

**PART 2301—ENFORCEMENT OF
NONDISCRIMINATION ON THE
BASIS OF HANDICAP IN PRO-
GRAMS OR ACTIVITIES CON-
DUCTED BY THE UNITED STATES
ARCTIC RESEARCH COMMIS-
SION**

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less otherwise noted.

§ 2301.101 Purpose.

The purpose of this part is to effec-
tuate section 119 of the Rehabilitation,
Comprehensive Services, and Develop-
mental Disabilities Amendments of
1978, which amended section 504 of the
Rehabilitation Act of 1973 to prohibit
discrimination on the basis of handicap
in programs or activities conducted by
Executive agencies or the United
States Postal Service.

§ 2301.102 Application.

This part (§§ 2301.101–2301.170) applies
to all programs or activities conducted
by the agency, except for programs or
activities conducted outside the United
States that do not involve individuals
with handicaps in the United States.

§ 2301.103 Definitions.

For purposes of this part, the term—
Assistant Attorney General means the
Assistant Attorney General, Civil

Rights Division, United States Depart-
ment of Justice.

Auxiliary aids means services or de-
vices that enable persons with im-
paired sensory, manual, or speaking
skills to have an equal opportunity to
participate in, and enjoy the benefits
of, programs or activities conducted by
the agency. For example, auxiliary aids
useful for persons with impaired vision
include readers, Brailled materials,
audio recordings, and other similar
services and devices. Auxiliary aids
useful for persons with impaired hear-
ing include telephone handset ampli-
fiers, telephones compatible with hear-
ing aids, telecommunication devices
for deaf persons (TTD's), interpreters,
notetakers, written materials, and
other similar services and devices.

Complete complaint means a written
statement that contains the complain-
ant's name and address and describes
the agency's alleged discriminatory ac-
tion in sufficient detail to inform the
agency of the nature and date of the al-
leged violation of section 504. It shall
be signed by the complainant or by
someone authorized to do so on his or
her behalf. Complaints filed on behalf
of classes or third parties shall describe
or identify (by name, if possible) the
alleged victims of discrimination.

Facility means all or any portion of
buildings, structures, equipment,
roads, walks, parking lots, rolling
stock or other conveyances, or other
real or personal property.

Historic preservation programs means
programs conducted by the agency that
have preservation of historic properties
as a primary purpose.

Historic properties means those prop-
erties that are listed or eligible for
listing in the National Register of His-
toric Places or properties designated as
historic under a statute of the appro-
priate State or local government body.

Individual with handicaps means any
person who has a physical or mental
impairment that substantially limits
one or more major life activities, has a
record of such an impairment, or is re-
garded as having such an impairment.
As used in this definition, the phrase:

(1) *Physical or mental impairment* in-
cludes—

§§ 2301.104–2301.109

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or

(ii) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term “physical or mental impairment” includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, HIV disease (whether symptomatic or asymptomatic), and drug addiction and alcoholism.

(2) *Major life activities* include functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) *Has a record of such an impairment* means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) *Is regarded as having an impairment* means—

(i) Has a physical or mental impairment that does not substantially limit major life activities but is treated by the agency as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

(iii) Has none of the impairments defined in paragraph (1) of this definition but is treated by the agency as having such an impairment.

Qualified individual with handicaps means—

(1) With respect to preschool, elementary, or secondary education services provided by the agency, an individual with handicaps who is a member of a class of persons otherwise entitled by statute, regulation, or agency policy to

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receive education services from the agency;

(2) With respect to any other agency program or activity under which a person is required to perform services or to achieve a level of accomplishment, an individual with handicaps who meets the essential eligibility requirements and who can achieve the purpose of the program or activity without modifications in the program or activity that the agency can demonstrate would result in a fundamental alteration in its nature;

(3) With respect to any other program or activity, an individual with handicaps who meets the essential eligibility requirements for participation in, or receipt of benefits from, that program or activity; and

(4) *Qualified handicapped person* as that term is defined for purposes of employment in 29 CFR 1614.203(a)(6), which is made applicable to this part by §2301.140.

Section 504 means section 504 of the Rehabilitation Act of 1973 (Pub. L. 93–112, 87 Stat. 394 (29 U.S.C. 794)), as amended. As used in this part, section 504 applies only to programs or activities conducted by Executive agencies and not to federally assisted programs.

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

§§ 2301.104–2301.109 [Reserved]

§ 2301.110 Self-evaluation.

(a) The agency shall, by November 28, 1994, evaluate its current policies and practices, and the effects thereof, that do not or may not meet the requirements of this part and, to the extent modification of any such policies and practices is required, the agency shall proceed to make the necessary modifications.

(b) The agency shall provide an opportunity to interested persons, including individuals with handicaps or organizations representing individuals with handicaps, to participate in the self-evaluation process by submitting comments (both oral and written).

(c) The agency shall, for at least three years following completion of the