

## **NONDISCRIMINATION**

### **SEC. 1 REQUIREMENTS RELATING TO EMPLOYMENT AND SERVICE TO THE PUBLIC**

#### **(a) Employment**

(1) The Concessioner must comply with all provisions of Executive Order 13706 of September 30, 2016, (Establishing Paid Sick Leave for Federal Contractors) and its implementing regulations, including the applicable contract clause, codified at 29 C.F.R. pt. 13, all of which are incorporated by reference into this Contract as if fully set forth in this Contract. The Concessioner must comply with all provisions of Executive Order 13496 of January 30, 2009, (Notification of Employee Rights Under Federal Labor Laws) and its implementing regulations, including the applicable contract clause, codified at 29 CFR part 471, appendix A to subpart A, all of which are incorporated by reference into this Contract as if fully set forth in this Contract.

(2) By executing the Contract, the Concessioner agrees to comply with all applicable federal, state, and local laws, rules, regulations, requirements, and policies governing nondiscrimination, whether now in force or amended, enacted, or promulgated in the future, including title VI of the Civil Rights Act of 1964 and its implementing regulations codified at 43 C.F.R. pt. 17, subpt. A; section 504 of the Rehabilitation Act of 1973 and its implementing regulations codified at 43 C.F.R. pt. 17, subpt. B; the Age Discrimination Act of 1975 and its implementing regulations codified at 43 C.F.R. pt. 17, subpt. C; and 36 C.F.R. §§ 5.8 and 5.9.

(3) The Concessioner certifies that it does not operate any programs promoting diversity, equity, and inclusion that violate any applicable Federal anti-discrimination laws. The Concessioner agrees that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government's payment decisions for purposes of the False Claims Act, 31 U.S.C. § 3729(b)(4).

#### **(b) Construction, Repair, and Similar Contracts**

The preceding provisions (a)(1) through (2) must be included in all contracts and subcontracts executed by the Concessioner, its contractors, and any lower-tier subcontractors for the performance of construction, repair, or similar work contemplated by this Contract.

#### **(c) Facilities**

(1) Definitions: As used in this subsection:

- (i) "Concessioner" means the Concessioner and its employees, agents, contractors, subconcessioners, if any, and successors in interest;
- (ii) "Facilities" means any and all services, facilities, privileges, accommodations, or activities offered to or enjoyed by the general public under this Contract.

(2) Pursuant to 36 C.F.R. § 5.9, the Concessioner is prohibited from:

- (i) publicizing the facilities in any manner that would directly or inferentially reflect upon or question the acceptability of any person because of race, creed, color, ancestry, sex, age, disabling condition, or national origin; or
- (ii) discriminating by segregation or otherwise against any person or persons because of race, creed, color, ancestry, sex, age, disabling condition, or national origin in furnishing or refusing to furnish such person or persons any facilities.

**SEC. 2 ACCESSIBILITY**

Section 504 of the Rehabilitation Act of 1973, as amended, provides that, "No otherwise qualified individual with a disability in the United States, as defined in [29 U.S.C. § 705(20)], shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service."

Pursuant to the Department of the Interior's regulations implementing section 504 of the Rehabilitation Act of 1973, codified at 43 C.F.R. pt. 17, subpt. B, no handicapped person shall, because the Concessioner'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 receiving Federal financial assistance from the Department of the Interior.

**(a) Discrimination Prohibited**

The Concessioner, in providing any aid, benefit, or service, may not directly or through contractual, licensing, or other arrangements, on the basis of handicap:

- (1) Deny a qualified handicapped person the opportunity to participate in or benefit from the aid, benefit, or service;
- (2) Afford a qualified handicapped person an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;
- (3) Provide a qualified handicapped person with an aid, benefit, or service that is not as effective as that provided to others;
- (4) Provide different or separate aids, benefits, or services to handicapped persons or to any class of handicapped persons unless such action is necessary to provide qualified handicapped persons with aid, benefits, or services that are as effective as those provided to others;
- (5) Aid or perpetuate discrimination against a qualified handicapped person by providing significant assistance to an agency, organization, or person that discriminates on the basis of handicap in providing any aid, benefit, or service to beneficiaries of the Concessioner's program;
- (6) Deny a qualified handicapped person the opportunity to participate as a member of planning or advisory boards; or
- (7) Otherwise limit a qualified handicapped person in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit, or service.

**(b) Existing Facilities**

The Concessioner 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 require the Concessioner to make each of its existing facilities or every part of a facility accessible to and usable by handicapped persons.