" programs.

Although many Federal agencies deal with issues and programs affecting people with disabilities, NCD is the only agency with a comprehensive mandate to address, analyze, and make recommendations on issues of public policy that affect people with disabilities regardless of age, disability type, perceived employment potential,

perceived economic need, specific functional ability, status as a veteran, or other individual circumstance(s). In carrying out these responsibilities, NCD performs a unique function by assuring a coordinated approach to addressing the concerns of persons with disabilities and eliminating barriers to their active participation in all aspects of life. In the performance of these responsibilities, NCD prepared a report to the President and the Congress, *Towards Independence*, which has been recognized as the seminal document leading to the enactment of the ADA. As stated by the Conference Committee on the ADA:

The conferees intend to recognize the National Council on Disability as the impetus, force, and originator of the initial legislation for the Americans with Disabilities Act, reflected in the Council's report, *Toward Independence*, published in February, 1980. Therefore, the conferees agree that the National Council on Disability should be one of the Federal agencies with which the Attorney General consults in developing a plan to assist entities covered under this Act. The experience, expertise, and commitment of the Council will ensure that the technical assistance activities mandated under section 506 will be comprehensive, focused, and timely.

In order to carry out these responsibilities, NCD will be involved in the development of overall strategies for implementation of the ADA. As intended by Congress, an important focus of NCD's work with these other Federal agencies will be the development of strategies to ensure the performance of technical assistance activities that are coordinated, comprehensive, and effective.

#### *D. National Institute on Disability and Rehabilitation Research*

The National Institute on Disability and Rehabilitation Research (NIDRR) is a Federal institute responsible for the promotion and coordination of research and related activities regarding the provision of vocational and other rehabilitative services to individuals with disabilities. Among NIDRR's responsibilities is the award of contracts and grants for the purpose of planning and conducting research, demonstrations, and related activities pertaining to the development of methods, procedures, and devices to assist in the provision of vocational and other rehabilitation services to individuals with disabilities. One of NIDRR's specialized research tasks is the establishment and support of rehabilitation research centers, which are operated in collaboration with institutions of higher education. Among

the research responsibilities of these centers is the development and dissemination of innovative methods of applying advanced medical technology, engineering technology, and other scientific knowledge to solve rehabilitation problems. The research activities at other research centers established and supported by NIDRR are focused on training related to the more effective provision of rehabilitative services.

In order to assist entities covered by the ADA to benefit from the advanced engineering, medical, psychological, vocational, and other scientific information available through NIDRR and organizations assisted by NIDRR, NIDRR will establish technical assistance centers in 8 to 12 communities throughout the country. The centers will offer such services as toll-free information lines, publications and other materials, training, on-line data bases, referrals, and direct consultations with technical assistance providers. The emphasis of these technical assistance centers will be on assisting employers to comply with the ADA, for example, by providing engineering information relevant to making reasonable accommodations. However, the centers will also be available to provide this type of information to entities covered by other provisions of the ADA, such as public accommodations.

#### *E. President's Committee on Employment of People With Disabilities*

The President's Committee on Employment of People with Disabilities (PCEPD) is one of the oldest Presidential committees, established in 1947 as the President's Committee on Employment of the Handicapped. Since that time PCEPD has worked to eliminate structural and attitudinal barriers that have impeded opportunities and progress for individuals with disabilities, particularly in the work place, and to mobilize public and private resources to achieve these objectives. Members of PCEPD are selected from the public and private sectors, including government, business, industry, labor, education, the media, and the professions. As discussed below, PCEPD provides valuable services and works closely with existing networks that can be important in assisting and supplementing the technical assistance program of the Equal Employment Opportunity Commission on the employment requirements of the ADA.

Every State has a Governor's Committee on the Employment of the Handicapped or a similar organization

with comparable goals that works closely with PCEPD. The State organizations enable PCEPD to reach the "grass roots" level, and the membership of the State committees reflects both the public and private sectors in a manner similar to PCEPD's membership. In many cases there are also committees with the same goals at the city, county, or town level, which work cooperatively with the State committees, enhancing further the ability of PCEPD to reach the "grass roots" level. Using these networks that have been developed over the years, PCEPD has engaged in a variety of activities that shall be expanded in order to provide technical assistance about the employment provisions of the ADA.

One of the most important of PCEPD's traditional activities has been its Job Accommodation Network (JAN), which is a service that provides specific information, free of charge, about how to make reasonable accommodations, about the most up-to-date technological devices that are available to assist employers in making reasonable accommodations, and about strategies that have been used successfully in specific employment contexts. This service is primarily used by employers, and has proved to be invaluable to employers who were subject to Federal laws requiring nondiscrimination on the basis of disability that predate the ADA, such as sections 503 and 504 of the Rehabilitation Act of 1973, as amended, which prohibit discrimination on the basis of disability by Federal contractors and by federally assisted programs, respectively. In order to provide even more technical assistance in this area so that new needs for information resulting from the ADA are met, PCEPD will expand this service by adding more incoming lines on its toll-free JAN telephone number and by adding staff to receive these calls and provide the requested information.

Another longstanding activity engaged in by PCEPD is the distribution of technical assistance materials, such as publications and posters, free of charge, to the Governor's Committees and other interested organizations. The State committees disseminate these materials to local committees and other local organizations. In addition, PCEPD maintains a library of technical assistance films and videotapes, which are loaned to interested organizations. Representatives of PCEPD provide direct technical assistance advice to these State and local organizations on a regular basis. All of these activities, distribution and loan of materials and

provision of information directly to State and local committees, will be expanded to address the requirements of the ADA.

Another technical assistance network that has been developed over the years by PCEPD consists of labor and management organizations. Technical assistance materials are also disseminated through these channels and representatives of PCEPD provide direct technical assistance to these organizations. The technical assistance provided by PCEPD to labor and management organizations will be augmented to provide practical information about the employment requirements of the ADA.

Also, PCEPD has developed technical assistance networks with interested trade associations, providing materials and advice to these organizations. These activities will also be expanded to provide information about rights and responsibilities in employment under the ADA.

The primary mission of PCEPD is the provision of technical assistance related to employment and, for this reason, PCEPD will concentrate on providing information related to the employment provisions of the ADA. However, because many of the employers and other organizations with which PCEPD will be in contact will be affected by provisions of the ADA in addition to those pertaining to employment, for example, the provisions regarding nondiscrimination in public accommodations, PCEPD will also provide a certain amount of general technical assistance about the ADA through its existing networks.

#### *F. Small Business Administration*

The Small Business Administration (SBA) is responsible for assisting small businesses in their efforts to compete effectively in the national and international economies. Among the many activities carried out by SBA in order to accomplish these objectives are the dissemination of information needed by small businesses, and the training and counseling of individuals involved in the management of small business and individuals who are interested in owning and operating a small business. As explained below, in connection with carrying out its many activities, SBA has developed a number of networks for the communication of information and these networks will be used to provide technical assistance about the ADA, in the areas of employment and public accommodations, to small businesses covered by those provisions of the ADA. Several offices within SBA are particularly well suited to provide assistance, including the Office of Civil

Rights Compliance, the Office of Advocacy, and the Office of Business Development. For the most part, SBA's technical assistance efforts will be directed toward (1) The dissemination of materials that have been prepared by other Federal agencies, particularly the Equal Employment Opportunity Commission (EEOC), the Department of Justice (DOJ), or the Architectural and Transportation Barriers Compliance Board (ATBCB); and (2) the incorporation of materials that have been prepared by EEOC, DOJ, or ATBCB into SBA publications.

The SBA Office of Civil Rights Compliance has years of experience in assisting small businesses covered by section 504 of the Rehabilitation Act and similar laws that require equal opportunity regardless of disability to comply with those laws. This office will use these same channels of communication with organizations representing small businesses and directly with small businesses to disseminate information about the ADA and to provide information about resources available to small businesses to assist in compliance efforts.

The SBA Office of Business Development works with small businesses to assist them in starting up and operating effectively and successfully. This office will use its networks and resources to disseminate information about the requirements of the ADA and about how to comply with the ADA. Included among the channels of communication are training courses throughout the nation and publications and other materials that are made available to small businesses. This office also is able to access a variety of mailing lists that could be used for technical assistance purposes. The technical assistance efforts of this office will be further enhanced through its ongoing work in cooperation with the small business development centers and university programs, and through its coordination with the Service Corps of Retired Executives.

The SBA Office of Advocacy works with small businesses with an orientation toward determining what is helpful or what is detrimental to the operation of small businesses and then taking steps in a variety of forums to assist small businesses in the development of positive factors and the removal of harmful factors. This office also has resources and networks, including a newsletter and an "answer desk" with a toll-free number, that will be employed to disseminate information about the requirements of the ADA and how to comply with the ADA. It is also

anticipated that this office, in its role of advocate for small businesses, will serve an important coordination role so that small businesses that have specific questions about the nature of their obligations with respect to employment or public accommodations under the ADA or technical questions about how to comply with those provisions will be put in touch with the appropriate sources of information and assistance.

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## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

[Docket No. M-90-176-C]

#### Dominion Coal Corporation; Petition for Modification of Mandatory Safety Standard

Dominion Coal Corporation, P.O. Box 70, Vansant, Virginia 24656 has filed a petition to modify the application of CFR 75.305 (weekly examinations for hazardous conditions) to its Dominion No. 1 Mine (I.D. No. 44-05254) located in Buchanan County, Virginia. The petition is filed under section 101 (c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that seals be examined on a weekly basis.
2. Access required to conduct weekly examinations of the seals is located between two gob areas and is becoming unsafe to travel due to deteriorating roof conditions.
3. Due to solid blocks of coal left adjacent to the seals the chances of accidental rupture of the seals are slim. Also, should something unforeseen happen which would allow for contaminated air to leak from the seals, contaminated air would be coursed through a bleeder performance evaluation station.
4. As an alternate method, petitioner proposes to include examinations of the seals within its weekly examination at a bleeder performance evaluation station.
5. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that provided by the standard.

#### Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health

Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before January 4, 1991. Copies of the petition are available for inspection at that address.

Dated: November 29, 1990.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

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#### Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 90-81; Exemption Application No. D-8294 et al.]

#### Grant of Individual Exemptions; Norman B. Pester C.P.A. P.C. Profit Sharing Plan, et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of individual exemptions.

**SUMMARY:** This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Notices were published in the Federal Register of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, DC. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred

the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

#### Statutory Findings

In accordance with section 406(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 16471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

- (a) The exemptions are administratively feasible;
- (b) They are in the interests of the plans and their participants and beneficiaries; and
- (c) They are protective of the rights of the participants and beneficiaries of the plans.

Norman B. Pester CPA, P.C. Profit Sharing Plan (the Plan) Located in Denver, CO.

[Prohibited Transaction Exemption 90-81; Exemption Application No. D-8294]

#### Exemption

The restrictions of 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the cash sale by the account of Mr. Norman Pester in the Plan of an interest in two parcels of real estate to Mr. Pester, a participant and trustee of the Plan, for a sale price equal to the fair market value of the interest.

For a more complete statement of facts and representations supporting the Department's decision to grant the exemption refer to the notice of proposed exemption published on September 28, 1990 at 55 FR 39755.

FOR FURTHER INFORMATION CONTACT: Allison Padams of the Department (202) 523-8671.

State Farm Insurance Companies' Incentive and Thrift Plan for United States Employees (the Plan) Located in Chicago, Illinois

[Prohibited Transaction Exemption 90-82; Exemption Application No. D-8329]

#### Exemption

The restrictions of sections 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the sale (the Sale) on August 29, 1989, of 219,700 shares of Joslyn Corporation common stock (the Stock) by the Plan to State Farm Mutual Automobile Insurance Company (the Company), a party in