of new, or improvement of existing, facil-
ities on such property for the pur-
poses for which the property was trans-
ferred, the responsible Department of-
ficial may agree, upon request of the trans-
feree and if necessary to accom-
plish such financing, and upon such con-
ditions as he deems appropriate, to
forbear the exercise of such right to re-
vert title for so long as the lien of such
mortgage or other encumbrance re-
mains effective.

(b) Continuing Federal financial assis-
tance. Every application by a State or a
State agency for continuing Federal fi-
nancial assistance to which this regu-
lation applies (including the Federal fi-
nancial assistance listed in part 2 of
appendix A to this part) shall as a con-
dition to its approval and the extension
of any Federal financial assistance pur-
suant to the application (1) contain or
be accompanied by a statement that
the program is (or, in the case of a new
program, will be) conducted in compli-
ance with all requirements imposed by
or pursuant to this regulation, and (2)
provide or be accompanied by provision
for such methods of administration for
the program as are found by the re-
ponsible Department official to give
reasonable assurance that the appli-
cant and all recipients of Federal fi-
nancial assistance under such program
will comply with all requirements im-
posed by or pursuant to this regula-
tion.

(c) Elementary and secondary schools.
The requirements of paragraph (a) or
(b) of this section with respect to any
elementary or secondary school or
school system shall be deemed to be
satisfied if such school or school sys-
tem (1) is subject to a final order of a
court of the United States for the de-
segregation of such school or school
system, and provides an assurance that
it will comply with such order, includ-
ing any future modification of such
order, or (2) submits a plan for the de-
segregation of such school or school
system which the responsible Depart-
ment official determines is adequate to
accomplish the purposes of the Act and
this part, at the earliest practicable
time, and provides reasonable assur-
ance that it will carry out such plan; in
any case of continuing Federal finan-
cial assistance the responsible Depart-
ment official may reserve the right to
redetermine, after such period as may
be specified by him, the adequacy of
the plan to accomplish the purposes of
the Act and the regulations in this
part. In any case in which a final order
of a court of the United States for the
desegregation of such school or school
system is entered after submission of
such a plan, such plan shall be revised
to conform to such final order, includ-
ing any future modification of such
order.

(d) Assurance from institutions. (1) In
the case of any application for Federal
financial assistance to an institution of
higher education (including assistance
for construction, for research, for spe-
cial training project, for student loans
or for any other purpose), the assur-
ance required by this section shall ex-
tend to admission practices and to all
other practices relating to the treat-
ment of students.

(2) The assurance required with re-
spect to an institution of higher edu-
cation, hospital, or any other institu-
tion, insofar as the assurance relates to
the institution’s practices with respect
to admission or other treatment of in-
dividuals as students, patients, or cli-
ents of the institution or to the oppor-
tunity to participate in the provision
of services or other benefits to such in-
dividuals, shall be applicable to the en-
tire institution.

§ 80.5 Illustrative application.

The following examples will illus-
trate the programs aided by Federal fi-
nancial assistance of the Department.
(In all cases the discrimination prohib-
ited is discrimination on the ground of
race, color, or national origin prohib-
ited by Title VI of the Act and this reg-
ulation, as a condition of the receipt of
Federal financial assistance).

(a) In federally assisted programs for
the provision of health or welfare serv-
ces, discrimination in the selection or
eligibility of individuals to receive the
services, and segregation or other dis-
criminatory practices in the manner of
providing them, are prohibited. This prohibition extends to all facilities and services provided by the grantee or, if the grantee is a State, by a political subdivision of the State. It extends also to services purchased or otherwise obtained by the grantee (or political subdivision) from hospitals, nursing homes, schools, and similar institutions for beneficiaries of the program, and to the facilities in which such services are provided, subject, however, to the provisions of §80.3(e).

(b) In federally-affected area assistance (Pub. L. 815 and Pub. L. 874) for construction aid and for general support of the operation of elementary or secondary schools, or in more limited support to such schools such as for the acquisition of equipment, the provision of vocational education, or the provision of guidance and counseling services, discrimination by the recipient school district in any of its elementary or secondary schools in the admission of students, or in the treatment of its students in any aspect of the educational process, is prohibited. In this and the following illustrations the prohibition of discrimination in the treatment of students or other trainees includes the prohibition of discrimination among the students or trainees in the availability or use of any academic, dormitory, eating, recreational, or other facilities of the grantee or other recipient.

c In a research, training, demonstration, or other grant to a university for activities to be conducted in a graduate school, discrimination in the admission and treatment of students in the graduate school is prohibited, and the prohibition extends to the entire university.

d In a training grant to a hospital or other nonacademic institution, discrimination is prohibited in the selection of individuals to be trained and in their treatment by the grantee during their training. In a research or demonstration grant to such an institution discrimination is prohibited with respect to any educational activity and any provision of medical or other services and any financial aid to individuals incident to the program.

e In grants to assist in the construction of facilities for the provision of health, educational or welfare services, assurances will be required that services will be provided without discrimination, to the same extent that discrimination would be prohibited as a condition of Federal operating grants for the support of such services. Thus, as a condition of grants for the construction of academic, research, or other facilities at institutions of higher education, assurances will be required that there will be no discrimination in the admission or treatment of students. In case of hospital construction grants the assurance will apply to patients, to interns, residents, student nurses, and other trainees, and to the privilege of physicians, dentists, and other professionally qualified persons to practice in the hospital, and will apply to the entire facility for which, or for a part of which, the grant is made, and to facilities operated in connection therewith.

(f) Upon transfers of real or personal surplus property for health or educational uses, discrimination is prohibited to the same extent as in the case of grants for the construction of facilities or the provision of equipment for like purposes.

(g) Each applicant for a grant for the construction of educational television facilities is required to provide an assurance that it will, in its broadcast services, give due consideration to the interests of all significant racial or ethnic groups within the population to be served by the applicant.

(h) A recipient may not take action that is calculated to bring about indirectly what this regulation forbids it to accomplish directly. Thus, a State, in selecting or approving projects or sites for the construction of public libraries which will receive Federal financial assistance, may not base its selections or approvals on criteria which have the effect of defeating or of substantially impeding accomplishments of the objectives of the Federal assistance as respects individuals of a particular race, color or national origin.

(i) In some situations, even though past discriminatory practices attributable to a recipient or applicant have been abandoned, the consequences of such practices continue to impede the
full availability of a benefit. If the efforts required of the applicant or recipient under §80.6(d), to provide information as to the availability of the program or activity and the rights of beneficiaries under this regulation, have failed to overcome these consequences, it will become necessary under the requirement stated in (i) of §80.3(b) (6) for such applicant or recipient to take additional steps to make the benefits fully available to racial and nationality groups previously subject to discrimination. This action might take the form, for example, of special arrangements for obtaining referrals or making selections which will insure that groups previously subjected to discrimination are adequately served.

(j) Even though an applicant or recipient has never used discriminatory policies, the services and benefits of the program or activity it administers may not in fact be equally available to some racial or nationality groups. In such circumstances, an applicant or recipient may properly give special consideration to race, color, or national origin to make the benefits of its program more widely available to such groups, not then being adequately served. For example, where a university is not adequately serving members of a particular racial or nationality group, it may establish special recruitment policies to make its program better known and more readily available to such group, and take other steps to provide that group with more adequate service.


§ 80.6 Compliance information.

(a) Cooperation and assistance. The responsible Department official shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this part and shall provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) Compliance reports. Each recipient shall keep such records and submit to the responsible Department official or his designee timely, complete and accurate compliance reports at such times, and in such form and containing such information, as the responsible Department official or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. For example, recipients should have available for the Department racial and ethnic data showing the extent to which members of minority groups are beneficiaries of and participants in federally-assisted programs. In the case in which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.

(c) Access to sources of information. Each recipient shall permit access by the responsible Department official or his designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution or person and this agency, institution or person shall fail or refuse to furnish this information the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information. Asserted considerations of privacy or confidentiality may not operate to bar the Department from evaluating or seeking to enforce compliance with this part. Information of a confidential nature obtained in connection with compliance evaluation or enforcement shall not be disclosed except where necessary in formal enforcement proceedings or where otherwise required by law.

(d) Information to beneficiaries and participants. Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this regulation and its applicability to the program for which the recipient receives Federal financial assistance, and make such information available to