only to programs or activities con-
ducted by Executive agencies and not
to federally assisted programs.

Substantial impairment means a sig-
nificant loss of the integrity of finished
materials, design quality, or special
character resulting from a permanent
alteration.


§ 51–10.110 Self-evaluation.

(a) The agency shall, by August 24,
1987, evaluate its current policies and
practices, and the effects thereof, that
do not or may not meet the require-
ments of this part, and, to the extent
modification of any such policies and
practices is required, the agency shall
proceed to make the necessary modi-
fications.

(b) The agency shall provide an op-
portunity to interested persons, includ-
ing handicapped persons or organiza-
tions representing handicapped per-
sons, to participate in the self-evalua-
tion process by submitting comments
(both oral and written).

(c) The agency shall, until three
years following the completion of the
self-evaluation, maintain on file and
make available for public inspection:
(1) a description of areas examined
and any problems identified, and
(2) a description of any modifications
made.

§ 51–10.111 Notice.

The agency shall make available to
employees, applicants, participants,
beneficiaries, and other interested per-
sons such information regarding the
provisions of this part and its applica-
bility to the programs or activities
conducted by the agency, and make
such information available to them in
such manner as the head of the agency
finds necessary to apprise such persons
of the protections against discrimina-
tion assured them by section 504 and
this regulation.


§ 51–10.130 General prohibitions
against discrimination.

(a) No qualified handicapped person
shall, on the basis of handicap, be ex-
cluded from participation in, be denied
the benefits of, or otherwise be sub-
jected to discrimination under any pro-
gram or activity conducted by the
agency.

(b)(1) The agency, in providing any
aid, benefit, or service, may not, di-
rectly or through contractual, licens-
ing, or other arrangements, on the
basis of handicap—
(i) Deny a qualified handicapped
person the opportunity to participate in
or benefit from the aid, benefit, or
service;
(ii) Afford a qualified handicapped
person an opportunity to participate in
or benefit from the aid, benefit, or
service that is not equal to that af-
forded others;
(iii) Provide a qualified handicapped
person with an aid, benefit, or service
that is not as effective in affording
equal opportunity to obtain the same
result, to gain the same benefit, or to
reach the same level of achievement as
that provided to others;
(iv) Provide different or separate aid,
benefits, or services to handicapped
persons or to any class of handicapped
persons than is provided to others un-
less such action is necessary to provide
qualified handicapped persons with aid,
benefits, or services that are as effec-
tive as those provided to others;
(v) Deny a qualified handicapped
person the opportunity to participate as a
member of planning or advisory boards;
or
(vi) Otherwise limit a qualified
handicapped person in the enjoyment
of any right, privilege, advantage, or
opportunity enjoyed by others receiv-
ing the aid, benefit, or service.

(2) The agency may not deny a quali-
fied handicapped person the oppor-
tunity to participate in programs or
activities that are not separate or dif-
f erent, despite the existence of permis-
sibly separate or different programs or
activities.

(3) The agency may not, directly or
through contractual or other
arrangements, utilize criteria or meth-
ods of administration the purpose or ef-
fect of which would—
(i) Subject qualified handicapped per-
sons to discrimination on the basis of
handicap;
or
(ii) Defeat or substantially impair ac-
complishment of the objectives of a
program activity with respect to handicapped persons.

(4) The agency may not, in determining the site or location of a facility, make selections the purpose or effect of which would—
(i) Exclude handicapped persons from, deny them the benefits of, or otherwise subject them to discrimination under any program or activity conducted by the agency; or
(ii) Defeat or substantially impair the accomplishment of the objectives of a program or activity with respect to handicapped persons.

(5) The agency, in the selection of procurement contractors, may not use criteria that subject qualified handicapped persons to discrimination on the basis of handicap.

(6) The agency may not administer a licensing or certification program in a manner that subjects qualified handicapped persons to discrimination on the basis of handicap.

(c) The exclusion of nonhandicapped persons from the benefits of a program limited by Federal statute or Executive order to handicapped persons or the exclusion of a specific class of handicapped persons from a program limited by Federal statute or Executive order to a different class of handicapped persons is not prohibited by this part.

(d) The agency shall administer programs and activities in the most integrated setting appropriate to the needs of qualified handicapped persons.

§§ 51–10.131—51–10.139 [Reserved]

§ 51–10.140 Employment.

No qualified handicapped person shall, on the basis of handicap, 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), as established by the Equal Employment Opportunity Commission in 29 CFR Part 1613, shall apply to employment in federally conducted programs or activities.


§ 51–10.149 Program accessibility: Discrimination prohibited.

Except as otherwise provided in §51–10.150, no qualified handicapped person shall, because the agency’s facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity conducted by the agency.

§ 51–10.150 Program accessibility: Existing facilities.

(a) General. The agency shall operate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to and usable by handicapped persons. This paragraph does not—

(1) Necessarily require the agency to make each of its existing facilities accessible to and usable by handicapped persons;

(2) In the case of historic preservation programs, require the agency to take any action that would result in a substantial impairment of significant historic features of an historic property; or

(3) Require the agency to take any action that it can demonstrate would result in such an alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the agency head or his or her designee after considering all agency resources available for use in the funding and operation of the conducted program or activity, and must be accompanied by