

- Address electronic records challenges and opportunities;
- Work with the State Historical Records Advisory Boards;
- Publish historically significant records relating to the history of the United States;
- Preserve and provide access to records; provide educational programs; and,
- Provide subvention assistance for the costs of manufacturing and distributing documentary volumes produced by projects that have been supported or formally endorsed by the NHPRC.

Every NHPRC grantee must sign Standard Form 424B, "Assurances-Non-Construction Programs," which includes agreeing to comply with all Federal statutes relating to nondiscrimination, of which Section 504 of the Rehabilitation Act of 1973 is a part. However, because our existing regulations on nondiscrimination on the basis of disability do not directly address NHPRC grants recipients, only NARA, we are proposing to make it clear that these regulations apply also to NHPRC grant recipients.

We identified the need to revise part 1208 to directly address NHPRC grantees after conducting a regulatory review of our regulations. During the regulatory review, we identified that other agencies have common rules on nondiscrimination on the basis of disability which directly address grant recipients.

We also propose to add detailed rules on nondiscrimination on the basis of disability in employment practices that grant recipients follow when they hire staff for the programs and projects. We propose to add these employment nondiscrimination rules to:

- Conform to the Government-wide common rules for grant programs; and
- Be in compliance with Section 504 of the Rehabilitation Act of 1973, which prohibits employment discrimination against individuals with disabilities.

This proposed rule also updates compliance procedures, which apply to NARA and grant recipients. Previously, complaints were sent to the Assistant Archivist for Management and Administration. Now, we propose that complaints be sent to the Director, Equal Employment Opportunity and Diversity Programs.

This proposed rule updates an obsolete reference. Existing NARA regulations cite 29 CFR 1613.702(f) for the definition of "qualified handicap person". However, this citation is obsolete, and we are updating the citation to 28 CFR 41.32.

Last, we are replacing the term "handicap" with "disability" throughout the entire regulation because it is in keeping with the terminology used in guidances and directives issued by the Equal Employment Opportunity Commission, which are applicable throughout the Federal sector.

Please submit e-mail comments within the body of your email message or attach comments avoiding the use of any form of encryption. Please also include "Attn: 3095-AB17" and your name and return address in your Internet message. If you do not receive a confirmation that we have received your email message, contact the Regulation Comment Desk at (301) 837-2902.

This proposed rule is not a significant regulatory action for the purposes of Executive Order 12866 and has not been reviewed by the Office of Management and Budget. As required by the Regulatory Flexibility Act, I certify that this rule will not have a significant impact on a substantial number of small entities. This regulation does not have any federalism implications.

List of Subjects in 36 CFR Part 1208

Individuals with disabilities, Equal employment opportunity.

For the reasons set forth in the preamble, NARA proposes to amend part 1208 of title 36, Code of Federal Regulations, chapter XII, as follows:

PART 1208—ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF DISABILITY IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

1. The heading of part 1208 is revised to read as set forth above.
2. The authority citation for part 1208 continues to read as follows:

Authority: 29 U.S.C. 794.

3. Remove reserved §§ 1208.104 through 1208.109, 1208.112 through 1208.129, 1208.131 through 1208.139, 1208.141 through 1208.148, 1208.152 through 1208.159, 1208.161 through 1208.169, and 1208.171 through 1208.999.

4. In part 1208 remove the words "basis of handicap" wherever they appear and add in their place the words "basis of disability".

5. In part 1208 remove the words "individual with handicaps" wherever they appear and add in their place the words "individual with disabilities".

6. In part 1208 remove the words "individuals with handicaps" wherever they appear and add in their place the words "individuals with disabilities".

§ 1208.130 [Amended]

7. Amend § 1208.130 (c) by removing the words "nonhandicapped persons" and adding in their place, the words "persons without disabilities".

8. Sections 1208.101 through 1208.103 are designated as Subpart A—General.

9. Revise § 1208.102 to read as follows:

§ 1208.102 Application.

- (a) NARA. Sections 1208.101 through 1208.160 and § 1208.184 of this regulation apply to all programs or activities conducted by NARA, except for programs or activities conducted outside the United States that involve individuals with disabilities in the United States.

- (b) *Grant recipients.* Sections 1208.130 through 1208.184 in this regulation apply to grant recipients. (The term "agency", used in §§ 1208.130 through 1208.184, also includes grant recipients.)

10. Amend § 1208.103 by revising subparagraph (4) under the definition of "qualified individual with a disability" to read as follows:

§ 1208.103 Definitions.

* * * * *

Qualified individual with a disability

* * *

- (4) *Qualified person with a disability* as that term is defined for purposes of employment in 28 CFR 41.32, which is made applicable to this regulation by § 1208.140.

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11. Sections 1208.110 and 1208.111 are designated as Subpart B—Agency Responsibilities.

12. Sections 1208.130 and 1208.140 are designated as Subpart C—General Nondiscrimination Rules (Applicable to the Agency and National Historical Publications and Records Commission [NHPRC] Grant Recipients).

13. Revise § 1208.140 to read as follows:

§ 1208.140 Employment.

No qualified individual with a disability shall, on the basis of the disability, be subjected to discrimination in employment under any program or activity conducted by the agency. The definitions, requirements, and procedures of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) shall apply to employment in agency programs and activities.

14. Sections 1208.149 through 1208.160 are designated as Subpart D—Program Accessibility (Applicable to the Agency and NHPRC Grant Recipients).

15. Section 1208.170 is redesignated as § 1208.184.