

**ROUTING AND TRANSMITTAL SLIP**

Date 12 NOV 86

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. EXA/DA		11/12
2. CMS/DA		12
3. DDA/Registry		
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Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

**REMARKS**

cc: D/Personnel for info.

*done* -

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12 NOV 1986

DO NOT use this form as a RECORD of approvals, concurrences, dispositions, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
	Phone No.

5041-102

\* U.S.G.P.O.: 1983 - 421-529/320

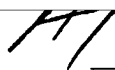
OPTIONAL FORM 41 (Rev. 7-76)  
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FPMR (41 CFR) 101-11.206

**EXECUTIVE SECRETARIAT  
ROUTING SLIP**

TO:		ACTION	INFO	DATE	INITIAL
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Remarks

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 Executive Secretary  
 7 NOV 86  
 \_\_\_\_\_  
 Date



U.S. Department of Justice

Civil Rights Division

Executive Registry
86-5208x

Office of the Assistant Attorney General

Washington, D.C. 20530

30 OCT 1986



TO: Heads of Executive Agencies

FROM: Wm. Bradford Reynolds *WBR*  
Assistant Attorney General

SUBJECT: Nondiscrimination on the Basis of Handicap  
in Federally Conducted Programs

Enclosed for your information is a recently compiled report describing the progress of over 90 Executive agencies toward publishing regulations for the implementation of section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, in federally conducted programs. This report was filed on September 24, 1986, in Williams v. United States, No. 80-5368 (C.D. Cal. filed Dec. 3, 1980), a lawsuit in which plaintiffs seek the expeditious publication of these regulations. It is the first such report to be filed with the court in nearly two years.

If your agency has not yet published a final regulation, we wish to remind you of the court's continued monitoring of your rulemaking efforts.

DD/A REGISTRY

FILE: 607

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 ATTORNEYS FOR DEFENDANTS

10 UNITED STATES DISTRICT COURT  
 11 CENTRAL DISTRICT OF CALIFORNIA

13	_____ )	
14	GALE WILLIAMS, et al., )	
15	Plaintiffs, )	
16	v. )	Civil Action No.
17	UNITED STATES OF AMERICA, )	80-5368-WPG
18	UNITED STATES POSTAL SERVICE, )	
19	Defendants. )	DEFENDANTS' TENTH STATUS
20	_____ )	REPORT; DECLARATION OF
		STEWART ONEGLIA;
		ATTACHMENT A

21 Defendant United States of America submits its tenth  
 22 status report regarding promulgation of regulations  
 23 implementing the 1978 amendment to § 504 of the  
 24 Rehabilitation, 29 U.S.C. § 794, as amended. The attached  
 25 declaration of Stewart Oneglia, Chief, Coordination and  
 26 Review Section, Civil Rights Division and attachment A,

1 Report on Progress of Agency Rulemaking, describe the status  
2 of defendant's further efforts to implement the statute.

3 Respectfully submitted,

4 RICHARD K. WILLARD  
Assistant Attorney General

5 ROBERT C. BONNER  
United States Attorney

6  
7 Brook Hedge /THP  
8 BROOK HEDGE

9 Thomas Millet /THP  
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15 ATTORNEYS FOR DEFENDANTS

16 September 24, 1986  
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1 42 U.S.C. § 2000d-1 note, at 23-24 (1982), to coordinate  
2 the implementation and enforcement of various civil  
3 rights laws, including section 504 of the Rehabilitation  
4 Act of 1973, as amended, 29 U.S.C. § 794. The purpose of  
5 this Declaration is to inform the Court of the progress  
6 we have made towards implementing the 1978 amendment to  
7 section 504, which governs programs and activities conducted  
8 by Executive agencies, since my previous Declaration  
9 filed on September 15, 1984. In addition, we have prepared  
10 a report outlining the status of agency rulemaking. It  
11 is attached hereto as Attachment A.

12 2. Since September 15, 1984, forty-two agencies  
13 have published final rules. Eighteen of these agencies  
14 published jointly on February 5, 1986. See Attachment A,  
15 para. 2(b). Another 21 agencies published jointly on  
16 June 23, 1986. See id., para. 2(c). These joint  
17 publications were coordinated by the Civil Rights Division  
18 in cooperation with the Federal Register. The other  
19 three agencies -- the Federal Reserve System, the Selective  
20 Service System, and the Federal Deposit Insurance  
21 Corporation -- published on May 2, 1985, August 30, 1985,  
22 and March 20, 1986, respectively. See id., para. 2(a).

23 3. Since September 15, 1984, nine agencies have  
24 published proposed rules -- Department of Commerce (Nov. 21,  
25

26




1 1984), Architectural and Transportation Barriers Compliance  
 2 Board (March 11, 1985), Environmental Protection Agency  
 3 (May 6, 1985), Department of Labor (July 2, 1985), Federal  
 4 Trade Commission (Aug. 12, 1985), Federal Communications  
 5 Commission (Aug. 30, 1985), Department of Interior  
 6 (Sept. 11, 1985), Farm Credit Administration (Dec. 18,  
 7 1985), Panama Canal Commission (June 11, 1986). See  
 8 Attachment A, paras. 3, 4.

9 4. The Coordination and Review Section, in cooperation  
 10 with the Federal Register, is organizing another joint  
 11 publication of proposed rules. Currently, eight agencies  
 12 have indicated an interest in participating. See Attachment  
 13 A, para. 7.

14 I declare under penalty of perjury that to the  
 15 best of my knowledge the foregoing is true and correct.

16 Dated: 9/23/86

  
 Stewart B. Oneglia, Chief  
 Coordination and Review  
 Section  
 Civil Rights Division  
 U.S. Department of Justice





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a. Seven agencies individually published

final regulations:

- \*Department of Agriculture, 7 C.F.R. §§ 15.50-.52
- Department of Defense, 32 C.F.R. pt. 56
- Department of Justice, 28 C.F.R. pt. 39
- Federal Deposit Insurance Corporation, 51 Fed. Reg. 9,638 (1986)
- Federal Election Commission, 49 Fed. Reg. 33,206 (1984)
- Federal Reserve System, 50 Fed. Reg. 18,768 (1985)
- Selective Service System, 50 Fed. Reg. 35,219 (1985)

b. Eighteen agencies jointly published final

regulations at 51 Fed. Reg. 4566 (1986):

- Administrative Conference of the United States
- Advisory Commission on Intergovernmental Relations
- Advisory Committee on Federal Pay
- American Battle Monuments Commission
- Board for International Broadcasting
- Consumer Product Safety Commission
- Department of Energy
- Export-Import Bank
- Institute of Museum Services

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\*/ The Department of Agriculture is also preparing a new individual draft proposed regulation. See infra para. 8.

- 1 International Boundary and Water Commission,  
United States and Mexico -- United States  
2 Section
- 3 International Development Cooperation Agency,  
Agency for International Development
- 4 Marine Mammal Commission
- 5 National Commission on Libraries and  
6 Information Science
- 7 National Endowment for the Humanities
- 8 National Transportation Safety Board
- 9 Office of the Federal Inspector, Alaska  
Natural Gas Transportation System
- 10 United States Arms Control and Disarmament  
11 Agency
- 12 United States International Trade Commission
- 13 c. Twenty-one agencies jointly published final  
14 regulations at 51 Fed. Reg. 22,880:
- 15 Advisory Council on Historic Preservation
- 16 Commission of Fine Arts
- 17 Committee for Purchase from the Blind and  
Other Severely Handicapped
- 18 Commodity Futures Trading Commission
- 19 Department of State
- 20 Federal Maritime Commission
- 21 Federal Mine Safety and Health Review  
22 Commission
- 23 Inter-American Foundation

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- Interstate Commerce Commission
- Japan-United States Friendship Commission
- National Capital Planning Commission
- National Commission for Employment Policy
- National Credit Union Administration
- National Endowment for the Arts
- Navajo and Hopi Indian Relocation Commission
- Nuclear Regulatory Commission
- Occupational Safety and Health Review Commission
- Pennsylvania Avenue Development Corporation
- Pension Benefit Guaranty Corporation
- Tennessee Valley Authority
- United States Information Agency

3. Six agencies published proposed regulations and submitted draft final regulations to the Department of Justice for comments.

- Architectural and Transportation Barriers Compliance Board, 50 Fed. Reg. 9,686 (1985)
- Department of Commerce, 49 Fed. Reg. 45,861 (1984)
- Department of Interior, 50 Fed. Reg. 37,006 (1985)
- Department of Labor, 50 Fed. Reg. 27,298 (1985)
- Federal Trade Commission, 50 Fed. Reg. 32,443 (1985)

1 Small Business Administration, 49 Fed. Reg.  
27,164 (1984)

2 4. Five other agencies published proposed regulations:

3 Environmental Protection Agency, 50 Fed.  
4 Reg. 19,136 (1985)

5 Farm Credit Administration, 50 Fed. Reg.  
51,540 (1985)

6 Federal Communications Commission, 50 Fed.  
7 Reg. 35,262 (1985)

8 \*\*General Services Administration, 49 Fed.  
Reg. 34,132 (1984)

9 Panama Canal Commission, 51 Fed. Reg. 21,314  
10 (1986)

11 5. The following agencies have draft proposed regula-  
12 tions under review by the Department of Justice:

13 Department of Housing and Urban Development

14 Department of Transportation

15 Equal Employment Opportunity Commission (2d  
16 submission)

17 Federal Home Loan Bank Board

18 Federal Mediation and Concilitation Service

19 Merit Systems Protection Board (2d submission)

20 \*\*/ Since publishing a proposed regulation jointly with 20  
21 other agencies, the General Services Administration  
22 submitted a new individual draft proposed regulation  
23 to the Department of Justice and received comments.  
24 See infra para. 6.

1 National Science Foundation (3d submission)  
2 Veterans Administration (2d submission)

3 6. The following agencies are reviewing comments  
4 received from the Department of Justice on their draft  
5 regulations:

- 6 ACTION
- 7 Central Intelligence Agency
  - 8 Commission on Civil Rights
  - 9 Department of Health and Human Services
  - 10 Department of the Treasury
  - 11 \*\*\*Executive Office of the President
  - 12 General Services Administration (see supra  
para. 4)
  - 13 Harry S. Truman Scholarship Foundation (2d  
14 set of comments)
  - 15 National Aeronautics and Space Administration  
(2d set of comments)
  - 16 Railroad Retirement Board (2d set of comments)

17 7. The following agencies indicated interest in  
18 participating in the next joint publication of proposed  
19 rules:

20  
21 \*\*\*/ The Executive Office of the President submitted a  
22 draft regulation covering the following agencies  
23 included in previous reports: Council of Economic  
24 Advisors, Council on Environmental Quality, National  
Security Council, Office of Administration, Office of  
Management and Budget, Office of Science and Technology  
Policy, Office of the United States Trade Representative.



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- African Development Foundation
- Federal Emergency Management Agency
- Federal Labor Relations Authority
- National Archives and Records Administration
- National Labor Relations Board
- Office of Personnel Management
- Office of Special Counsel
- Securities and Exchange Commission

8. The following agencies are in the process of developing an individual proposed regulation but have not yet submitted a draft to the Department of Justice:

- Department of Agriculture (see supra para. 2(a))
- Department of Education
- National Council on the Handicapped
- National Mediation Board
- Peace Corps

CERTIFICATE OF SERVICE


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I, Thomas H. Peebles, hereby certify that on September 24, 1986, I served Defendants' Tenth Status Report, Declaration of Stewart Oneglia, and Attachment A thereto, Report on Progress of Agency Rulemaking, by causing one (1) copy of each to be mailed, first class, postage prepaid, to the following counsel:

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\_\_\_\_\_  
THOMAS H. PEEBLES