AGENCIES: Department of Agriculture; Nuclear Regulatory Commission; Department of Energy; Small Business Administration; National Aeronautics and Space Administration; Department of Commerce; Tennessee Valley Authority; Department of State; Agency for International Development; Department of Justice; Department of Labor; Department of Veterans Affairs; Environmental Protection Agency; General Services Administration; Department of the Interior; Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security; National Science Foundation; National Endowment for the Arts, National Endowment for the Humanities, Institute of Museum and Library Services, National Foundation on the Arts and the Humanities; Corporation for National and Community Service; Department of Transportation (collectively, “the Agencies”).

ACTION: Joint final rule.

SUMMARY: The Agencies amend their regulations implementing Title VI of the Civil Rights Act of 1964 ("Title VI"), section 504 of the Rehabilitation Act of 1972 ("section 504"), and the Age Discrimination Act of 1975 ("Age Discrimination Act"). Together, these statutes prohibit discrimination on the basis of race, color, national origin, disability, and age in programs or activities that receive federal financial assistance. In 1988, the Civil Rights Restoration Act ("CRRA") added definitions of “program or activity” and “program” to Title VI and added a definition of “program or activity” to section 504 and the Age Discrimination Act. The added definitions were designed to clarify the broad scope of coverage of recipients’ programs or activities under these statutes. These amendments incorporate the CRRA’s definitions of “program or activity” and “program” into Title VI, section 504,
and Age Discrimination Act regulations of the Agencies, and promote consistent and adequate enforcement of these statutes by the Agencies.¹


FOR FURTHER INFORMATION CONTACT: Merrily A. Friedlander, Chief, Coordination and Review Section, Civil Rights Division, U.S. Department of Justice, (202) 307–2222 voice, (202) 307–2678 TTY, (202) 307–0595 fax. Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION:

Overview

On December 6, 2000, the Agencies published a notice of proposed rulemaking (NPRM) in the Federal Register (65 FR 76460) proposing to amend the regulations governing nondiscrimination on the basis of race, color, national origin, handicap, and age to conform with the Civil Rights Restoration Act of 1987, Pub. L. 100–259 (“CRRA”).

The Agencies are amending their civil rights regulations to conform to provisions of the CRRA regarding the scope of coverage under civil rights statutes they administer. These statutes include Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d, et seq. (“Title VI”); section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794 (“section 504”); and the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101, et seq. (“Age Discrimination Act”). Title VI prohibits discrimination on the basis of race, color, and national origin in all programs or activities that receive federal financial assistance; section 504 prohibits discrimination on the basis of disability in all programs or activities that receive federal financial assistance; and the Age Discrimination Act prohibits discrimination on the basis of age in all programs or activities that receive federal financial assistance. (Note that the CRRA does not affect coverage under federal employment nondiscrimination statutes, such as Title VII of the Civil Rights Act of 1964, Title I of the Americans with Disabilities Act, and the Age Discrimination in Employment Act.)

Background Information

The principal conforming change amends each of these regulations to add a definition of “program or activity” or “program” that reflects the statutory definition of “program or activity” or “program” enacted as part of the CRRA. We believe that adding this statutory definition to the regulatory language is the best way to avoid confusion on the part of beneficiaries, recipients, government entities, and other interested parties about the scope of civil rights coverage. These amendments conform to a final rule enacted as part of Title IX of the Education Amendments of 1972, as amended, to establish common regulations for 21 federal agencies published on August 30, 2000, 65 FR 52857. That common rule incorporated the statutory definitions of “program or activity” and “program” enacted as part of the CRRA.

When originally issued and implemented, the Agencies’ civil rights regulations were interpreted by the Agencies to mean that acceptance of federal assistance by a recipient resulted in broad coverage of an entity. The Supreme Court, however, interpreted “program or activity” in restrictive terms. Grove City College v. Bell, 465 U.S. 555, 757–74 (1984). The Court concluded in Grove City College that federal student financial assistance provided to a college established jurisdiction under Title IX only over the college’s financial aid program, not the entire college. Since Title IX was patterned after Title VI, this interpretation significantly narrowed the prohibitions of Title VI and two other statutes based on it: the Age Discrimination Act and section 504. See S. Rep. No. 100–64, at 2–3, 11–16, reprinted in 1988 U.S.C.C.A.N. at 3–5, 13–18. Following the Supreme Court’s decision in Grove City, the Agencies changed their interpretation, but not the language, of the governing regulations to be consistent with the Court’s restrictive, program-specific definition of “program or activity.”

In 1988, Congress enacted the CRRA to restore the prior consistent and long-standing executive branch interpretation and “broad, institution-wide application” of those laws as previously administered. See S. Rep. No. 100–64, at 4, reprinted in 1988 U.S.C.C.A.N. at 6. Congress enacted the CRRA in order to remedy what it perceived to be a serious narrowing by the Supreme Court of a longstanding administrative interpretation of the coverage of these laws. At that time, the Agencies reinstated their broad interpretation to be consistent with the CRRA, again without changing the language of the regulations. To the extent there was any inconsistency between the language of the regulations and the language of the CRRA, it was and remains the Agencies’ interpretation that the CRRA superseded the regulations and, therefore, the regulations must be read in conformity with the CRRA. This interpretation was consistent with the understanding of Congress as expressed in the legislative history of the CRRA that the statutory definition of “program or activity” would take effect immediately without the need for federal agencies to amend their existing regulations. S. Rep. No. 100–64, at 32, reprinted in 1988 U.S.C.C.A.N. at 34.

These regulatory amendments are designed to address an issue recently raised by the Third Circuit Court of Appeals in Cureton v. N.C.A.A. 198 F.3d 107 (3d Cir. 1999). The Third Circuit determined that, because the Departments of Health and Human Services and Education did not amend their Title VI regulations after the enactment of the CRRA, application of the Departments’ Title VI regulations to disparate impact discrimination claims is “program specific” (i.e., limited to the particular program receiving federal financial assistance), rather than institution-wide (i.e., applicable to all of the operations of the institution regardless of the use of the federal funds). See id. at 114–16. As noted above, however, the Agencies have, since the passage of the CRRA, consistently interpreted the coverage of their Title VI regulations to reach those programs that fall within the broad statutory definition of “program or activity.” The Cureton decision thwarted clearly expressed congressional intent by giving continued effect to a judicial interpretation that Congress intended to override. In any event, the regulatory changes address the concerns raised by the Third Circuit in that the regulations would track the CRRA’s statutory language and apply to both disparate impact and disparate treatment forms of discrimination. (“Disparate treatment,” i.e., intentional discrimination, refers to policies or practices that treat individuals differently based on their

¹ Since the publication of the Notice of Proposed Rulemaking (NPRM), the Federal Emergency Management Agency (FEMA) has become a component of the Department of Homeland Security (DHS). DHS published its Interim Final Rules for Title VI, Section 504, and Title IX of the Education Amendments of 1972 in the Federal Register on March 6, 2003. 68 FR 10904 (to be codified at 6 CFR part 21). Those rules reflect the Civil Rights Restoration Act’s broadened definitions of “program” and “program or activity.” FEMA is continuing as part of this rulemaking because the DHS regulations provide that “[t]he provisions published by this part shall be effective for all components of the Department, including all Department components that are transferred to the Department, except to the extent that a Department component already has existing title VI regulations.” 6 CFR 21.1. Similar language is included in DHS Title XI and section 504 rules.
race, color, national origin, disability, or age, as applicable. Discrimination that involves such disparate treatment is barred by the civil rights statutes and regulations. “Disparate impact” refers to criteria or methods of administration that have a significant adverse effect on individuals based on race, color, national origin, disability, or age, as applicable. Such criteria or practices constitute impermissible discrimination if there is no substantial legitimate justification for those criteria or practices. However, even where such a justification exists, if there is an equally effective but less discriminatory alternative, that alternative must be adopted.

Pursuant to Executive Order 12250 (“Leadership and Coordination of Nondiscrimination Laws”), the Department of Justice (“DOJ”) requested that the Agencies jointly issue amendments to their regulations implementing Title VI, Section 504, and the Age Discrimination Act to incorporate the CRRA definitions of “program or activity.” The two federal agencies implicated in the Careyton decision—the Department of Education (“ED”) and the Department of Health and Human Services (“HHS”)—are promulgating separate rules to incorporate the CRRA’s expanded definition of “program or activity” and “program” in their regulations. ED published its NPRM on May 5, 2000, 65 FR 26464, and published its final rule on November 13, 2000, 65 FR 68050. HHS published its NPRM on October 26, 2000, 65 FR 64194, and plans to publish its final rule soon. DOJ participated in and coordinated the promulgation of amendments to 22 other agencies’ Title VI, Section 504, and Age Discrimination Act regulations. 65 FR 76460. Again, while DOJ views these modifications to be merely technical in nature, public comments were invited on these modifications.

These changes are summarized in the sections below.

Definition of “Program or Activity” and “Program”

The statutory definition, which is now incorporated into the regulations, addresses the scope of coverage for four broad categories of recipients: (1) State or local governmental entities; (2) colleges, universities, other postsecondary educational institutions, public systems of higher education, local educational agencies, systems of vocational education, and other school systems; (3) private entities, such as corporations, partnerships, and sole proprietorships; and (4) entities that are a combination of any of those groups. See 42 U.S.C. 2000d–4a.

Under the first part of the definition, when State and local governmental entities receive financial assistance from a federal agency, the “program or activity” or “program” in which discrimination is prohibited includes all of the operations of any State or local department or agency to which the federal assistance is extended. If, for example, a State or local agency receives federal assistance for one of many functions of the agency, all of the operations of the entire agency are subject to the nondiscrimination provisions of these regulations. In addition, “program or activity” or “program” also includes all of the operations of the entity of a State or local government that distributes the federal assistance to another State or local governmental agency or department and all of the operations of the State or local governmental entity to which the financial assistance is extended. See 42 U.S.C. 2000d–4a(1); S. Rep. No. 106–44 at 16, reprinted in 1988 U.S.C.C.A.N. at 18.

Under the second portion of the definition of “program or activity,” when covered educational institutions receive federal financial assistance, all of their operations are subject to the nondiscrimination requirements of the funding agency’s regulations. See 42 U.S.C. 2000d–4a(2).

Under the third part of the definition, the degree of coverage of private entities, such as private corporations and partnerships, will vary depending on how the funding is provided, the principal purpose or objective of the entity, or how the entity is structured (e.g., physically separate offices or plants). Each of the operations of private businesses that are principally engaged in education, health care, housing, social services, or parks and recreation is considered a “program or activity” for purposes of these regulations. See 42 U.S.C. 2000d–4a(3)(A)(ii). S. Rep. No. 100–64, provides numerous other examples of the scope of coverage with regard to each category of recipient, and readers are referred to this material. S. Rep. No. 100–64, at 16–20, reprinted in 1988 U.S.C.C.A.N. at 10–21. In addition, if federal financial assistance is extended to a private entity “as a whole” and the private entity is not principally engaged in the business of education, health care, housing, social services, or parks and recreation, all of the private entity’s operations at all of its locations would be covered. If the private entity receives federal assistance, that is, assistance that is not designated for a particular purpose, that would be considered federal financial assistance to the private entity “as a whole.” In other instances where financial assistance is extended directly to a geographically separate facility of an entity described in the third part of this definition, then coverage would be limited to the geographically separate facility that receives the assistance. See 42 U.S.C. 2000d–4a(3).

Under the fourth part of the definition, if an entity of a type not already covered by one of the first three parts of the definition is established by two or more of the entities listed under the first three parts of the definition, then all of the operations of that new entity are covered. See 42 U.S.C. 2000d–4a(4).

The amendments incorporate the CRRA definition of “program or activity” and “program” into the agencies’ regulations. When Congress amended Title VI in the CRRA, it added definitions of both “program or activity” and “program” to the statute. Therefore, we are amending each agency’s Title VI regulations to incorporate the definition of both “program or activity” and “program.” However, when Congress amended section 504 and the Age Discrimination Act in the CRRA, it added a definition of the term “program or activity,” but did not add a similar definition of the term “program.” Thus, we are amending the agencies’ section 504 and Age Discrimination Act regulations to incorporate a new definition of “program or activity” only.

As explained below, in order to conform with the CRRA definitions of “program or activity” and “program,” the regulatory changes also modify or delete some existing sections of the Agencies’ regulations that have become superfluous or incorrect following enactment of the CRRA. These regulatory changes do not change the requirements of the existing regulations.

It is important to note that the changes do not in any way alter the requirement of the CRRA that a fund termination be limited to the particular programs “or part[s] thereof” that discriminate, or, as appropriate, to all of the programs that are infected by the discriminatory practices. See S. Rep. No. 100–64, at 20, reprinted in 1988 U.S.C.C.A.N. at 22 (“The [CRRA] defines ‘program’ in the same manner as ‘program or activity,’ and leaves intact the ‘or part thereof’ pinpointing language.”).

Assurances

Several agencies’ Title VI regulations included an assurance requirement that has created confusion with regard to the scope of “program or activity” under
these regulations. In general, these assurances, which are legal agreements between the government and recipients of federal financial assistance, are designed to ensure that recipients of federal financial assistance comply with nondiscrimination laws and do not discriminate in their programs or activities. However, some agencies had assurance provisions that were confusing in light of the CRRA because they incorrectly stated that, in some circumstances, certain parts of a program will not be covered by civil rights laws. For example, DOJ’s assurance provision, which is very similar to the corresponding assurance requirements in other agencies’ Title VI regulations, provided in part: “[t]he assurance * * * shall be applicable to the entire institution unless the applicant establishes, to the satisfaction of the responsible Department official, that the practices in designated parts or programs of the institution * * * will in no way affect its practices in the program of the institution * * * for which Federal financial assistance is sought. * * * ” 28 CFR 42.105(c)(2). In order to avoid any further confusion, the regulatory changes delete the above provision and similar provisions in the regulations of other agencies that incorrectly suggest that some parts of a program will not be covered under certain circumstances. These changes ensure that agency regulations reflect the broad scope of coverage of a program or activity that was contemplated by the CRRA.

Several federal agencies’ Title VI regulations provided illustrative examples or applications that referred to the waiver language contained in the assurance provision. Because the waiver language in relevant assurance provisions has been deleted, similar language and references in illustrative applications and examples also have been deleted. These deletions do not affect the reach of the statutes or regulations.

Other References to “Program” and “Program or Activity”

In addition, we deleted references to “program” and “program or activity” in the regulations that did not conform to the broadened CRRA definition of “program” and “program or activity.” For example, in some instances, we substituted “Federal financial assistance” for “program” or “program or activity” where the phrase referred to federal financial assistance. In other instances, we substituted the phrase “aid, benefit, or service” if that was the intended meaning. We made revisions when the terms “program” and “program or activity” were used too narrowly, i.e., when they were used to indicate only a specific portion of a program that directly receives assistance. The nomenclature tables, which are charts designed to provide an easy method for viewing the words to be removed or replaced, show these conforming changes for each agency. In some instances, we changed the phrase “program and activity” to “program or activity” to conform the regulations to the term as defined in the CRRA. We did not modify the term “activity” when it appears separately from the phrase “program or activity” and is used in a manner unrelated to the CRRA phrase “program or activity.”

In promulgating its final regulations, the Department of Education (“ED”) used the plural terms “programs” and “programs or activities” to refer generally to multiple programs or activities operated by multiple recipients. In all other instances, however, ED used the singular terms “program” or “program or activity.” ED explained that it had decided to use the singular terms in all such instances to reflect the fact that virtually all of ED’s recipients, such as institutions of higher education, have only one “program” or “program or activity” encompassing all of the recipient’s operations. Noting that the singular also can be interpreted to encompass the plural, ED further explained that the use of the singular was appropriate even for those cases in which ED might fund a recipient that operates more than one program or activity (such as when an individual recipient corporation has multiple plants each of which is a separate program or activity). Given the greater range of recipient entities funded by the multiple agencies participating in this joint final rule and the likelihood that most of these agencies fund recipients that may operate more than one program or activity, the participating agencies have not endeavored to make any changes to these regulations solely related to the use of the singular or plural forms of these terms. As such, the regulations of these agencies may differ from ED’s regulations in terms of the use of the singular or plural form of “program” or “program or activity,” but such differences should not be interpreted to imply any legal difference in the intended scope of coverage. Although we have generally deleted all references to “program” and “program or activity” where such references do not conform to the CRRA, we have not done so when the regulations is merely providing statutory language. For example, the regulations for some agencies contain a compliance provision that requires the agency to report any order for fund termination to the congressional committee with jurisdiction over the “program” involved. In this case, the term “program” clearly refers to Federal financial assistance, but we did not replace the word because the copied statutory language itself uses the term “program.”

In other instances in which the term “program” is used in a manner inconsistent with the CRRA, we capitalized the word in order to distinguish it from the term defined by the CRRA. For example, we capitalized certain terms of art (e.g., “Historic Preservation Program,” “Individualized Education Program”) or names of types of federal financial assistance (e.g., “School Lunch Program”) to avoid confusion.

Other Conforming Changes

Other changes include modifications to some agencies’ definitions of “recipient.” A few agencies defined this term to include an entity that “benefits from” Federal financial assistance. Likewise, many agencies’ section 504 and Age Discrimination Act regulations used the phrase “receives or benefits from Federal financial assistance.” The phrase “or benefits from” in this context has been deleted as it is superfluous in light of the CRRA.

Because the changes are limited to those that are related to the CRRA definition of “program” and “program or activity,” we did not make additional technical corrections unless the provision was already subject to a CRRA-related change. Likewise, we did not make other technical corrections to outdated agency or office names, with one notable exception. Since the regulations for the Department of Energy require that age discrimination complaints be filed with a specific office, we have updated the regulations to reflect the new name of that office, thereby reducing confusion for individual complainants.

Although we are not amending the content of the Agencies’ appendices, the headings and introductory text describing the content are amended to conform with the CRRA. Additional conforming changes to the body of the various agency appendices will be published in the Federal Register in a separate document at a later date.

Coordination With the Department of Education

The Department of Education (“ED”)—one of two agencies that were implicated in the Cureton decision and that have decided to promulgate
separate rules to incorporate the CRRA’s expanded definition of “program or activity” in their regulations—published its proposed rule on May 5, 2000, at 65 FR 26464, and its final rule on November 13, 2000, at 65 FR 68050. Among other modifications, ED’s amendments contain several conforming changes to the following three subparts of its Section 504 regulations: (1) Preschool, Elementary, and Secondary Education; (2) Postsecondary Education; and (3) Health, Welfare, and Social Services.

Eight other Federal agencies have Section 504 regulations containing sections similar to all or a portion of the provisions in the above three subparts. Because we believe that it is particularly important to maintain consistency among Federal agencies with respect to these subparts, we have, with a few minor exceptions, followed ED’s lead when amending these sections for the other eight agencies—Department of Agriculture, Department of Commerce, Department of Interior, Department of State, Department of Veterans Affairs, Agency for International Development, National Endowment for the Humanities, and National Science Foundation—that have similar regulations.

Coordination With the Department of Health and Human Services

The other agency implicated in the Cureton decision is the Department of Health and Human Services (HHS). Like ED, HHS promulgated its own separate NPRM, which was published on October 26, 2000 at 65 FR 64194. We coordinated with HHS, as we did with ED, to avoid any inconsistencies between this joint rule and those agencies’ separate rules.

Differences Among Agencies

Some agencies lack regulations implementing section 504 or the Age Discrimination Act. In accordance with the limited scope of this regulation, we are not adding section 504 or Age Discrimination Act sections to agencies that lack such regulations. Outlined below are the agencies that do not have such implementing regulations, as well as agencies that have comprehensive rules implementing several statutes in one set of regulations or that follow the regulations of another Federal agency. Agencies that do not have regulations implementing the Age Discrimination Act and, therefore, are amending only their regulations implementing Title VI and section 504 are: the Department of Agriculture, the Department of Labor, the Department of Defense, the Environmental Protection Agency, and the Department of Transportation. The Federal Emergency Management Agency (“FEMA”) does not have regulations applying section 504 to recipients of Federal financial assistance but, instead, operates in accordance with section 504 regulations developed by HHS. Therefore, FEMA is amending only its regulations implementing Title VI and the Age Discrimination Act. Likewise, the Small Business Administration does not have regulations applying section 504 to recipients of federal financial assistance and, therefore, is amending only its Title VI and Age Discrimination Act regulations.

In addition, the Corporation for National and Community Service (“the Corporation”) lacks regulations applying the Age Discrimination Act, Title VI, and section 504 to recipients of Federal financial assistance. Instead, the Corporation, which is the successor of ACTION, operates in accordance with Title VI and section 504 regulations promulgated by ACTION and is amending only those regulations. Similarly, the National Endowment for the Arts, the National Endowment for the Humanities (“NEH”), and the Institute of Museum and Library Services (“IMLS”), which together constitute the National Foundation on the Arts and the Humanities (“NFAH”), operate in accordance with Title VI regulations developed jointly by these three agencies and thus are amending their Title VI regulations jointly. However, NEA is separately amending its section 504 and Age Discrimination Act regulations, while NEH, which lacks an Age Discrimination Act regulation, is amending its section 504 regulation only. IMLS, which operates in accordance with NEH’s section 504 regulations and does not have regulations implementing the Age Discrimination Act, is not issuing any separate amendments.

Analysis of Comments and Changes

In the NPRM, we invited comments on the proposed regulations. We received two comments. The first commenter wrote in support of the NPRM, stating that Title VI, section 504, and the Age Discrimination Act needed to be strengthened and be made uniform by adding the definitions of “program or activity.” The commenter also stated that the amendments would result in consistent and adequate enforcement of Title VI, section 504, and the Age Discrimination Act, and commended the Department of Justice and its “sister Federal agencies” for amending the regulations. The second commenter advanced the view that the Agencies should not amend the regulations at this time because the commenter believed an amendment would be untimely due to a case then-pending before the United States Supreme Court (Alexander v. Sandoval, 532 U.S. 275 (2001)). Sandoval did not, however, address the focus of this rulemaking—revising the regulations to conform them to the added definition of “program or activity” or “program.” Instead, Sandoval addressed a different issue—whether there is an implied private right of action to enforce disparate-impact regulations promulgated under Section 602 of Title VI and concluded that there was not such a right. The Agencies have decided to proceed with the amendment of their regulations because we believe it is important to conform the regulations to the civil rights statutes as amended by the CRRA. We are, however, mindful of the Supreme Court’s statements in Sandoval that call the validity of the Title VI disparate-impact regulations into question.2

In addition, in consultation with the Department of Justice, the Agencies have reviewed the regulations since publication of the NPRM and have made minor editorial and technical changes.

Applicable Executive Orders and Regulatory Certifications

Executive Order 12067

These conforming changes have been reviewed by the Equal Employment Opportunity Commission pursuant to Executive Order 12067.

Executive Order 12250

These conforming changes to the Title VI and section 504 regulations have been reviewed and approved by the Attorney General pursuant to Executive Order 12250.

Executive Order 12866

These regulations have been drafted and reviewed in accordance with Executive Order 12866, “Regulatory Planning and Review”, Section 1(b), Principles of Regulation. The Department of Justice has determined that this rule is not a “significant regulatory action” under Executive Order 12866, Section 3(f), and accordingly this rule has not been reviewed by the Office of Management and Budget. Under the terms of the

2 See Sandoval, 532 U.S. at 286 & 286 n. 6 (“[W]e assume for purposes of this decision that §602 confers the authority to promulgate disparate-impact regulations”; “[w]e cannot help observing, however, how strange it is to say that disparate-impact regulations are ‘inspired by, at the service of, and inseparably intertwined with’ §601 * * * when §601 permits the very behavior that the regulations forbid.”).
order we have assessed the potential costs and benefits of this regulatory action.

In assessing the potential costs and benefits—both quantitative and qualitative—of these final regulations, we have determined that there probably will be no cost impacts because these final regulations merely clarify longstanding policy of the Agencies and do not change the Agencies’ practices in addressing issues of discrimination. We also have determined that this regulatory action would not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

We summarized the potential costs and benefits of these final regulations in the preamble to the joint NPRM (65 FR 76460).

Age Discrimination Act of 1975

The Age Discrimination Act of 1975 and the Department of Health and Human Services (“HHS”) general, government-wide implementing regulations give the Secretary of HHS the authority to review changes to the Age Discrimination Act regulations of federal agencies. This authority has been delegated to the Office for Civil Rights (“OCR”), which has reviewed and approved these conforming changes.

Small Business Regulatory Enforcement Fairness Act of 1996

It has been determined that this rule is not a major rule as defined by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 804. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

All recipients of federal funding have been bound by these standards of liability since the passage of the CRRA, when the Agencies reinstated their broad interpretation of the terms “program or activity” and “program” and applied these regulations on an institution-wide basis without changing the language of the regulations. The joint rule merely makes the regulations track the statutory language of the CRRA, both for disparate impact and disparate treatment forms of discrimination. These regulations implement statutory amendments and longstanding agency policy.

Unfunded Mandates Reform Act of 1995

The Unfunded Mandate Reform Act of 1995, Public Law 104–4, 109 Stat. 48 (1995), requires agencies to prepare several analytic statements before proposing any rule that may result in annual expenditures of $100 million by State, local, Indian tribal governments or the private sector. See 2 U.S.C. 1532.

These amendments make technical changes to existing regulations that enforce statutory prohibitions on discrimination on the basis of race, color, national origin, age, or disability. Therefore, these amendments will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, and they will not significantly or uniquely affect small governments. The participating agencies certify that no actions were deemed necessary under the Unfunded Mandate Reform Act of 1995.

Regulatory Flexibility Act

The Agencies, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 605(b), have reviewed these regulations and certify that these regulations will not have a significant economic impact on a substantial number of small entities, in large part because these regulations do not impose any new substantive obligations on federal funding recipients. All recipients of Federal funding have been bound by these standards of liability since the passage of the CRRA, when the Agencies reinstated their broad interpretation of the terms “program or activity” and “program” and applied these regulations on an institution-wide basis without changing the language of the regulations. The joint rule merely makes the regulations track the statutory language of the CRRA, both for disparate impact and disparate treatment forms of discrimination. These regulations implement statutory amendments and longstanding agency policy.

Paperwork Reduction Act

The Agencies certify that this rule will not impose additional reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 et seq.

Executive Order 13132

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. The rule does not subject federal funding recipients to new obligations. The regulations amend and clarify existing regulations that are required by statute pursuant to Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975. Therefore, in accordance with section 6 of Executive Order 13132, the Agencies have determined that these amendments do not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

List of Subjects
7 CFR Part 15
Aged, Civil rights, Religious discrimination, Sex discrimination.
7 CFR Part 15b
Civil rights, Equal employment opportunity, Grant programs—education, Individuals with disabilities.
10 CFR Part 4
Administrative practice and procedure, Aged, Civil rights, Equal employment opportunity, Federal buildings and facilities, Individuals with disabilities, Reporting and recordkeeping requirements, Sex discrimination.
10 CFR Part 1040
Administrative practice and procedure, Aged, Civil rights, Equal employment opportunity, Small businesses.
13 CFR Part 112
Civil rights, Reporting and recordkeeping requirements, Small businesses.
13 CFR Part 117
Aged, Civil rights, Reporting and recordkeeping requirements.
14 CFR Part 1250
Civil rights.
14 CFR Part 1251
Administrative practice and procedure, Civil rights, Equal employment opportunity, Federal buildings and facilities, Individuals with disabilities.
14 CFR Part 1252
Aged, Civil rights.
15 CFR Part 8
Civil rights.
15 CFR Part 8b
Civil rights, Equal educational opportunity, Equal employment opportunity, Individuals with disabilities, Reporting and recordkeeping requirements.

15 CFR Part 20
Administrative practice and procedure, Aged, Civil rights.

18 CFR Part 1302
Civil rights, Reporting and recordkeeping requirements.

18 CFR Part 1307
Administrative practice and procedure, Civil rights, Individuals with disabilities.

18 CFR Part 1309
Aged, Civil rights.

22 CFR Part 141
Civil rights.

22 CFR Part 142
Civil rights, Equal educational opportunity, Equal employment opportunity, Individuals with disabilities.

22 CFR Part 143
Aged, Civil rights.

22 CFR Part 144
Civil rights.

22 CFR Part 209
Civil rights, Equal educational opportunity, Equal employment opportunity, Individuals with disabilities.

22 CFR Part 218
Aged, Civil rights.

28 CFR Part 42
Administrative practice and procedure, Aged, Civil rights, Equal employment opportunity, Grant programs, Individuals with disabilities, Recording and recordkeeping requirements, Sex discrimination.

29 CFR Part 31
Civil rights, Reporting and recordkeeping requirements.

29 CFR Part 32
Civil rights, Equal employment opportunity, Individuals with disabilities, Reporting and recordkeeping requirements, Veterans.

38 CFR Part 18
Aged, Civil rights, Equal educational opportunity, Equal employment opportunity, Individuals with disabilities, Reporting and recordkeeping requirements, Veterans.

40 CFR Part 7
Civil rights, Equal employment opportunity, Individuals with disabilities, Reporting and recordkeeping requirements.

41 CFR Part 101–6
Civil rights, Government property management.

41 CFR Part 101–8
Administrative practice and procedure, Civil rights, Government property management, Individuals with disabilities, Reporting and recordkeeping requirements.

43 CFR Part 17
Administrative practice and procedure, Aged, Civil rights, Equal employment opportunity, Federal buildings and facilities, Individuals with disabilities.

44 CFR Part 7
Administrative practice and procedure, Aged, Civil rights, Reporting and recordkeeping requirements.

45 CFR Part 1151
Civil rights, Equal employment opportunity, Equal employment opportunity, Individuals with disabilities.

45 CFR Part 1156
Administrative practice and procedure, Aged, Civil rights, Grant programs, Investigations, Reporting and recordkeeping requirements.

45 CFR Part 1170
Civil rights, Equal educational opportunity, Equal employment opportunity, Individuals with disabilities.

45 CFR Part 1203
Civil rights, Reporting and recordkeeping requirements.

45 CFR Part 1232
Civil rights, Grant programs—social programs, Individuals with disabilities.

49 CFR Part 21
Civil rights, Reporting and recordkeeping requirements.

49 CFR Part 27
Administrative practice and procedure, Airports, Civil rights, Highways and roads, Individuals with disabilities, Mass transportation, Railroads, Reporting and recordkeeping requirements.

Adoption of Joint Rule
The agency adoptions of this joint rule are set forth below:

DEPARTMENT OF AGRICULTURE
7 CFR Subtitle A
RIN 0566–AB78
Authority and Issuance
For the reasons set forth in the joint preamble, USDA amends 7 CFR subtitle A, parts 15 and 15b as set forth below:

PART 15—NONDISCRIMINATION
1. The authority citation for part 15 continues to read as follows:

2. Section 15.2 is amended by revising paragraph (k) to read as follows:

§ 15.2 Definitions.
* * * * *
(k) Program or activity and program mean all of the operations of any entity described in paragraphs (k)(1) through (4) of this section, any part of which is extended Federal financial assistance:
(1)(i) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or
(ii) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;
(2)(i) A college, university, or other postsecondary institution, or a public system of higher education; or
(ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;
(3)(i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—
(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or
(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or
(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or
(4) Any other entity which is established by two or more of the entities described in paragraph (k)(1), (2), or (3) of this section.

3. In §15.3, the headings for paragraphs (d)(1) through (d)(10) are revised to read as follows:

§15.3 Discrimination prohibited.
(d) * * *
(1) Cooperative Agricultural Extension Program. * * *
(2) Rural Electrification and Rural Telephone Programs. * * *
(3) Direct Distribution Program. * * *
(4) National School Lunch Program.

§15.4 Assurances required.
(c) Assurances from institutions. The assurance required with respect to an institution of higher education, or any other institution, insofar as the assurance relates to the institution’s practices with respect to admission or other treatment of individuals or to the opportunity to participate in the provision of services or other benefits to such individuals, shall be applicable to the entire institution.

5. Amend the appendix to subpart A of part 15 as follows:

a. In the heading, by removing the words “USDA-Assisted Programs” and adding, in their place, the words “Federal Financial Assistance From USDA”;

b. In the introductory text, by removing the word “Programs” and adding, in its place, the words “The types of Federal financial assistance”;

c. In the chart, by removing the column heading “Program” and adding, in its place, the column heading “Type of Federal Financial Assistance”.

6. In the table below, for each section indicated in the left column, remove the text shown in the middle column, and add the text shown in the right column:

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</thead>
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<td>for the purpose of carrying out a program</td>
</tr>
<tr>
<td>15.2(f)</td>
<td>activities or programs</td>
<td>programs or activities</td>
</tr>
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<td>15.3(b)(3)</td>
<td></td>
<td>types of Federal financial assistance</td>
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<td>15.3(d), introductory text, first sentence</td>
<td>programs and activities</td>
<td>type of Federal financial assistance</td>
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<td>15.3(d), introductory text, third sentence</td>
<td>program</td>
<td>a program</td>
</tr>
<tr>
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<td>listed type of Federal financial assistance</td>
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<tr>
<td>15.3(d)(1)(ii)</td>
<td>activity of Direct Distribution Program</td>
<td>activity funded by</td>
</tr>
<tr>
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</tr>
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<td>15.3(d)(6)(i)</td>
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<td>Program</td>
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<td>price support program</td>
<td>Price Support Program</td>
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<td>Cooperative Research Program</td>
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<td>except an application</td>
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<td>except a program</td>
<td>Federal financial assistance</td>
</tr>
<tr>
<td>15.4(b)</td>
<td>to carry out its program for or activity involving</td>
<td>in</td>
</tr>
<tr>
<td>15.5(a), second sentence</td>
<td>programs</td>
<td>program</td>
</tr>
<tr>
<td>15.5(b), second sentence</td>
<td>program</td>
<td>program</td>
</tr>
<tr>
<td>15.9(e), first sentence</td>
<td>programs</td>
<td>Federal financial assistance</td>
</tr>
<tr>
<td>15.10(f)</td>
<td>under the program involved</td>
<td>in</td>
</tr>
<tr>
<td>15.12(a), introductory text, first sentence</td>
<td>under such program</td>
<td>program for Federal statutes, authorities, or other means by which Federal financial assistance is extended and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>to which this regulation applies</td>
</tr>
<tr>
<td></td>
<td></td>
<td>assistance to which this regulation applies</td>
</tr>
</tbody>
</table>
PART 15b—NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

7. The heading for part 15b is revised to read as set forth above.

8. The authority citation for part 15b continues to read as follows:


9. Section 15b.3 is amended by revising paragraph (p) and adding a new paragraph (s) to read as follows:

§15b.3 Definitions.

(p) For purposes of §15b.18(d), Historic Preservation Programs are those that receive Federal financial assistance that has preservation of historic properties as a primary purpose.

(s) Program or activity means all of the operations of any entity described in paragraphs (s)(1) through (4) of this section, any part of which is extended Federal financial assistance:

(1)(i) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(ii) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(2)(i) A college, university, or other postsecondary institution, or a public system of higher education; or

(ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

(3)(i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—

(A) If assistance is extended to such partnership, corporation, private organization, or sole proprietorship as a whole; or

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(4) Any other entity which is established by two or more of the entities described in paragraph (s)(1), (2), or (3) of this section.

§15b.4 [Amended]

10. In §15b.4, the heading of paragraph (c) is amended by removing the word “Programs” and adding, in its place, the words “Aid, benefits, or services”.

11. The heading for subpart C is revised to read as follows:

Subpart C—Accessibility

12. Section 15b.18 is amended by revising the heading and first sentence of paragraph (a), the heading of paragraph (e), and the first sentence of paragraph (e)(1) introductory text to read as follows:

§15b.18 Existing facilities.

(a) Accessibility. A recipient shall operate each assisted program or activity so that when each part is viewed in its entirety it is readily accessible to and usable by qualified handicapped persons.

(e) Historic Preservation Programs: application for waiver of accessibility requirements. (1) A recipient shall operate each assisted program or activity involving Historic Preservation Programs so that when each part is viewed in its entirety it is readily accessible to and usable by handicapped persons.

§15b.27 [Amended]

13. Section 15b.27 is amended by removing from the heading of paragraph (b) the words “Program delivery” and adding, in their place, the word “Delivery”, and by removing from the heading of paragraph (c) the words “Program materials” and adding, in their place, the word “Materials”.

§15b.28 [Amended]

14. The heading for §15b.28 is amended by removing the word “programs”.

15. The heading for subpart F is revised to read as follows:

Subpart F—Other Aid, Benefits, or Services

Appendix A to Part 15b [Amended]

16. Amend appendix A to part 15b as follows:

(a) In the heading, by removing the words “USDA-Assisted Programs” and adding, in their place, the words “Federal Financial Assistance From USDA”; and

(b) In the introductory text, by removing the word “Programs” and adding, in its place, the words “The types of Federal financial assistance”; and by removing the words “in which Federal financial assistance is rendered”; and

(c) In the chart, by removing the column heading “Program” and adding, in its place, the column heading “Type of Federal Financial Assistance”.  

17. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

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<td>more specifically tailored</td>
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<td>15b.4(b)(3)</td>
<td>programs or activities</td>
<td>aid, benefits, or services</td>
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<td>program</td>
<td>program or activity</td>
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<td>15b.4(b)(5)(i)</td>
<td>or benefits from</td>
<td>aid, benefits, or services</td>
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<td>or benefiting from</td>
<td>from aid, benefits, or services</td>
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<td>the program or activity</td>
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<td>will</td>
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<td>for a program or activity</td>
<td>programs or activities</td>
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<td>the program will</td>
<td>programs or activities</td>
</tr>
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<td>programs and activities</td>
<td>program or activity</td>
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<td>a regular or special education program</td>
<td>program or activity shall</td>
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<td>education</td>
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<td>provides</td>
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<td>program or activity receiving assistance from this Department</td>
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<td>aid, benefits, or services</td>
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<td>provides</td>
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<td>program receiving assistance from this Department</td>
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<td>programs or activities</td>
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<td>15b.35(a)(1), first sentence</td>
<td>under the education program or activity operated by the recipient</td>
<td>aid, benefits, or services</td>
</tr>
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<td>15b.36</td>
<td>programs and activities</td>
<td>activity that provides aid, benefits, or services for</td>
</tr>
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<td>15b.39, first sentence</td>
<td>programs and activities</td>
<td>program or activity</td>
</tr>
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<td>operate</td>
<td>provide</td>
</tr>
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<td>15b.40(a), first sentence</td>
<td>service programs assisted by this Department</td>
<td>services</td>
</tr>
<tr>
<td>15b.41(a)(1)(iv), first sentence</td>
<td>a multi-family rental housing program</td>
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<td>15b.41(b)(2)</td>
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<td>program</td>
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</tbody>
</table>
### Authority and Issuance

- For the reasons set forth in the joint preamble, NRC amends 10 CFR chapter I, part 4 as set forth below:

#### PART 4—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM THE COMMISSION

1. The heading for part 4 is revised as set forth above.

2. The authority citation for part 4 is revised to read as follows:


   Subpart C is also issued under Title III of Pub. L. 94–192, 98 Stat. 1359, 1359 (42 U.S.C. 6101).

   Subpart E is also issued under 29 U.S.C. 794.

3. Section 4.4 is amended by revising paragraph (g) to read as follows:

   **4.4 Definitions.**

   (g) Program or activity and program mean all of the operations of any entity described in paragraphs (g)(1) through (4) of this section, any part of which is extended Federal financial assistance:

   (1) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or

   (2) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship—

   (A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

   (B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

   (4) Any other entity which is established by two or more of the entities described in paragraph (g)(1), (2), or (3) of this section.

4. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

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<th>Remove</th>
<th>Add</th>
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<td>a type of Federal financial assistance</td>
</tr>
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<td>4.3, introductory text, fourth sentence</td>
<td>the program</td>
<td>a program or activity</td>
</tr>
<tr>
<td>4.4(f)</td>
<td>for the purpose of carrying out a program</td>
<td>for any program</td>
</tr>
<tr>
<td>4.4(h)</td>
<td>under any such program</td>
<td></td>
</tr>
</tbody>
</table>

### Subpart A—Regulations Implementing Title VI of the Civil Rights Act of 1964 and Title IV of the Energy Reorganization Act of 1974

5. The heading of §4.22 is revised to read as follows:

   **§4.22 Continuing Federal financial assistance.**

   *(add the text shown in the right column)*

6. Section 4.24 is amended by revising paragraph (b) to read as follows:

   **§4.24 Assurances from institutions.**

   *(add the text shown in the right column)*

7. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

<table>
<thead>
<tr>
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<th>Remove</th>
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<td>such Federal financial assistance</td>
</tr>
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<td>4.13(a)</td>
<td>such programs</td>
<td>fellowships</td>
</tr>
</tbody>
</table>
### Section 4.126 is revised to read as follows:

**Accessibility.** A recipient shall operate each program or activity so that when each part is viewed in its entirety, it is readily accessible to and usable by handicapped persons. *

**Subpart B—Regulations Implementing Section 504 of the Rehabilitation Act of 1973, as Amended**

8. The heading of § 4.126 is revised to read as follows:

**§ 4.126 General requirement concerning accessibility.** *

### Section Remove Add

<table>
<thead>
<tr>
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<tr>
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<tr>
<td>4.121(b)(1)(v)</td>
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<td>4.121(b)(2)</td>
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<td>program or activity</td>
</tr>
<tr>
<td>4.121(b)(3)(ii)</td>
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<td>aid, benefits, or services</td>
</tr>
<tr>
<td>4.121(c)</td>
<td>the benefits of a program</td>
<td>programs or activities</td>
</tr>
<tr>
<td>4.121(c)</td>
<td>a program</td>
<td>those that are social</td>
</tr>
<tr>
<td>4.122(d)</td>
<td>apprenticeship programs</td>
<td>apprenticeships</td>
</tr>
<tr>
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<td>program</td>
<td>program or activity</td>
</tr>
<tr>
<td>4.123(c)</td>
<td>program</td>
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<td>program or activity</td>
</tr>
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<td>4.126</td>
<td>or benefits from program</td>
<td>program accessibility</td>
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<tr>
<td>4.127(b)(1)</td>
<td>offer programs and activities to serve accessibility under paragraph (a) of this section</td>
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<tr>
<td>4.127(d)(3)</td>
<td>program accessibility</td>
<td></td>
</tr>
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</table>

### Subpart C—Regulations Implementing the Age Discrimination Act of 1975, as Amended

11. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

### Section Remove Add

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<thead>
<tr>
<th>Section</th>
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</tr>
</thead>
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<tr>
<td>4.313, introductory text, first sentence</td>
<td>program of activity</td>
<td>program of activity</td>
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<td>4.321, first sentence</td>
<td>programs and activities</td>
<td>programs and activities</td>
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<tr>
<td>4.321, second sentence</td>
<td>programs and activities</td>
<td>programs and activities</td>
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<tr>
<td>4.334(a)(2), last sentence</td>
<td>program</td>
<td>programs or activities</td>
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</table>
### Definitions—General

<table>
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<th>Add</th>
</tr>
</thead>
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<tr>
<td>4.336(c)(2), first sentence</td>
<td>Federal program or activity program</td>
<td>Federal financial assistance programs activities</td>
</tr>
<tr>
<td>4.338(c)</td>
<td>program or activity</td>
<td></td>
</tr>
<tr>
<td>4.339(b)(2)</td>
<td>programs or activities</td>
<td></td>
</tr>
<tr>
<td>4.341(b)</td>
<td>programs</td>
<td></td>
</tr>
<tr>
<td>4.341(c)</td>
<td>programs</td>
<td></td>
</tr>
<tr>
<td>4.341(d)</td>
<td>programs</td>
<td></td>
</tr>
</tbody>
</table>

### Authority and Issuance


William D. Travers, Executive Director for Operations, Nuclear Regulatory Commission.

DEPARTMENT OF ENERGY 10 CFR Chapter X

RIN 1901–AA86

Authority and Issuance

- For the reasons set forth in the joint preamble, DOE amends 10 CFR chapter X, part 1040 as set forth below:

### PART 1040—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OR ACTIVITIES

1. The heading for part 1040 is revised to read as set forth above.

2. The authority citation for part 1040 is revised to read as follows:


### Subpart A—General Provisions

3. Section 1040.3 is amended by revising paragraph (u) to read as follows:

### §1040.3 Definitions—General.

(u) Program or activity and program mean all of the operations of any entity described in paragraphs (u)(1) through (4) of this section, any part of which is extended Federal financial assistance:

- (i) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or
- (ii) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government:
  - (B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or
  - (C) An entire corporation, partnership, or other private organization, or sole proprietorship—
    - (A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or
    - (B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or
  - (ii) A college, university, or other postsecondary institution, or a public system of higher education; or
  - (ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;
  - (3)(i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—
  - (A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or
  - (B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or
  - (ii) A college, university, or other postsecondary institution, or a public system of higher education; or
  - (ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;
  - (3)(i) An entire corporation, partnership, or other private organization, or sole proprietorship—
    - (A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or
    - (B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or
  - (ii) A college, university, or other postsecondary institution, or a public system of higher education; or
  - (ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

4. Section 1040.4 is amended by revising paragraph (d) and the heading of paragraph (f) to read as follows:

### §1040.4 Assurances required and preaward review.

(d) Assurances from government agencies. In the case of any application for assistance, the assurance required by this section is to extend to any other department, agency, or office of the same governmental unit.

(f) Continuing Federal financial assistance.

5. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:
Subpart B—Title VI of the Civil Rights Act of 1964; Section 16 of the Federal Energy Administration Act of 1974, as Amended; and Section 401 of the Energy Reorganization Act of 1974

6. Section 1040.13 is amended by revising paragraph (e) to read as follows:

§ 1040.13 Discrimination prohibited.
(e) For the purpose of this section, the disposition, services, financial aid, or benefits provided under a program receiving Federal financial assistance include all portions of the recipient’s program or activity, including facilities, equipment, or property provided with the aid of Federal financial assistance.

7. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

<table>
<thead>
<tr>
<th>Section</th>
<th>Remove</th>
<th>Add</th>
</tr>
</thead>
<tbody>
<tr>
<td>1040.11(b), first sentence</td>
<td>administering or substantially benefiting from programs and services</td>
<td>programs or activities</td>
</tr>
<tr>
<td>1040.11(b), first sentence</td>
<td>programs or activities</td>
<td>objectives of the program</td>
</tr>
<tr>
<td>1040.12(b), first sentence</td>
<td>program objectives</td>
<td>from benefits</td>
</tr>
<tr>
<td>1040.13(b), introductory text</td>
<td>programs funded</td>
<td>Federal financial assistance provided</td>
</tr>
<tr>
<td>1040.13(c)</td>
<td></td>
<td>mobility programs</td>
</tr>
<tr>
<td>1040.13(g), first sentence</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1040.13(g), last sentence</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1040.14(a)(1), introductory text, first sentence</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Subpart D—Nondiscrimination on the Basis of Handicap—Section 504 of the Rehabilitation Act of 1973, as Amended

§ 1040.63 [Amended]
8. In § 1040.63, the heading of paragraph (c) is amended by removing the word “Programs,” and adding, in its place, the words “Aid, benefits, or services”.

9. The undesigned center heading immediately preceding § 1040.71 is amended by removing the word “Program”.

10. Section 1040.72 is amended by revising the heading and first sentence of paragraph (a) to read as follows:

§ 1040.72 Existing facilities.
(a) Accessibility. A recipient shall operate any program or activity to which this subpart applies so that when each part is viewed in its entirety it is readily accessible and usable by handicapped persons. * * * * * * * * *

11. Section 1040.74 is amended by revising the section heading, the heading of paragraph (a), the first sentence of paragraph (a), the first sentence of paragraphs (a)(1), (a)(2), and (a)(3) to read as follows:

§ 1040.74 Accessibility in historic properties.
(a) Methods to accomplish accessibility. Recipients shall operate each program or activity involving historic properties so that when each part is viewed in its entirety it is readily accessible to and usable by handicapped persons. * * * * *

(1) Methods to accomplish accessibility without building alterations or structural changes. * * *

(2) Methods to accomplish accessibility resulting in building alterations. * * *

(3) Methods to accomplish accessibility resulting in structural changes. * * *

12. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

<table>
<thead>
<tr>
<th>Section</th>
<th>Remove</th>
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</thead>
<tbody>
<tr>
<td>1040.61(b)</td>
<td>or benefits from program</td>
<td>program or activity</td>
</tr>
<tr>
<td>1040.63(a)</td>
<td>or benefits from program</td>
<td>aid, benefits, or services</td>
</tr>
<tr>
<td>1040.63(b)(1)(iv)</td>
<td>program</td>
<td>program or activity</td>
</tr>
<tr>
<td>1040.63(b)(2)</td>
<td>programs or activities</td>
<td></td>
</tr>
<tr>
<td>1040.63(b)(3)</td>
<td>program</td>
<td></td>
</tr>
<tr>
<td>1040.63(b)(4)(iii)</td>
<td>program</td>
<td></td>
</tr>
<tr>
<td>1040.63(b)(6)</td>
<td>or benefiting from program</td>
<td></td>
</tr>
<tr>
<td>1040.63(c)</td>
<td>the benefits of a program</td>
<td>aid, benefits, or services</td>
</tr>
<tr>
<td>1040.63(c)</td>
<td>from a program</td>
<td>from aid, benefits, or services</td>
</tr>
<tr>
<td>1040.63(d)</td>
<td>programs of activities</td>
<td>programs or activities</td>
</tr>
<tr>
<td>1040.64(c), first sentence</td>
<td>under any program to which assistance under any program for those that are social</td>
<td></td>
</tr>
<tr>
<td>1040.64(c), last sentence</td>
<td>assistance under any program for apprenticeships</td>
<td></td>
</tr>
<tr>
<td>1040.66(a)(3), last sentence</td>
<td>apprenticeship programs</td>
<td></td>
</tr>
<tr>
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<td>1040.66(b)(8)</td>
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<td>1040.67(a)</td>
<td>program</td>
<td></td>
</tr>
<tr>
<td>1040.67(c), introductory text</td>
<td>program</td>
<td></td>
</tr>
<tr>
<td>1040.67(c)(1)</td>
<td>program</td>
<td></td>
</tr>
<tr>
<td>1040.67(d), first sentence</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1040.67(d)(3)</td>
<td>offer programs and activities to serve accessibility under § 1040.72(a)</td>
<td></td>
</tr>
<tr>
<td>1040.74(a), introductory text, second sentence</td>
<td>program</td>
<td></td>
</tr>
<tr>
<td>1040.74(a), introductory text, last sentence</td>
<td>program</td>
<td></td>
</tr>
<tr>
<td>1040.74(a)(1)(i)</td>
<td>programs</td>
<td>aid, benefits, or services</td>
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<tr>
<td>1040.74(a)(1)(i)</td>
<td>programs or activities</td>
<td>aid, benefits, or services</td>
</tr>
<tr>
<td>1040.74(a)(1)(iv)</td>
<td>programs</td>
<td>aid, benefits, or services</td>
</tr>
</tbody>
</table>
Subpart E—Nondiscrimination on the Basis of Age—Age Discrimination Act of 1975, as Amended

13. The authority citation for subpart E is revised to read as follows:


Appendix A to Subpart E to Part 1040 [Amended]

14. Appendix A to subpart E to part 1040 is amended by removing the words “or program” from the sixth column heading.

15. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

<table>
<thead>
<tr>
<th>Section</th>
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<td>programs or activities</td>
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<tr>
<td>1040.82(a)</td>
<td>or benefits from</td>
<td></td>
</tr>
<tr>
<td>1040.83(i)</td>
<td>programs and activities</td>
<td></td>
</tr>
<tr>
<td>1040.88(c)</td>
<td>Office of Equal Opportunity (OEO)</td>
<td>Office of Civil Rights and Diversity</td>
</tr>
<tr>
<td>1040.89-1, first sentence</td>
<td>program</td>
<td></td>
</tr>
<tr>
<td>1040.89-5(a), third sentence</td>
<td>programs and activities</td>
<td></td>
</tr>
<tr>
<td>1040.89-5(a), last sentence</td>
<td>Office of Equal Opportunity (OEO)</td>
<td></td>
</tr>
<tr>
<td>1040.89-5(b), introductory text</td>
<td>OEO</td>
<td></td>
</tr>
<tr>
<td>1040.89-5(c), first sentence</td>
<td>OEO</td>
<td></td>
</tr>
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</tr>
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</tr>
</tbody>
</table>


Spencer Abraham,
Secretary, Department of Energy.

SMALL BUSINESS ADMINISTRATION

13 CFR Chapter I

RIN 3245–AE59

Authority and Issuance

1. The authority citation for part 112 continues to read as follows:


2. Section 112.2 is amended by adding paragraph (e) to read as follows:

§112.2 Application of this part.

(e) The terms program or activity and program mean all of the operations of any entity described in paragraphs (e)(1) through (4) of this section, any part of which is extended Federal financial assistance:

1. A department, agency, special purpose district, or other instrumentality of a State or of a local government;

2. The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of a State or local government;

3. A college, university, or other postsecondary institution, or a public system of higher education; or

4. A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

4. Any other entity which is established by two or more of the entities described in paragraph (e)(1),(2), or (3) of this section.

Appendix A to Part 112 [Amended]

3. The chart in appendix A to part 112 is amended by removing the heading “Name of program” and adding, in its place, the heading “Name of Federal financial assistance”; by removing the heading “Financial Programs” and adding, in its place, the heading “Federal Financial Assistance Involving Grants of Funds”; and by removing the heading “Nonfinancial Programs” and adding, in its place, the heading “Other Federal Financial Assistance”.

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

4. Any other entity which is established by two or more of the entities described in paragraph (e)(1),(2), or (3) of this section.

Appendix A to Part 112 [Amended]

3. The chart in appendix A to part 112 is amended by removing the heading “Name of program” and adding, in its place, the heading “Name of Federal financial assistance”; by removing the heading “Financial Programs” and adding, in its place, the heading “Federal Financial Assistance Involving Grants of Funds”; and by removing the heading “Nonfinancial Programs” and adding, in its place, the heading “Other Federal Financial Assistance”.

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

4. Any other entity which is established by two or more of the entities described in paragraph (e)(1),(2), or (3) of this section.

Appendix A to Part 112 [Amended]
4. The note immediately following appendix A to part 112 is amended by removing the word “programs” and adding, in its place, the words “types of Federal financial assistance”.

5. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

<table>
<thead>
<tr>
<th>Section</th>
<th>Remove</th>
<th>Add</th>
</tr>
</thead>
<tbody>
<tr>
<td>112.2(a)</td>
<td>assistance under programs</td>
<td>Federal financial assistance a program</td>
</tr>
<tr>
<td>112.3(b)(3), first sentence</td>
<td>for each program</td>
<td></td>
</tr>
<tr>
<td>112.8, last sentence</td>
<td>in the program</td>
<td></td>
</tr>
</tbody>
</table>

PART 117—NONDISCRIMINATION IN FEDERALLY FUNDED PROGRAMS OR ACTIVITIES OF SBA—EFFECTUATION OF THE AGE DISCRIMINATION ACT OF 1975, AS AMENDED

6. The heading for part 117 is revised to read as set forth above.

7. The authority citation for part 117 continues to read as follows:


8. Section 117.2 is amended by revising paragraph (a) to read as follows:

§117.2 Application of this part.

(a) This part applies to all recipients of Federal financial assistance administered by the Small Business Administration, whether or not the specific type of Federal financial assistance administered is listed in appendix A.

9. Section 117.3 is amended by redesignating paragraphs (j) through (m) as paragraphs (k) through (n), and adding a new paragraph (j) to read as follows:

§117.3 Definitions.

(j) The term program or activity means all of the operations of any entity described in paragraphs (j)(1) through (4) of this section, any part of which is extended Federal financial assistance:

(1)(i) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(2)(i) A college, university, or other postsecondary institution, or a public system of higher education; or

(ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

(3)(i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(4) Any other entity which is established by two or more of the entities described in paragraph (j)(1), (2), or (3) of this section.

Appendix A to Part 117 [Amended]

10. The chart in appendix A to part 117 is amended by removing the words “Name of program” and adding, in their place, the words “Type of Federal financial assistance”.

11. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

<table>
<thead>
<tr>
<th>Section</th>
<th>Remove</th>
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</thead>
<tbody>
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<td>117.1</td>
<td>programs</td>
<td>programs or activities</td>
</tr>
<tr>
<td>117.3(j), first sentence</td>
<td>under any program</td>
<td>programs or activities</td>
</tr>
<tr>
<td>117.4(b)(2)</td>
<td>programs in a program</td>
<td>program</td>
</tr>
<tr>
<td>117.5(b), first sentence</td>
<td>business or program</td>
<td>program or activity</td>
</tr>
<tr>
<td>117.6(b)</td>
<td>program</td>
<td>program or activity</td>
</tr>
<tr>
<td>117.7, first sentence</td>
<td>under any program</td>
<td></td>
</tr>
<tr>
<td>117.7, last sentence</td>
<td>for each program, in the program</td>
<td></td>
</tr>
<tr>
<td>117.8(a), first sentence</td>
<td>programs and activities its program beneficiaries</td>
<td>programs or activities</td>
</tr>
<tr>
<td>117.8(c)</td>
<td></td>
<td>the beneficiaries of its programs or activities</td>
</tr>
<tr>
<td>117.15(a)(3), first sentence</td>
<td>program under the programs involved</td>
<td>to which this regulation applies</td>
</tr>
<tr>
<td>117.17(f)</td>
<td>assistance will</td>
<td>assistance to which this regulation applies will</td>
</tr>
<tr>
<td>117.17(f)</td>
<td>under such program</td>
<td></td>
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</table>

Hector V. Barreto,
Administrator, Small Business Administration.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Chapter V

RIN 2700–AC41

Authority and Issuance

* * * * *

PART 1250—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF NASA—EFFECTION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

1. The authority citation for part 1250 continues to read as follows:

Authority: Sec. 602, 78 Stat. 252, 42 U.S.C. 2000d–1; and the laws listed in appendix A to this part.

2. Section 1250.102 is amended by revising paragraph (h) to read as follows:

§ 1250.102 Definitions.

(h) Program or activity and program mean all of the operations of any entity described in paragraphs (b)(1) through (d)(4) of this section, any part of which is extended Federal financial assistance:

(1)(i) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(ii) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(2)(i) A college, university, or other postsecondary institution, or a public system of higher education; or

(ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

(3)(i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(4) Any other entity which is established by two or more of the entities described in paragraph (b)(1), (2), or (3) of this section.

* * * * *

3. Section 1250.103–4 is amended by revising paragraph (b) to read as follows:

§ 1250.103–4 Illustrative applications.

* * * * *

(b) In a research or training 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.

* * * * *

4. Section 1250.103–5 is amended by revising the heading to read as follows:

§ 1250.103–5 Special benefits.

* * * * *

5–6. Section 1250.104 is amended by revising paragraph (c)(2) and by removing paragraph (d)(2) and the paragraph designation (d)(1), to read as follows:

§ 1250.104 Assurances.

* * * * *

(c) * * *

(2) The assurances from such an applicant shall be applicable to the entire organization of the applicant.

* * * * *

7. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

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<td>a program</td>
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<td>Federal statutes, authorities, or other means</td>
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<td>the benefits of a program</td>
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PART 1251—NONDISCRIMINATION ON BASIS OF HANDICAP

§ 1251.102 Definitions.

(k) Program or activity means all of the operations of any entity described in paragraphs (k)(1) through (4) of this section, any part of which is extended Federal financial assistance:

(1)(i) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(ii) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(2)(i) A college, university, or other postsecondary institution, or a public system of higher education; or

(ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

(3)(i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(4) Any other entity which is established by two or more of the entities described in paragraph (k)(1), (2), or (3) of this section.

1252.102 To what programs or activities do these regulations apply?


In § 1252.102, the heading of paragraph (c) is amended by removing the word “Programs” and adding, in its place, the words “Aid, benefits, or services”.

The heading of subpart 1251.3 of part 1251 is revised to read as follows:

Subpart 1251.3—Accessibility

In § 1252.301, the heading and first sentence of paragraph (a) are revised to read as follows:

§ 1252.301 Existing facilities.

(a) Accessibility. A recipient shall operate each program or activity to which his part applies so that when each part is viewed in its entirety it is readily accessible to handicapped persons.

In the table below, for each section indicated in the left column, remove the text shown in the middle column, and add the text shown in the right column:

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<td>or benefiting from programs or activities</td>
<td>aid, benefits, or services</td>
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<td>aid, benefits, or services</td>
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<td>or benefiting from</td>
<td>from aid, benefits, or services</td>
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<td>those that are social</td>
<td>accessibility under paragraph (a) of this section</td>
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</table>

PART 1252—NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

14. The heading for part 1252 is revised to read as set forth above.

15. The authority citation for part 1252 continues to read as follows:


In § 1252.103, the heading of paragraph (n) is amended by adding the heading to read as follows:

§ 1252.103 Definitions.

(n) Program or activity means all of the operations of any entity described in paragraphs (n)(1) through (4) of this section.
section, any part of which is extended Federal financial assistance:
(1)(i) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or
(ii) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;
(2)(i) A college, university, or other postsecondary institution, or a public system of higher education; or
(ii) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;
(4) Any other entity which is established by two or more of the entities described in paragraph (n)(1), (2), or (3) of this section.

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<td>or benefits from program</td>
<td>program or activity</td>
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<td>program programs and activities</td>
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</table>


Sean O’Keefe,
Administrator, National Aeronautics and Space Administration.

DEPARTMENT OF COMMERCE

15 CFR Subtitle A

RIN 0690-AA30

Authority and Issuance

For the reasons set forth in the joint preamble, DOC amends 15 CFR subtitle A, parts 8, 8b, and 20 as set forth below:

PART 8—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE DEPARTMENT OF COMMERCE: EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

1. The authority citation for part 8 continues to read as follows:


2. Section 8.3 is amended by revising paragraph (g) to read as follows:

§ 8.3 Definitions.

(g) Program or activity and program mean all of the operations of any entity described in paragraphs (g)(1) through (4) of this section, any part of which is extended Federal financial assistance:
(1)(i) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or
(ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;
(3)(i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—
(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or
(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or
(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or
(4) Any other entity which is established by two or more of the entities described in paragraph (g)(1), (2), or (3) of this section.

3. Section 8.5 is amended by revising paragraph (b)(10) to read as follows:

§ 8.5 Nondiscrimination clause.

(b) * * *
(10) In the case where any assurances are required from an academic, a medical care, detention or correctional, or any other institution or facility, insofar as the assurances relate to the institution’s practices with respect to the admission, care, or other treatment of persons by the institution or with respect to the opportunity of persons to participate in the receiving or providing of services, treatment, or benefits, such assurances shall be applicable to the entire institution or facility.

4. Section 8.6 is amended by revising the heading of paragraph (a) to read as follows:

§ 8.6 Applicability of this part to Department assisted programs.

(a) Assistance to support economic development.

Appendix A to Part 8 [Amended]

5. The heading for appendix A to part 8 is amended by removing the word “Programs” and adding, in its place, the words “Federal Financial Assistance”.

6. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:
### Section 8b.3 Definitions.

(h) **Program or activity** means all of the operations of any entity described in paragraphs (h)(1) through (4) of this section, any part of which is extended Federal financial assistance:

1. A department, agency, special purpose district, or other instrumentality of a State or of a local government; or
2. The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of

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<td>plan</td>
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<td>to carry out a program</td>
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### PART 8b—PROHIBITION OF DISCRIMINATION AGAINST THE HANDICAPPED IN FEDERALLY ASSISTED PROGRAMS OR ACTIVITIES OF THE DEPARTMENT OF COMMERCE

7. The heading for part 8b continues to read as set forth above.

8. The authority citation for part 8b continues to read as follows:

**Authority:** 29 U.S.C. 794.

9. Section 8b.3 is amended by redesignating paragraphs (h) through (l) as paragraphs (i) through (m), respectively; and adding a new paragraph (h) to read as follows:

**§ 8b.3 Definitions.**

(h) **Program or activity** means all of the operations of any entity described in paragraphs (h)(1) through (4) of this section, any part of which is extended Federal financial assistance:

1. A department, agency, special purpose district, or other instrumentality of a State or of a local government; or
2. The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of

- Federal financial assistance is extended, in the case of
- Any other entity which is established by two or more of the entities described in paragraph (h)(1), (2), or (3) of this section.

10. Section 8b.4 is amended by revising the heading of paragraph (c) to read as follows:

**§ 8b.4 Discrimination prohibited.**

* * * * *

(c) **Aid, benefits, or services limited by Federal law.**

* * * * *

**Subpart C of Part 8b—[Amended]**

11. The heading for subpart C of part 8b is amended by removing the word “Program.”

12. Section 8b.17 is amended by revising the heading and first sentence of paragraph (a) to read as follows:

**§ 8b.17 Existing facilities.**

(a) **Accessibility.** A recipient shall operate each program or activity to which this part applies so that when each part is viewed in its entirety it is readily accessible to qualified handicapped individuals. * * *

* * * * *
## PART 20—NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

### § 20.2 Programs or activities to which these regulations apply.

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<td>8b.8(a), second sentence</td>
<td>programs and activities</td>
<td>programs or activity</td>
</tr>
<tr>
<td>8b.10(a)</td>
<td>programs</td>
<td>programs or activity</td>
</tr>
<tr>
<td>8b.11(a)(1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8b.11(a)(3), last sentence</td>
<td>apprenticeship programs</td>
<td></td>
</tr>
<tr>
<td>8b.12(a)</td>
<td>program</td>
<td></td>
</tr>
<tr>
<td>8b.12(b)(1)</td>
<td>program</td>
<td></td>
</tr>
<tr>
<td>8b.12(c), introductory text</td>
<td>program</td>
<td></td>
</tr>
<tr>
<td>8b.12(c)(1)</td>
<td>program</td>
<td></td>
</tr>
<tr>
<td>8b.12(e)</td>
<td>program</td>
<td></td>
</tr>
<tr>
<td>8b.17(a), third sentence</td>
<td>Program accessibility</td>
<td>Accessibility</td>
</tr>
<tr>
<td>8b.17(a), last sentence</td>
<td>program</td>
<td>aid, benefit, or service</td>
</tr>
<tr>
<td>8b.17(b), last sentence</td>
<td>offer programs and activities to serve</td>
<td>accessibility under § 8b.17(a)</td>
</tr>
<tr>
<td>8b.17(e)(2)</td>
<td>programs and activities</td>
<td>programs or activities</td>
</tr>
<tr>
<td>8b.19</td>
<td>or benefiting from</td>
<td>aid, benefits, or services</td>
</tr>
<tr>
<td>8b.19</td>
<td>program or activity</td>
<td></td>
</tr>
<tr>
<td>8b.19</td>
<td>programs and activities</td>
<td></td>
</tr>
<tr>
<td>8b.19</td>
<td>in its program</td>
<td></td>
</tr>
<tr>
<td>8b.22(d)(1), first sentence</td>
<td>under the education program or activity operated by the recipient</td>
<td>aids, benefits, or services</td>
</tr>
</tbody>
</table>

### § 20.3 Definitions.

- (j) *Program or activity* means all of the operations of any entity described in paragraphs (j)(1) through (4) of this section, any part of which is extended Federal financial assistance:
  1. (i) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or
  2. (ii) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government; or
  3. (ii) A college, university, or other postsecondary institution, or a public system of higher education; or
  4. (ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system; or
  5. (ii) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—
     A. If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or
     B. Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

### 15. The authority citation for part 20 continues to read as follows:


### 16. The heading of § 20.2 is revised to read as follows:

*§ 20.2 Programs or activities to which these regulations apply.*
assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(4) Any other entity which is established by two or more of the entities described in paragraph (j)(1),(2), or (3) of this section.

* * * * *

Section Remove Add
--- ---------- ----------
20.1, last sentence programs and activities programs or activities
20.2(a) or benefits from program
20.4(d) program
20.7, introductory text programs and activities programs
20.7(a), first sentence program program
20.13(a)(2), last sentence program program
20.15(a)(1), last sentence program program and activity
20.15(b) Federal program or activity
20.15(c)(2), first sentence Federal program
20.18(b)(2) program

Suzan J. Aramaki, Director, Office of Civil Rights, Department of Commerce.

TENNESSEE VALLEY AUTHORITY
18 CFR Chapter XIII
RIN 3316–AA20

Authority and Issuance

For the reasons set forth in the joint preamble, TVA amends 18 CFR chapter XIII, parts 1302, 1307, and 1309 as set forth below:

PART 1302—NONDISCRIMINATION IN FEDERALEY ASSISTED PROGRAMS OF TVA—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

1. The authority citation for part 1302 continues to read as follows:


2. Section 1302.3 is amended by adding a new paragraph (e) to read as follows:

§ 1302.3 Definitions.

* * * * *

(e) Program or activity and program refer to all of the operations of any entity described in paragraphs (e)(1) through (4) of this section, any part of which is extended Federal financial assistance:

(1)(i) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(ii) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(2)(i) A college, university, or other postsecondary institution, or a public system of higher education; or

(ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

(3)(i) An entire corporation, partnership, private organization, or sole proprietorship—

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship;

(4) Any other entity which is established by two or more of the entities described in paragraph (e)(1), (2), or (3) of this section.

3. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

<table>
<thead>
<tr>
<th>Section</th>
<th>Remove</th>
<th>Add</th>
</tr>
</thead>
<tbody>
<tr>
<td>1302.2, introductory text, first sentence</td>
<td>program in which programs</td>
<td>program for which types of Federal financial assistance</td>
</tr>
<tr>
<td>1302.2, introductory text, second sentence</td>
<td>programs under any such program</td>
<td>a type of Federal financial assistance</td>
</tr>
<tr>
<td>1302.2(b)</td>
<td>under any such program</td>
<td>types of Federal financial assistance</td>
</tr>
<tr>
<td>1302.2(c)</td>
<td>a program</td>
<td></td>
</tr>
<tr>
<td>1302.2, concluding text, first sentence</td>
<td>such program programs</td>
<td>with</td>
</tr>
<tr>
<td>1302.2, concluding text, last sentence</td>
<td>under any program or activity</td>
<td>in</td>
</tr>
<tr>
<td>1302.4(b)(1), introductory text</td>
<td>in the program</td>
<td>program for which</td>
</tr>
<tr>
<td>1302.5(a), last sentence</td>
<td>through a program of programs</td>
<td>programs</td>
</tr>
<tr>
<td>1302.5(b), first sentence</td>
<td>under a program of program</td>
<td>Federal statutes, authorities, or other means</td>
</tr>
<tr>
<td>1302.5(b), second sentence</td>
<td>of any program under program under which</td>
<td>by which Federal financial assistance is extended and</td>
</tr>
<tr>
<td>1302.5(b), third sentence</td>
<td>program under which</td>
<td></td>
</tr>
<tr>
<td>1302.5(b), last sentence</td>
<td>program</td>
<td></td>
</tr>
<tr>
<td>1302.6(d)</td>
<td>program</td>
<td></td>
</tr>
<tr>
<td>1302.7(b)(3)(i)</td>
<td>program</td>
<td></td>
</tr>
<tr>
<td>1302.7(c)(3)(ii)(B)</td>
<td>program</td>
<td></td>
</tr>
<tr>
<td>1302.9(e), first sentence</td>
<td>programs</td>
<td></td>
</tr>
</tbody>
</table>
### PART 1307—NONDISCRIMINATION WITH RESPECT TO HANDICAP

4. The authority citation for part 1307 continues to read as follows:


5. Section 1307.1 is amended by adding paragraph (k) to read as follows:

**§ 1307.1 Definitions.**

5. Section 1307.1 is amended by adding paragraph (k) to read as follows:

(k) Program or activity means all of the operations of any entity described in paragraphs (k)(1) through (4) of this section, any part of which is extended Federal financial assistance:

(1)(i) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(ii) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(2)(i) A college, university, or other postsecondary institution, or a public system of higher education; or

(ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

(3)(i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(4) Any other entity which is established by two or more of the entities described in paragraph (k)(1), (2), or (3) of this section.

6. The heading of § 1307.4 is revised to read as follows:

**§ 1307.4 Discrimination prohibited.**

(b) * * *

1. Each program or activity subject to this part shall be operated so that when each part is viewed in its entirety it is readily accessible to and usable by qualified handicapped persons. * * *

6. The table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

<table>
<thead>
<tr>
<th>Section</th>
<th>Remove</th>
<th>Add</th>
</tr>
</thead>
<tbody>
<tr>
<td>1307.3, first sentence</td>
<td>program in which</td>
<td>program or activity for which</td>
</tr>
<tr>
<td>1307.3, first sentence</td>
<td>under any program</td>
<td></td>
</tr>
<tr>
<td>1307.4(b)(1)(i)</td>
<td>under any such program</td>
<td></td>
</tr>
<tr>
<td>1307.4(b)(1)(ii)</td>
<td>under any program</td>
<td></td>
</tr>
<tr>
<td>1307.4(b)(1)(iii)</td>
<td>program</td>
<td>program or activity</td>
</tr>
<tr>
<td>1307.4(b)(1)(iv)</td>
<td>program</td>
<td>program or activity</td>
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<tr>
<td>1307.4(b)(1)(v)</td>
<td>program</td>
<td>program or activity</td>
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<td>1307.4(b)(1)(vi)</td>
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<td>program or activity</td>
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<td>1307.4(b)(1)(vii)</td>
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<td>program or activity</td>
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<td>1307.4(b)(2)</td>
<td>program</td>
<td>program or activity</td>
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<td>1307.4(b)(2)</td>
<td>activities</td>
<td>aid, benefits, or services</td>
</tr>
<tr>
<td>1307.4(b)(3)(i)</td>
<td>program</td>
<td>program or activity</td>
</tr>
<tr>
<td>1307.4(b)(4)</td>
<td>program</td>
<td>program or activity</td>
</tr>
<tr>
<td>1307.4(b)(4)(i)</td>
<td>program</td>
<td>program or activity</td>
</tr>
<tr>
<td>1307.4(c)</td>
<td>the benefits of a program</td>
<td>aid, benefits, or services</td>
</tr>
<tr>
<td>1307.4(c)</td>
<td>from a program</td>
<td>from aid, benefits, or services</td>
</tr>
<tr>
<td>1307.4(d)</td>
<td>programs and activities</td>
<td>programs or activities</td>
</tr>
<tr>
<td>1307.4(d)</td>
<td>last sentence</td>
<td>programs</td>
</tr>
<tr>
<td>1307.4(d)</td>
<td>programs</td>
<td>aid, benefits, or services</td>
</tr>
<tr>
<td>1307.4(d)</td>
<td>social</td>
<td>those that are social</td>
</tr>
<tr>
<td>1307.4(e)(3)</td>
<td>apprenticeship programs</td>
<td>apprenticeships</td>
</tr>
<tr>
<td>1307.5(c)(8)</td>
<td>programs</td>
<td>programs or activities</td>
</tr>
<tr>
<td>1307.5(c)(8)</td>
<td>program</td>
<td>program or activity</td>
</tr>
<tr>
<td>1307.5(d)</td>
<td>programs</td>
<td>program or activity</td>
</tr>
<tr>
<td>1307.6(a)</td>
<td>programs</td>
<td>comply with paragraph (b)(1) of this section</td>
</tr>
<tr>
<td>1307.6(b)(1), third sentence</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1307.6(b)(1), last sentence</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1307.6(b)(2)</td>
<td>make covered programs or activities in existing facilities recipient accessible</td>
<td>program or activity</td>
</tr>
</tbody>
</table>
PART 1309—NONDISCRIMINATION WITH RESPECT TO AGE

9. The authority citation for part 1309 continues to read as follows:


10. Section 1309.1 is amended by redesignating paragraphs (h) through (l) as paragraphs (i) through (m), and adding paragraph (h) to read as follows:

§ 1309.1 What are the defined terms in this part and what do they mean?

(h) Program or activity means all of the operations of any entity described in paragraphs (h)(1) through (4) of this section, any part of which is extended Federal financial assistance:

(i) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(ii) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to which this regulation applies will

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(4) Any other entity which is established by two or more of the entities described in paragraph (h)(1), (2), or (3) of this section.

11. The heading for § 1309.4 is revised to read as follows:

§ 1309.4 What programs or activities are covered by the Act and this part?

12. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

<table>
<thead>
<tr>
<th>Section</th>
<th>Remove</th>
<th>Add</th>
</tr>
</thead>
<tbody>
<tr>
<td>1307.7(b), first sentence</td>
<td>through a program of</td>
<td>with</td>
</tr>
<tr>
<td>1307.7(b), second sentence</td>
<td>under a program of</td>
<td>with</td>
</tr>
<tr>
<td>1307.7(b), third sentence</td>
<td>of any program under in</td>
<td>statute</td>
</tr>
<tr>
<td>1307.10(c), last sentence</td>
<td>program</td>
<td>program or activity for which</td>
</tr>
<tr>
<td>1307.10(c), last sentence</td>
<td>programs</td>
<td>program or activity</td>
</tr>
<tr>
<td>1307.11(e) first sentence</td>
<td>under the program involved</td>
<td>Federal statutes, authorities, or other means</td>
</tr>
<tr>
<td>1307.12(f)</td>
<td>assistance will</td>
<td>by which Federal financial assistance is extended and</td>
</tr>
<tr>
<td>1307.12(f)</td>
<td>under such program</td>
<td>to which this regulation applies</td>
</tr>
<tr>
<td>1307.12(f)</td>
<td>programs</td>
<td>assistance to which this regulation applies will</td>
</tr>
<tr>
<td>1307.13(b), first sentence</td>
<td>programs</td>
<td>programs or activities</td>
</tr>
</tbody>
</table>

1307.13(b), first sentence | program | programs or activities |

1307.14(a), third sentence | under a program of | programs or activities |

1307.14(d)(2), last sentence | under the program involved | with |

1307.15(b), first sentence | program | statute |

1307.15(c)(2), first sentence | the TVA program | programs or activities |

1307.16, last sentence | program or activity | in |

1307.17(e), first sentence | programs | program or activity for which |

1307.17(f)(3) | under the program involved | Federal financial assistance |

1307.17(f)(3) | assistance will | Federal statutes, authorities, or other means |

1307.17(f)(3) | under such program | by which Federal financial assistance is extended and |

1307.17(f)(3) | program | to which this regulation applies |

1307.17(f)(3) | program or activity | assistance to which this regulation applies will |
Section | Remove | Add
--- | --- | ---
141.2, first sentence | federally-assisted programs and activities | types of Federal financial assistance under any such program | program under which
under any such program | benefits
141.2, second sentence | program or activity | type of Federal financial assistance under any such program | benefits
141.2(b) | such program | program under which
141.2(c) | under any program | the benefits of a program | benefits
141.2, penultimate sentence | to carry out a program | student loans
141.2, penultimate sentence | a program of | Federal statutes, authorities, or other means
141.3(b)(1), introductory text | for each program, | by which Federal financial assistance is extended
141.3(c) | in the program | and
141.4(a)(1), first sentence | a student loan program | program for which
141.4(a)(2), third sentence | of any program under | Federal financial assistance is extended
141.4(a)(3), first sentence | under any such program | and
to which this regulation applies
141.4(a)(3), first sentence | under any such program | assistance to which this regulation applies
141.4(b)(1) | the program | will
141.4(b)(1) | a student loan program | assistance to which this regulation applies will
141.4(b)(1) | of any program under | Federal statutes, authorities, or other means
141.5(b), last sentence | Federal financial assistance is extended
141.5(d) | under which | and
141.8(e), first sentence | programs
141.9(f) | under the program involved
under any such program | types of Federal financial assistance
141.9(f) | the program extending
141.12(c) | for any program,
141.12(c) | under any such program | for the purpose of carrying out a program
141.12(c) | for the purpose of carrying out a program
141.12(d) | student loans
141.12(g) | program for which
141.12(h) | Federal statutes, authorities, or other means


Steven R. Ayers,
General Manager, Contracts/Supplier & Diverse Business Relations, Tennessee Valley Authority.

DEPARTMENT OF STATE
22 CFR Chapter I
RIN 1400—AB17

Authority and Issuance

For the reasons set forth in the joint preamble, the Department of State amends 22 CFR chapter I, parts 141 through 143 as set forth below:

PART 141—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE DEPARTMENT OF STATE—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

1. The authority citation for part 141 continues to read as follows:


2. Section 141.3 is amended by revising the heading of paragraph (c) to read as follows:

§ 141.3 Discrimination prohibited.

(c) Special benefits.

3. Section 141.4 is amended by revising paragraph (b)(2) to read as follows:

§ 141.4 Assurances required.

(b) * * *

(2) The assurance required with respect to an institution of higher education, or any other institution, insofar as the assurance relates to the institution’s practices with respect to admission or other treatment of individuals as students, or clients of the institution or to the opportunity to participate in the provision of services or other benefits to such individuals, shall be applicable to the entire institution.

4. Section 141.12 is amended by revising paragraph (f) to read as follows:

§ 141.12 Definitions.

(f) The terms program or activity and program mean all of the operations of any entity described in paragraphs (f)(1) through (4) of this section, any part of which is extended Federal financial assistance:

(i) A department, agency, special purpose district, or other instrumentality of a State or of a local government;

(ii) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of such State or local government;

(iii) A college, university, or other postsecondary institution, or a public system of higher education; or

(iv) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship—

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(4) Any other entity which is established by two or more of the entities described in paragraph (f)(1), (2), or (3) of this section.

Appendix A to Part 141 [Amended]

5. The heading for appendix A to part 141 is amended by removing the words “Grants and Activities” and adding, in their place, the words “Federal Financial Assistance”.

6. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:
PART 142—NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

7. The heading for part 142 is revised to read as set forth above.
8. The authority citation for part 142 continues to read as follows:


9. Section 142.3 is amended by adding paragraph (m) to read as follows:

§142.3 Definitions.

(m) Program or activity means all of the operations of any entity described in paragraphs (m)(1) through (4) of this section, any part of which is extended Federal financial assistance:

(1)(i) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or
(ii) The entity of such State or local government that distributes such assistance and each State or local government that receives such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship—

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship;

(4) Any other entity which is established by two or more of the entities described in paragraph (m)(1), (2), or (3) of this section.

10. Section 142.4 is amended by revising the heading of paragraph (c) to read as follows:

§142.4 Discrimination prohibited.

(c) Aid, benefits, or services limited by Federal law. * * * * *

11. The heading for subpart C is revised to read as follows:

Subpart C—Accessibility

12. Section 142.16 is amended by revising the heading and first sentence of paragraph (a) to read as follows:

§142.16 Existing facilities.

(a) Accessibility. A recipient shall operate each program or activity to which this part applies so that when each part is viewed in its entirety it is readily accessible to and usable by handicapped persons. * * *

* * * * *

Appendix to Part 142 [Amended]

13. The heading for appendix A to part 142 is amended by removing the words “Grants and Activities” and adding, in their place, the words “Federal Financial Assistance”.

14. The introductory text for appendix A to part 142 is amended by removing the words “Programs of” and adding, in their place, the words “Types of Federal”.

15. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

<table>
<thead>
<tr>
<th>Section</th>
<th>Remove</th>
<th>Add</th>
</tr>
</thead>
<tbody>
<tr>
<td>142.2, introductory text, first sentence</td>
<td>all programs</td>
<td>types of Federal financial assistance</td>
</tr>
<tr>
<td>142.2, introductory text, second sentence</td>
<td>federally-assisted programs and activities</td>
<td></td>
</tr>
<tr>
<td>142.3</td>
<td>under any such program</td>
<td></td>
</tr>
<tr>
<td>142.4(b)</td>
<td>under any such program</td>
<td></td>
</tr>
<tr>
<td>142.4(b)(1)</td>
<td>recipients program</td>
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<td>142.4(b)(2)</td>
<td>programs or activities</td>
<td></td>
</tr>
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<td>142.4(b)(3)</td>
<td>program</td>
<td></td>
</tr>
<tr>
<td>142.4(b)(4)</td>
<td>or benefits from</td>
<td></td>
</tr>
<tr>
<td>142.4(b)(5)</td>
<td>or benefiting from</td>
<td></td>
</tr>
<tr>
<td>142.4(c)</td>
<td>the benefits or a program</td>
<td></td>
</tr>
<tr>
<td>142.4(d)</td>
<td>programs and activities</td>
<td></td>
</tr>
<tr>
<td>142.4(e)</td>
<td>programs and activities</td>
<td></td>
</tr>
<tr>
<td>142.4(f)</td>
<td>for a program or activity</td>
<td></td>
</tr>
<tr>
<td>142.4(g)</td>
<td>program will</td>
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<td>142.4(h)</td>
<td>program</td>
<td></td>
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<td>program</td>
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<td>142.4(j)</td>
<td>programs and activities</td>
<td></td>
</tr>
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<td>142.4(k)</td>
<td>apprentice programs</td>
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<td>social</td>
<td></td>
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<td>programs</td>
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</tr>
<tr>
<td>142.4(n)</td>
<td>program</td>
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<tr>
<td>142.4(o)</td>
<td>offer programs and activities to</td>
<td></td>
</tr>
<tr>
<td>142.4(p)</td>
<td>program accessibility</td>
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<td>142.4(q)</td>
<td>programs and activities</td>
<td></td>
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<td>142.4(r)</td>
<td>or benefit from</td>
<td></td>
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<tr>
<td>142.4(s)</td>
<td>program or activity</td>
<td></td>
</tr>
<tr>
<td>142.4(t)</td>
<td>programs and activities</td>
<td></td>
</tr>
<tr>
<td>142.4(u)</td>
<td>programs and activities</td>
<td></td>
</tr>
<tr>
<td>142.4(v)</td>
<td>programs and activities</td>
<td></td>
</tr>
</tbody>
</table>
PART 143—NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

16. The authority citation for part 143 is revised to read as follows:


17. The heading of §143.2 is revised to read as follows:

§ 143.2 To what programs or activities do these regulations apply?

18. Section 143.3 is amended by redesignating paragraphs (b)(2) and (b)(3) as paragraphs (b)(3) and (b)(4) and adding a new paragraph (b)(2) to read as follows:

§ 143.3 Definitions.

19. The heading for appendix A to part 143 is amended by removing the word “Programs” and adding, in its place, the words “Federal Financial Assistance”.

20. The undesignated center heading in appendix B to part 143 is amended by removing the words “Programs of” and adding, in their place, the words “Types of Federal”.

21. The heading for appendix B to part 143 is amended by removing the word “Programs” and adding, in its place, the words “Federal Financial Assistance”.

22. The undesignated center heading in appendix B to part 143 is amended by removing the words “Programs of” and adding, in their place, the words “Types of Federal”.

23. The heading for appendix C to part 143 is amended by removing the word “Programs” and adding, in its place, the words “Federal Financial Assistance”.

24. The undesignated center heading in appendix C to part 143 is amended by removing the words “Programs of” and adding, in their place, the words “Types of Federal”.

25. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

<table>
<thead>
<tr>
<th>Section</th>
<th>Remove</th>
<th>Add</th>
</tr>
</thead>
<tbody>
<tr>
<td>142.44(a), second sentence</td>
<td>program of</td>
<td>aid, benefits, or services</td>
</tr>
<tr>
<td>142.44(c)</td>
<td>in its program</td>
<td>programs or activities</td>
</tr>
<tr>
<td>142.44(d)(1)</td>
<td>under the education program or activity operated by the recipient</td>
<td>programs or activities</td>
</tr>
<tr>
<td>142.47(a)(1), first sentence</td>
<td>programs and activities</td>
<td></td>
</tr>
<tr>
<td>142.61</td>
<td>or benefit from</td>
<td>programs or activities</td>
</tr>
<tr>
<td>142.61</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Appendix A to Part 143 [Amended]

19. The heading for appendix A to part 143 is amended by removing the word “Programs” and adding, in its place, the words “Federal Financial Assistance”.

20. The undesignated center heading in appendix A to part 143 is amended by removing the words “Programs of” and adding, in their place, the words “Types of Federal”.

Appendix B to Part 143 [Amended]

21. The heading for appendix B to part 143 is amended by removing the word “Programs” and adding, in its place, the words “Federal Financial Assistance”.

22. The undesignated center heading in appendix B to part 143 is amended by removing the words “Programs of” and adding, in their place, the words “Types of Federal”.

Appendix C to Part 143 [Amended]

23. The heading for appendix C to part 143 is amended by removing the word “Programs” and adding, in its place, the words “Federal Financial Assistance”.

24. The undesignated center heading in appendix C to part 143 is amended by removing the words “Programs of” and adding, in their place, the words “Types of Federal”.

25. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

<table>
<thead>
<tr>
<th>Section</th>
<th>Remove</th>
<th>Add</th>
</tr>
</thead>
<tbody>
<tr>
<td>143.1, last sentence</td>
<td>programs and activities</td>
<td>programs or activities</td>
</tr>
<tr>
<td>143.2</td>
<td>or benefits from</td>
<td>programs or activities</td>
</tr>
<tr>
<td>143.21</td>
<td></td>
<td>Federal financial assistance</td>
</tr>
<tr>
<td>143.34(a)(2), last sentence</td>
<td>programs and activities</td>
<td></td>
</tr>
<tr>
<td>143.36(c)(2), first sentence</td>
<td>program</td>
<td></td>
</tr>
<tr>
<td>143.39(b)(2)</td>
<td>Federal program or activity</td>
<td></td>
</tr>
</tbody>
</table>
Grant S. Green, Jr.,
Under Secretary for Management.

AGENCY FOR INTERNATIONAL DEVELOPMENT
22 CFR Chapter II
RIN 0412–AA45

Authority and Issuance

For the reasons set forth in the joint preamble, AID amends 22 CFR chapter II, parts 209, 217, and 218, as set forth below:

PART 209-NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT—EFFECTIONT OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

1. The authority citation for part 209 continues to read as follows:


2. Section 209.3 is amended by revising paragraph (g) to read as follows:

§ 209.3 Definitions.

(i) The terms "program or activity" and "program" mean all of the operations of any entity described in paragraphs (g)(1) through (4) of this section, any part of which is extended Federal financial assistance:

(1) (i) A department, agency, special purpose district, or other instrumentality of a State or of a local government;

(ii) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(2) (i) A college, university, or other postsecondary institution, or a public system of higher education;

(ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

(3) (i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole;

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship;

(4) Any other entity which is established by two or more of the entities described in paragraph (g)(1), (2), or (3) of this section.

* * * * *

3. Section 209.5 is amended by revising paragraph (b)(2) to read as follows:

§ 209.5 Assurance required.

(b) * * * * *

(2) The assurance required with respect to an institution of higher education or any other institution, insofar as the assurance relates to the institution’s practices with respect to admission or other treatment of individuals as students or clients of the institution or to the opportunity to participate in the provision of services or other benefits to such individuals, shall be applicable to the entire institution.

4. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

<table>
<thead>
<tr>
<th>Section</th>
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</thead>
<tbody>
<tr>
<td>209.2, first sentence</td>
<td>federally-assisted programs and activities under any such program</td>
<td>types of Federal financial assistance</td>
</tr>
<tr>
<td>209.2, second sentence</td>
<td>under any such program</td>
<td></td>
</tr>
<tr>
<td>209.2(b)</td>
<td>under any such program</td>
<td></td>
</tr>
<tr>
<td>209.2(c)</td>
<td>program</td>
<td></td>
</tr>
<tr>
<td>209.2, last sentence</td>
<td>for the purpose of carrying out a program for any program,</td>
<td></td>
</tr>
<tr>
<td>209.3(f)</td>
<td>under any such program</td>
<td></td>
</tr>
<tr>
<td>209.3(h)</td>
<td>under any such program</td>
<td></td>
</tr>
<tr>
<td>209.4(b)(1), introductory text</td>
<td>to carry out a program except a program</td>
<td></td>
</tr>
<tr>
<td>209.5(a)(1), first sentence</td>
<td>for each program</td>
<td></td>
</tr>
<tr>
<td>209.5(a)(1), fifth sentence</td>
<td>in the program</td>
<td>except an application with</td>
</tr>
<tr>
<td>209.5(a)(2), first sentence</td>
<td>through a program of</td>
<td>with</td>
</tr>
<tr>
<td>209.5(a)(2), second sentence</td>
<td>under a program of</td>
<td>statute</td>
</tr>
<tr>
<td>209.5(a)(2), third sentence</td>
<td>for a student assistance program</td>
<td>for student assistance</td>
</tr>
<tr>
<td>209.5(b)(1)</td>
<td>of any program under</td>
<td>in</td>
</tr>
<tr>
<td>209.6(b), last sentence</td>
<td>under programs</td>
<td>for Federal statutes, authorities, or other means by which Federal financial assistance is extended and</td>
</tr>
<tr>
<td>209.6(d)</td>
<td>under the program involved</td>
<td>to which this regulation applies</td>
</tr>
<tr>
<td>209.9(e), first sentence</td>
<td>assistance will</td>
<td>assistance to which this regulation applies will</td>
</tr>
<tr>
<td>209.10(e)</td>
<td>under such program</td>
<td>Federal financial assistance</td>
</tr>
</tbody>
</table>
PART 217—NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

5. The heading for part 217 is revised to read as set forth above.

6. The authority citation for part 217 continues to read as follows:

Authority: 29 U.S.C. 794, unless otherwise noted.

7. Section 217.3 is amended by adding a new paragraph (l) to read as follows:

§217.3 Definitions.

(1) Program or activity means all of the operations of any entity described in paragraphs (l)(1) through (4) of this section, any part of which is extended Federal financial assistance:

(i) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(ii) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government:

(2)(i) A college, university, or other postsecondary institution, or a public system of higher education; or

(ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

(3)(i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship;

(4) Any other entity which is established by two or more of the entities described in paragraph (l)(1), (2), or (3) of this section.

8. Section 217.4 is amended by revising the heading of paragraph (c) to read as follows:

§217.4 Discrimination prohibited.

(c) Aid, benefits, or services limited by Federal law.

Subpart C of Part 217—[Amended]

9. The heading for subpart C is amended by removing the word “Program”.

10. Section 217.22 is amended by revising the heading and first sentence of paragraph (a) to read as follows:

§217.22 Existing facilities.

(a) Accessibility. A recipient shall offer each program or activity to which this part applies so that when each part is viewed in its entirety it is readily accessible to handicapped persons.

11. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

<table>
<thead>
<tr>
<th>Section</th>
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<td>217.2, first sentence</td>
<td>programs carried</td>
<td>programs or activities carried</td>
</tr>
<tr>
<td>217.2, first sentence</td>
<td>federally-assisted programs and activities</td>
<td>types of Federal financial assistance</td>
</tr>
<tr>
<td>217.2, second sentence</td>
<td>under any such program</td>
<td>Federal financial assistance</td>
</tr>
<tr>
<td>217.2(b)</td>
<td>program</td>
<td>program or activity</td>
</tr>
<tr>
<td>217.2(c)</td>
<td>under any such program</td>
<td>aid, benefits, or service</td>
</tr>
<tr>
<td>217.2, last sentence</td>
<td>under any such program</td>
<td>program or activity</td>
</tr>
<tr>
<td>217.4(a)</td>
<td>program or benefits from</td>
<td>program or activity</td>
</tr>
<tr>
<td>217.4(b)(1)(v)</td>
<td>program</td>
<td>aid, benefits, or services</td>
</tr>
<tr>
<td>217.4(b)(3)</td>
<td>program or activities</td>
<td>from aid, benefits, or services</td>
</tr>
<tr>
<td>217.4(b)(4)(ii)</td>
<td>program or benefits from</td>
<td>the program or activity</td>
</tr>
<tr>
<td>217.4(b)(5)(i)</td>
<td>or benefits from</td>
<td>program or activity</td>
</tr>
<tr>
<td>217.4(b)(6)</td>
<td>or benefiting from</td>
<td>programs or activities</td>
</tr>
<tr>
<td>217.4(c)</td>
<td>the benefits of a program</td>
<td>apprenticeships</td>
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<td>217.4(c)</td>
<td>from a program</td>
<td>those that are social or recreational</td>
</tr>
<tr>
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<td>for a program or activity</td>
<td>program or activity</td>
</tr>
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<td>217.5(a), last sentence</td>
<td>the program</td>
<td>program or activity</td>
</tr>
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<td>217.6(a)(3)(i)</td>
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<td>program or activity</td>
</tr>
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<td>217.6(a)(3)(ii)</td>
<td>program</td>
<td>program or activity</td>
</tr>
<tr>
<td>217.6(a)(3)(iii)</td>
<td>programs</td>
<td>programs</td>
</tr>
<tr>
<td>217.6(a)(3)(iv)</td>
<td>programs and activities</td>
<td>programs</td>
</tr>
<tr>
<td>217.6(a)(3)(v)</td>
<td>apprentice programs</td>
<td>programs</td>
</tr>
<tr>
<td>217.6(b)(8)</td>
<td>social programs</td>
<td>programs</td>
</tr>
<tr>
<td>217.8(a), second sentence</td>
<td>educational programs</td>
<td>programs</td>
</tr>
<tr>
<td>217.11(a)(3), last sentence</td>
<td>program</td>
<td>program</td>
</tr>
<tr>
<td>217.11(b)(8)</td>
<td>programs</td>
<td>program</td>
</tr>
<tr>
<td>217.12(a)</td>
<td>program</td>
<td>program</td>
</tr>
<tr>
<td>217.12(c), introductory text</td>
<td>program</td>
<td>program</td>
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<td>217.12(c)(1)</td>
<td>programs</td>
<td>program</td>
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<td>217.12(d), last sentence</td>
<td>programs</td>
<td>program</td>
</tr>
<tr>
<td>217.22(b)</td>
<td>offer programs and activities to</td>
<td>serve</td>
</tr>
<tr>
<td>217.22(2)(d)(3)</td>
<td>program accessibility</td>
<td>accessibility under §217.22(a)</td>
</tr>
<tr>
<td>217.41</td>
<td>programs and activities</td>
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</tr>
<tr>
<td>217.41</td>
<td>or benefit from</td>
<td>programs</td>
</tr>
<tr>
<td>217.43(a)</td>
<td>program or activity</td>
<td>aid, benefits, or services</td>
</tr>
<tr>
<td>217.43(d)</td>
<td>programs and activities</td>
<td>program or activity</td>
</tr>
<tr>
<td>217.44(a), second sentence</td>
<td>program of in its program</td>
<td>program</td>
</tr>
<tr>
<td>217.44(c)</td>
<td>under the education program or activity operated by the recipient</td>
<td>aid, benefits, or services</td>
</tr>
<tr>
<td>217.44(d)(1)</td>
<td>programs and activities</td>
<td>aid, benefits, or services</td>
</tr>
</tbody>
</table>
PART 218—NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

12. The authority citation for part 218 continues to read as follows:


13. The heading for §218.02 is revised to read as follows:

§218.02 To what programs or activities do these regulations apply?

14. Section 218.03 is amended by adding paragraph (b)(4) to read as follows:

§218.03 Definitions.

(b) * * *

(4) Program or activity means all of the operations of any entity described in paragraphs (b)(4)(i) through (iv) of this section, any part of which is extended Federal financial assistance:

(i)(A) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(B) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(ii)(A) A college, university, or other postsecondary institution, or a public system of higher education; or

(B) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

(iii)(A) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—

(I) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(II) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(B) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(iv) Any other entity which is established by two or more of the entities described in paragraph (b)(4)(i), (ii), or (iii) of this section.

Appendices A, B, and C to Part 218 [Amended]

15. The headings for appendices A, B, and C to part 218 are amended by removing the words “Affected Programs” and adding, in their place, the words “Types of Federal Financial Assistance”.

16. The undesignated center headings immediately following the headings for appendices A and B to part 218 are amended by removing the words “Programs of” and adding, in their place, the word “Federal”.

17. The undesignated center heading immediately following the heading for appendix C to part 218 is amended by removing the words “Program of” and adding, in their place, the word “Federal”.

18. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

<table>
<thead>
<tr>
<th>Section</th>
<th>Remove</th>
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<tbody>
<tr>
<td>218.01, last sentence</td>
<td>programs and activities</td>
<td>programs or activities</td>
</tr>
<tr>
<td>218.02, last sentence</td>
<td>or benefits from programs and activities</td>
<td>program</td>
</tr>
<tr>
<td>218.34(a)(2), last sentence</td>
<td>Federal</td>
<td>program or activity</td>
</tr>
<tr>
<td>218.36(c)(2)</td>
<td>program</td>
<td>Federal financial assistance</td>
</tr>
</tbody>
</table>

Dated: May 1, 2001.

Jessalyn L. Pendarvis,
Director, Office of Equal Opportunity Programs, Agency for International Development.

DEPARTMENT OF JUSTICE

28 CFR Chapter I

[A.G. Order No. 2679–2003]

RIN 1190–AA49

Authority and Issuance

For the reasons set forth in the joint preamble, DOJ amends 28 CFR chapter I, part 42 as set forth below:

PART 42—NONDISCRIMINATION; EQUAL EMPLOYMENT OPPORTUNITY; POLICIES AND PROCEDURES

Subpart C—Nondiscrimination in Federally Assisted Programs—Implementation of Title VI of the Civil Rights Act of 1964

1. The authority citation for subpart C is revised to read as follows:


2. Section 42.102 is amended by revising paragraph (d) to read as follows:

§42.102 Definitions.

(d) The terms program or activity and program mean all of the operations of any entity described in paragraphs (d)(1) through (4) of this section, any part of which is extended Federal financial assistance:

(I) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(II) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(III) A college, university, or other postsecondary institution, or a public system of higher education; or

(IV) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

(V) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—

1 See also 28 CFR 50.3. Guidelines for enforcement of Title VI, Civil Rights Act.
(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or
(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or
(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or
(4) Any other entity which is established by two or more of the entities described in paragraph (d)(1), (2), or (3) of this section.

§ 42.520 Existing facilities.

(4) For the purposes of this section the disposition, services, financial aid, or benefits provided under a program receiving Federal financial assistance shall be deemed to include all portions of the recipient’s program or activity, including facilities, equipment, or property provided with the aid of Federal financial assistance.

§ 42.540 Definitions.

(b) Program or activity means all of the operations of any entity described in paragraphs (h) (1) through (4) of this section, any part of which is extended Federal financial assistance.

(2) The assurance required with respect to an academic institution, detention or correctional facility, or any other institution or facility, insofar as the assurance relates to the institution’s practices with respect to admission or other treatment of individuals as students, patients, wards, inmates, persons subject to control, or clients of the institution or facility to the opportunity to participate in the provision of services, disposition, treatment, or benefits to such individuals, shall be applicable to the entire institution or facility.

(d) Continuing Federal financial assistance.

5. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

<table>
<thead>
<tr>
<th>Section</th>
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<tr>
<td>42.102(f)</td>
<td>for any program, under any such program for the purpose of carrying out a program</td>
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</tr>
<tr>
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<td>under any such program under any such program to carry out a program</td>
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<td>42.104(b)(1), introductory text</td>
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<tr>
<td>42.105(a)(1), first sentence</td>
<td>in the program through a program of</td>
<td></td>
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<td>42.110(f)</td>
<td>under such program</td>
<td></td>
</tr>
</tbody>
</table>

6. The heading for subpart G is revised to read as follows:

Subpart G—Nondiscrimination Based on Handicap in Federally Assisted Programs or Activities—Implementation of Section 504 of the Rehabilitation Act of 1973

7. The authority citation for subpart G continues to read as follows:


§ 42.520 [Amended]

8. The undesignated center heading immediately preceding § 42.520 is amended by removing the word “Program.”
A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

(3)(i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(B) Which is principally engaged in the business of providing education,

health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(4) Any other entity which is established by two or more of the entities described in paragraph (h)(1), (2), or (3) of this section.

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<td>or benefiting from</td>
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<td>apprenticeship programs</td>
<td>those that are social</td>
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<td>§42.510(b)(7)</td>
<td>programs</td>
<td>programs or activities</td>
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<td>program</td>
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<td>in making its program or activity accessible</td>
<td>serve</td>
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<td>§42.521(b), last sentence</td>
<td>offer programs to</td>
<td>program or activity</td>
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<td>accessibility under §42.521(a)</td>
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<tr>
<td>§42.540(i), first sentence</td>
<td>programs</td>
<td>programs or activities</td>
</tr>
</tbody>
</table>
13. The heading for subpart I is revised to read as follows:

**Subpart I—Nondiscrimination on the Basis of Age in Federally Assisted Programs or Activities; Implementation of the Age Discrimination Act of 1975**

14. The authority citation for subpart I continues to read as follows:

**Authority:** 42 U.S.C. 6103(a)(4); 45 CFR part 90.

15. Section 42.702 is amended by revising the definition of “Program or activity” to read as follows:

**§ 42.702 Definitions.**

* * * *

Program or activity means all of the operations of any entity described in paragraphs (1) through (4) of this definition, any part of which is extended Federal financial assistance:

(1)(i) A department, agency, special purpose district, or other uniquity of a State or of a local government; or

(ii) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(2)(i) A college, university, or other postsecondary institution, or a public system of higher education; or

(ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

(3)(i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole;

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(4) Any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3) of this definition.

* * * *

16. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

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<td>42.724(b)</td>
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<tr>
<td>42.733(b)(3), last sentence</td>
<td>program</td>
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</tr>
</tbody>
</table>

Dated: July 1, 2003.

John Ashcroft,
Attorney General.

DEPARTMENT OF LABOR

29 CFR Subtitle A

RIN 1291-AA31

Authority and Issuance

For the reasons set forth in the joint preamble, DOL amends 29 CFR subtitle A, parts 31 and 32 as set forth below:

**PART 31—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE DEPARTMENT OF LABOR—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

1. The authority citation for part 31 continues to read as follows:


2. Section 31.2 is amended by revising paragraph (g) to read as follows:

**§ 31.2 Definitions.**

* * * *

(g) The terms program or activity and program mean all of the operations of any entity described in paragraphs (g)(1) through (4) of this section, any part of which is extended Federal financial assistance:

(1)(i) A department, agency, special purpose district, or other uniquity of a State or of a local government; or

(ii) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(2)(i) A college, university, or other postsecondary institution, or a public system of higher education; or

(ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

(3)(i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole;

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(4) Any other entity which is established by two or more of the entities described in paragraph (g)(1), (2), or (3) of this section.

* * * *

3. Section 31.3 is amended by revising the heading paragraph (d)(1) to read as follows:
§ 31.3 General standards.

(d) Employment service.

§ 31.6 Assurances required.

§ 32.3 Definitions.

Program or activity means all of the operations of any entity described in paragraphs (1) through (4) of this definition, any part of which is extended Federal financial assistance:

(A) A department, agency, special purpose district, or other instrumentality of a State or of a local government;

(B) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(C) A college, university, or other postsecondary institution, or a public system of higher education;

(D) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

(E) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—

(a) This part applies to each recipient of Federal financial assistance from the Department of Labor, and to every program or activity that receives such assistance.

§ 32.2 Application.

(a) This part applies to each recipient of Federal financial assistance from the Department of Labor, and to every program or activity that receives such assistance.

§ 32.4 Discrimination prohibited.

(c) Aid, benefits, services, or training limited by Federal law.

§ 32.5 Assurances required.
(d) **Interagency agreements.** Where funds are granted by the Department to another Federal agency, and where the grant obligates the recipient agency to comply with the rules and regulations of the Department applicable to that grant the provisions of this part shall apply to programs or activities operated with such funds.

**12.** The heading for subpart B is revised to read as follows:

### Subpart B—Employment Practices and Employment Related Training Participation

#### § 32.27 Accessibility.

(a) **Purpose.** A recipient shall operate each program or activity to which this part applies so that when each part is viewed in its entirety it is readily accessible to qualified handicapped individuals.

**15.** In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

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<td>individuals from aid, benefits, services, or training</td>
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<td>program or activity</td>
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Elaine L. Chao,
Secretary, Department of Labor.

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Chapter I

RIN 2900–AK13

Authority and Issuance

For the reasons set forth in the joint preamble, VA amends 38 CFR chapter I, part 18 as set forth below:

PART 18—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Subpart A—General

1. The authority citation for subpart A continues to read as follows:

Authority: Sec. 602, 78 Stat. 252 (42 U.S.C. 2000d–1) and the laws referred to in Appendix A.

2. Section 18.4 is amended by revising the heading of paragraph (b) and paragraph (d) to read as follows:

§ 18.4 Assurances required.

* * * * *

(b) Continuing Federal financial assistance. * * *

* * * * *

(d) Extent of application to institution or facility. In the case where any assurances are required from an academic, a medical care, or any other institution or facility, insofar as the assurances relate to the institution’s practices with respect to the admission, care, or other treatment of persons by the institution or with respect to the opportunity of persons to participate in the receiving or providing of services, treatment, or benefits, such assurances shall be applicable to the entire institution or facility.

3. Section 18.13 is amended by revising paragraph (f) to read as follows:

§ 18.13 Definitions.

* * * * *

(f) The terms program or activity and program mean all of the operations of any entity described in paragraphs (f)(1) through (4) of this section, any part of which is extended Federal financial assistance:

(1) (i) A department, agency, special purpose district, or other instrumentality of a State or of a local government.

(ii) The entity of such State or local government that distributes such assistance:

(A) If assistance is extended Federal financial assistance to an entity described in paragraphs (f)(1) through (4) of this section, any part of which is extended Federal financial assistance:

(i) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship;

(B) Which is principally engaged in:

(i) The business of providing education, health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship;

(2) (i) A college, university, or other postsecondary institution, or a public system of higher education; or

(ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

(3) (i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(4) Any other entity which is established by two or more of the entities described in paragraph (f)(1), (2), or (3) of this section.

* * * * *

4. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

<table>
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<tr>
<td>32.47(c)</td>
<td>programs</td>
<td>programs or activities</td>
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<td>18.2, first sentence</td>
<td>the federally assisted programs and activities under any such program</td>
<td>the types of Federal financial assistance</td>
</tr>
<tr>
<td>18.2, second sentence</td>
<td>under any such program</td>
<td>type of Federal financial assistance</td>
</tr>
<tr>
<td>18.2(c)</td>
<td>under any such program</td>
<td>a program</td>
</tr>
<tr>
<td>18.2, penultimate sentence</td>
<td>program or activity under any program</td>
<td>types of Federal financial assistance</td>
</tr>
<tr>
<td>18.2, last sentence</td>
<td>such program</td>
<td>except an application</td>
</tr>
<tr>
<td>18.3(b)(1), introductory text</td>
<td>under any program</td>
<td>award</td>
</tr>
<tr>
<td>18.4(a)(1), first sentence</td>
<td>to carry out a program</td>
<td>for</td>
</tr>
<tr>
<td>18.4(a)(1), first sentence</td>
<td>except a program</td>
<td>types of Federal financial assistance</td>
</tr>
<tr>
<td>18.4(a)(1), second sentence</td>
<td>program</td>
<td>in</td>
</tr>
<tr>
<td>18.4(a)(1), sixth sentence</td>
<td>for each program,</td>
<td>program for</td>
</tr>
<tr>
<td>18.4(a)(1), sixth sentence</td>
<td>in the program</td>
<td>Federal statutes, authorities, or other means</td>
</tr>
<tr>
<td>18.4(b), introductory text, first sentence</td>
<td>to carry out a program involving</td>
<td>by which Federal financial assistance is extended and</td>
</tr>
<tr>
<td>18.4(b), introductory text, first sentence</td>
<td>programs</td>
<td>to which this regulation applies</td>
</tr>
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<td>18.4(b), concluding text</td>
<td>under a continuing program</td>
<td>assistance to which this regulation applies will</td>
</tr>
<tr>
<td>18.6(b), second sentence</td>
<td>of any program under</td>
<td></td>
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<tr>
<td>18.6(d)</td>
<td>program under</td>
<td></td>
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<tr>
<td>18.9(e), first sentence</td>
<td>programs</td>
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<tr>
<td>18.10(f)</td>
<td>under the program involved</td>
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<td>assistance will</td>
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<td>18.12(a), first sentence</td>
<td>under such program</td>
<td></td>
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<tr>
<td>18.13(h)</td>
<td>under such program</td>
<td></td>
</tr>
<tr>
<td>18.16(a)</td>
<td>for any program</td>
<td></td>
</tr>
</tbody>
</table>
5. The heading for subpart D is revised to read as follows:

**Subpart D—Nondiscrimination on the Basis of Handicap**

6. The authority citation for subpart D is revised to read as follows:


7. Section 18.403 is amended by adding paragraph (m) to read as follows:

**§18.403 Definitions.**

* * * * *

(m) **Program or activity** means all of the operations of any entity described in paragraphs (m)(1) through (4) of this section, any part of which is extended Federal financial assistance:

1(i) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(ii) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

2(ii) A college, university, or other postsecondary institution, or a public system of higher education; or

(iii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

3(i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(iii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(iv) Any other entity that is established by two or more of the entities described in paragraph (m)(1), (2), or (3) of this section.

**§18.404 [Amended]**

8. In §18.404, the heading of paragraph (c) is amended by removing the word “Programs” and adding, in its place, the words “Aid, benefits, or services”.

9. Section 18.405 is amended by revising paragraph (c) to read as follows:

**§18.405 Assurances required.**

* * * * *

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<tr>
<td>18.402</td>
<td>or benefits from program or activity</td>
<td>program or activity</td>
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<td>18.402(b)(1)</td>
<td>a program or benefits from program</td>
<td>aid, benefits, or services</td>
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<td>18.404(a)</td>
<td>program</td>
<td></td>
</tr>
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<td>18.404(b)(1)(i)</td>
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<td>18.404(b)(3)</td>
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<tr>
<td>18.404(b)(4)(ii)</td>
<td>or benefits from program</td>
<td></td>
</tr>
<tr>
<td>18.404(b)(5)(i)</td>
<td>or benefits from program</td>
<td></td>
</tr>
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<td>18.404(b)(6)</td>
<td>or benefiting from program</td>
<td></td>
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<td>18.404(c)</td>
<td>program</td>
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<tr>
<td>18.405(a)</td>
<td>for a program or activity</td>
<td></td>
</tr>
<tr>
<td>18.405(a)</td>
<td>the program</td>
<td></td>
</tr>
<tr>
<td>18.406(a)(3)(i)</td>
<td>program</td>
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<tr>
<td>18.406(a)(3)(ii)</td>
<td>program</td>
<td></td>
</tr>
<tr>
<td>18.406(a)(3)(iii)</td>
<td>programs and activities</td>
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<td>18.411(a)(3), last sentence</td>
<td>apprenticeship programs</td>
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<td>18.411(b)(8)</td>
<td>social</td>
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<td>18.411(b)(8)</td>
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<td>18.412(c)(1)</td>
<td>program</td>
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<td>18.422(b), last sentence</td>
<td>offer programs and activities to programs</td>
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<tr>
<td>18.422(c), last sentence</td>
<td>program accessibility</td>
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<tr>
<td>18.431</td>
<td>programs and activities</td>
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</tr>
<tr>
<td>18.431</td>
<td>or benefit from</td>
<td></td>
</tr>
<tr>
<td>18.433(b)(2)</td>
<td>individualized education program</td>
<td></td>
</tr>
</tbody>
</table>

(c) **Extent of application to institution or facility.** An assurance shall apply to the entire institution or facility.

* * * * *

§18.421 [Amended]

10. The undesignated center heading before §18.421 is amended by removing the word “Program”.

11. In §18.422, the heading and first sentence of paragraph (a) are revised to read as follows:

**§18.422 Existing facilities.**

(a) **Accessibility.** A recipient shall offer each program or activity to which this part applies so that when each part is viewed in its entirety it is readily accessible to handicapped persons. * * * *

* * * * *

12. The heading of §18.438 is revised to read as follows:

**§18.438 Adult education.**

* * * * *

13. The heading of §18.439 is revised to read as follows:

**§18.439 Private education.**

* * * * *

14. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:
Subpart E—Nondiscrimination on the Basis of Age

15. The authority citation for subpart E continues to read as follows:


16. Section 18.503 is amended by redesignating paragraphs (j) through (l) as paragraphs (k) through (m), and adding a new paragraph (j) to read as follows:

§18.503 Definitions.

(i) Program or activity means all of the operations of any entity described in paragraphs (j)(1) through (4) of this section, or any part of which is extended Federal financial assistance:

(1)(i) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(ii) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(2)(i) A college, university, or other postsecondary institution, or a public system of higher education; or

(ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

(3)(i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship;

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) Any other entity that is established by two or more of the entities described in paragraph (j)(1), (2), or (3) of this section.

Appendix B to Subpart E to Part 18 [Amended]
18. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

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<td>programs or activities</td>
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<tr>
<td>18.531</td>
<td>programs and activities</td>
<td>programs or activities</td>
</tr>
<tr>
<td>18.532</td>
<td>programs and activities</td>
<td>programs or activities</td>
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<td>18.54(a)(2), last sentence</td>
<td>program</td>
<td>program or activity</td>
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<tr>
<td>18.545(b), first sentence</td>
<td>program and activity</td>
<td>program or activity</td>
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<td>18.545(c)(2), first sentence</td>
<td>Federal</td>
<td>Federal financial assistance</td>
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<td>18.549(b)(2)</td>
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</tbody>
</table>


Anthony Principi,
Secretary, Department of Veterans Affairs.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Chapter I
RIN 2020–AA43

Authority and Issuance

For the reasons set forth in the joint preamble, EPA amends 40 CFR chapter I, part 7 as set forth below:

PART 7—NONDISCRIMINATION IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL ASSISTANCE FROM THE ENVIRONMENTAL PROTECTION AGENCY

1. The heading for part 7 is revised to read as set forth above.

2. The authority citation for part 7 is revised to read as follows:


3. Section 7.25 is amended by adding the new definition of “Program or activity” in alphabetical order to read as follows:

§ 7.25 Definitions.

Program or activity and program mean all of the operations of any entity described in paragraphs (1) through (4) of this definition, any part of which is extended Federal financial assistance:

1(i) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or

1(ii) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

2(i) A college, university, or other postsecondary institution, or a public system of higher education; or

2(ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

3(i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation;

3(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship;

4 Any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3) of this definition.

* * * * *

§ 7.55 [Amended]

4. The heading for § 7.55 is amended by removing the word “programs” and adding, in its place, the words, “aid, benefits, or services”.

5. In § 7.65, the first sentence of paragraph (a) introductory text and the heading for paragraph (b) are revised to read as follows:

§ 7.65 Accessibility.

(a) General. A recipient shall operate each program or activity receiving EPA assistance so that when each part is viewed in its entirety it is readily accessible to and usable by handicapped persons.

* * * * *

(b) Methods of ensuring compliance in existing facilities.

* * * * *

Appendix A to Part 7 [Amended]

6. The heading for appendix A to part 7 is amended by removing the word “Programs” and inserting the words “Types of” immediately before the word “EPA”.

7. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

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<td>7.20(a)</td>
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<td>means of ensuring compliance</td>
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<tr>
<td>7.25, undesignated definition of Project Officer</td>
<td>program</td>
<td>program or activity</td>
</tr>
<tr>
<td>7.35(a)(1)</td>
<td>program</td>
<td>program or activity</td>
</tr>
<tr>
<td>7.35(a)(2)</td>
<td>program</td>
<td>program or activity</td>
</tr>
<tr>
<td>7.35(a)(3)</td>
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<td>7.35(a)(4)</td>
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<td>program or activity</td>
</tr>
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<td>any program or activity</td>
</tr>
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<td>the EPA assistance program</td>
<td>EPA assistance</td>
</tr>
<tr>
<td>7.35(b)</td>
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<td>7.35(c)</td>
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<td>7.50(a)(5)</td>
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</tr>
<tr>
<td>7.50(b)</td>
<td>or benefits from</td>
<td>program or activity</td>
</tr>
</tbody>
</table>
For the reasons set forth in the joint Authority and Issuance
Christine Todd Whitman,
Administrator, Environmental Protection Agency.

GENERAL SERVICES
ADMINISTRATION

41 CFR Chapter 101
RIN 3090–AH33

Authority and Issuance

§101–6.205–4 Applicability of assurances.

(b) The assurance required with respect to an institution of higher education, hospital, or any other institution, insofar as the assurance relates to the institution’s practices with respect to admission or other treatment of individuals as students, patients, or clients of the institution or to the opportunity to participate in the provision of services or other benefits to such individuals, shall be applicable to the entire institution.

§101–6.216 Definitions.

(f) The terms program or activity and program mean all of the operations of any entity described in paragraphs (f)(1) through (4) of this section, any part of which is extended Federal financial assistance:

(1)(i) A department, agency, special purpose district, or other instrumentality of a State or of a local government;

(1)(ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

(3)(i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole;

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship;

(4) Any other entity which is established by two or more of the entities described in paragraph (f)(1), (2), or (3) of this section.


The benefits of a program to carry out a program.
<table>
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<td>101-6.205-1(a), fifth sentence ...........................................</td>
<td>in the program</td>
</tr>
<tr>
<td>101-6.205-1(b), second sentence ...........................................</td>
<td>under a program of</td>
</tr>
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<td>101-6.205-1(b), third sentence ............................................</td>
<td>program</td>
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<td>101-6.205-1(d) ..................................................</td>
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<td>101-6.205-2 .................. .........................................</td>
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<td>101-6.205-4(c) ..................................................</td>
<td>under a program</td>
</tr>
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<td>101-6.206(b), second sentence ...........................................</td>
<td>except as provided in paragraph (b) of §101-6.205-4(b)</td>
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<td>101-6.206(d) .......................... ..................................</td>
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<td>program under</td>
</tr>
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<td>101-6.212-5, first sentence ...............................................</td>
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<td>101-6.213-6 ..................................................</td>
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<td>assistance will</td>
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<td>under such program</td>
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<td>for any program,</td>
</tr>
<tr>
<td>101-6.216(h) ..................................................</td>
<td>under any such program</td>
</tr>
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<td>101-6.216(i) ..................................................</td>
<td>for the purpose of carrying out a program</td>
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<td>101-6.303(f) ...........................................................................</td>
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</tr>
<tr>
<td>101-6.205-1(b), second sentence ...........................................</td>
<td>in program for</td>
</tr>
<tr>
<td>101-6.205-1(b), third sentence ............................................</td>
<td>Federal statutes, authorities, or other means</td>
</tr>
<tr>
<td>101-6.205-1(d) ..................................................</td>
<td>by which Federal financial assistance is extended and</td>
</tr>
<tr>
<td>101-6.205-2 .................. .........................................</td>
<td>to which this regulation applies</td>
</tr>
<tr>
<td>101-6.205-4(c) ..................................................</td>
<td>assistance to which this regulation applies will</td>
</tr>
</tbody>
</table>

**PART 101—NONDISCRIMINATION IN PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE**

7. The heading for part 101–8 is revised to read as set forth above.

Subpart 101–8.3—Discrimination Prohibited on the Basis of Handicap

8. Section 101–8.301 is amended by adding a new paragraph (f) to read as follows:

§101–8.301 Definitions.

(f) The term program or activity means all of the operations of any entity described in paragraphs (f)(1) through (4) of this section, any part of which is extended Federal financial assistance:

(1)(i) A department, agency, special purpose district, or other instrumentality of a State or of a local government;

(ii) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(2)(i) A college, university, or other postsecondary institution, or a public system of higher education; or

(ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

(3)(i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship—

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(4) Any other entity which is established by two or more of the entities described in paragraph (f)(1), (2), or (3) of this section.

9. Section 101–8.309 is amended by revising the section heading and the heading and first sentence of paragraph (b) to read as follows:

§101–8.309 Accessibility.

(b) Accessibility. A recipient shall operate any program or activity involving Historic Preservation Programs so that when each part is viewed in its entirety it is readily accessible to and usable by handicapped persons.

10. Section 101–8.311 is amended by revising the section heading and the heading and the first sentence of the introductory text of paragraph (b)(1) to read as follows:

§101–8.311 Historic Preservation Programs.

(b) (1) Accessibility. A recipient shall operate any program or activity involving Historic Preservation Programs so that when each part is viewed in its entirety it is readily accessible to and usable by handicapped persons.
Subpart 101—8.7—Discrimination Prohibited on the Basis of Age

12. The authority citation for subpart 101–8.7 continues to read as follows:

Authority: 42 U.S.C. 6101 et seq.

13. Section 1101–8.703 is amended by redesignating paragraph (k) as paragraph (l) and by adding a new paragraph (k) to read as follows:

§101–8.703 Definitions of terms.

* * * * *

(k) Program or activity means all of the operations of any entity described in paragraphs (k)(1) through (4) of this section, any part of which is extended Federal financial assistance:

1(i) A department, agency, special purpose district, or other instrumentality of a state or of a local government;

(ii) The entity of such state and local government that distributes such assistance and each such department or agency (and each other state or local government entity) to which the assistance is extended, in the case of assistance to a state or local government;

(2)(i) A college, university, or other postsecondary institution, or a public system of higher education; or

(ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

(3)(i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship;

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(4) Any other entity which is established by two or more of the entities described in paragraph (k)(1), (2), or (3) of this section.

* * * * *

14. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

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<td>program or activity</td>
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<td>offer programs and activities to</td>
<td>serve</td>
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<td>accessibility under paragraph (a) of this section</td>
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<td>Historic Preservation Program</td>
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<td>program or activity</td>
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<td>101–8.311(b)(2)(i)</td>
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</tr>
</tbody>
</table>

Federal financial assistance

that benefits from GSA Federal financial assistance

two types of Federal financial assistance

program or activity

that provides

Federal statutes, authorities, or other means

by which Federal financial assistance is extended and
DEPARTMENT OF THE INTERIOR
43 CFR Subtitle A
RIN 1090–AA77

Authority and Issuance

For the reasons set forth in the joint preamble, DOI amends 43 CFR subtitle A, part 17 as set forth below:

PART 17—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE DEPARTMENT OF THE INTERIOR

Subpart A—Nondiscrimination on the Basis of Race, Color, or National Origin

1. The authority citation for subpart A continues to read as follows:

Authority: Sec. 602, 78 Stat. 252; 42 U.S.C. 2000d–1; and the laws referred to in Appendix A.

2. Section 17.3 is amended by revising the heading of paragraph (d) to read as follows:

§ 17.3 Discrimination prohibited.

(d) Benefits for Indians, natives of certain territories, and Alaska natives.

3. Section 17.4 is amended by revising the heading of paragraph (b) and paragraph (d)(2) to read as follows:

§ 17.4 Assurances required.

(b) Continuing Federal financial assistance.

(d) * * *

(2) The assurance required with respect to an institution of higher education, or any other institution, insofar as the assurance relates to the institution’s practices with respect to admission or other treatment of individuals as students, or clients of the institution or to the opportunity to participate in the provision of services or other benefits to such individuals, shall be applicable to the entire institution.

4. Section 17.12 is amended by revising paragraph (f) to read as follows:

§ 17.12 Definitions.

(f) The terms program or activity and program mean all of the operations of any entity described in paragraphs (f)(1) through (4) of this section, any part of which is extended Federal financial assistance:

(1)(i) A department, agency, special purpose district, or other instrumentality of a State or of a local government;

(ii) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(2)(i) A college, university, or other postsecondary institution, or a public system of higher education; or

(ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

3(i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship;

(4) Any other entity which is established by two or more of the entities described in paragraph (f)(1), (2), or (3) of this section.

Appendix B to Subpart A [Amended]

5. The introductory text for appendix B to subpart A is amended by removing the word “programs” and adding, in its place, the words “Federal financial assistance.”

6. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

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<td>under any such program</td>
<td>benefits</td>
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<td>under any such program</td>
<td>are limited</td>
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<td>the benefits of a program</td>
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<td>the benefits of a program</td>
<td>the program is addressed</td>
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<td>under any program</td>
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<td>except an application</td>
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<td>program of</td>
<td>award of</td>
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<td>for each program,</td>
<td>with</td>
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<td>in the program</td>
<td>statute</td>
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<td>under a program of</td>
<td>for</td>
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<td>17.4(a)(2), second sentence</td>
<td>program</td>
<td>student assistance</td>
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<td>17.4(a)(2), third sentence</td>
<td>to carry out a program involving</td>
<td>in</td>
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<td>17.4(a)(1), introductory text</td>
<td>a student assistance program</td>
<td>program for which</td>
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<td>17.4(b)(1), introductory text</td>
<td>of any program under</td>
<td>Federal statutes, authorities, or other means</td>
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<td>17.5(b), last sentence</td>
<td>program under which</td>
<td>by which Federal financial assistance is extended</td>
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<td>17.5(d)</td>
<td>programs</td>
<td>and</td>
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<td>to which this regulation applies</td>
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<td>17.204(c)(4)(i)</td>
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Subpart B—Nondiscrimination on the Basis of Handicap

7. The authority citation for subpart B continues to read as follows:


8. Section 17.202 is amended by adding a new paragraph (q) to read as follows:

§ 17.202 Definitions.

(q) Program or activity means all of the operations of any entity described in paragraphs (q)(1) through (4) of this section, any part of which is extended Federal financial assistance:

(i) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(ii) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(ii) A college, university, or other postsecondary institution, or a public system of higher education; or

(ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

(iii) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(iv) Any other entity which is established by two or more of the entities described in paragraph (q)(1), (2), or (3) of this section.

9. Section 17.203 is amended by revising the heading and first sentence of paragraph (c) to read as follows:

§ 17.203 Discrimination prohibited.

(c) Aid, benefits, or services limited by Federal law.

10. The heading for § 17.216 is revised to read as follows:

§ 17.216 Accessibility.

11. Section 17.217 is amended by revising the heading and first sentence of paragraph (a) to read as follows:

§ 17.217 Existing facilities.

(a) Accessibility. A recipient shall operate each program or activity so that when each part is viewed in its entirety it is readily accessible to and usable by handicapped persons.

12. Section 17.260 is amended by revising the section heading, the introductory text of paragraph (a), and the first sentence of paragraph (b)(1) introductory text to read as follows:

§ 17.260 Historic Preservation Programs.

(a) Definitions. For the purposes of this section, Historic Preservation Programs are those that receive Federal financial assistance that has preservation of historic properties as a primary purpose.

13. The section heading and the introductory text of § 17.270 are revised to read as follows:

§ 17.270 Recreation.

This section applies to recipients that operate, or that receive Federal financial assistance for the operation of programs or activities involving recreation.

14. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:
Subpart C—Nondiscrimination on the Basis of Age

15. The authority citation for subpart C continues to read as follows:


16. The heading of §17.302 is revised to read as follows:

§17.302 To what programs or activities do these regulations apply?

* * * * *

17. Section 17.303 is amended by redesignating paragraphs (j) through (m) as paragraphs (k) through (n) and adding a new paragraph (j) to read as follows:

§17.303 Definitions.

* * * * *

(j) Program or activity means all of the operations of any entity described in paragraphs (j)(1) through (4) of this section, any part of which is extended Federal financial assistance:

(1)(i) A department, agency, special purpose district, or other instrumentality of a State or of a local government;

(ii) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(2)(i) A college, university, or other postsecondary institution, or a public system of higher education;

(ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

(3)(i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(4) Any other entity which is established by two or more of the entities described in paragraph (j)(1), (2), or (3) of this section.

* * * * *

18. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

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<td>program</td>
<td>program or activity</td>
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<td>programs or activities</td>
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<td>or benefit from</td>
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<td>17.270(a)(5)</td>
<td>program</td>
<td>aid, benefits, or services</td>
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</tbody>
</table>

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(4) Any other entity which is established by two or more of the entities described in paragraph (j)(1), (2), or (3) of this section.
7.2 Definitions.

§ 3. Section 7.2 is amended by revising paragraph (d) to read as follows:

The terms "program or activity" and "program" mean all of the operations of any entity described in paragraphs (d)(1) through (4) of this section, any part of which is extended Federal financial assistance:

1. A department, agency, special purpose district, or other instrumentality of a State or of a local government;
2. The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;
3. A college, university, or other postsecondary institution, or a public system of higher education; or
4. A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;
5. An entire corporation, partnership, or other private organization, or an entire sole proprietorship—
   A. If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole;
   B. Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or
   C. The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship;

7.3 Application of this regulation.

§ 4. Section 7.3 is revised to read as follows:

§ 7.3 Application of this regulation.

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this regulation applies.


3. Section 7.2 is amended by revising paragraph (d) to read as follows:

(d) The terms program or activity and program mean all of the operations of any entity described in paragraphs (d)(1) through (4) of this section, any part of which is extended Federal financial assistance:

1. A department, agency, special purpose district, or other instrumentality of a State or of a local government;
2. The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;
3. A college, university, or other postsecondary institution, or a public system of higher education; or
4. A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;
5. An entire corporation, partnership, or other private organization, or an entire sole proprietorship—
   A. If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole;
   B. Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or
   C. The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship;
7. The heading for subpart E is revised to read as follows:

Subpart E—Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance From FEMA

8. The authority citation for subpart E is revised to read as follows:


9. The heading for § 7.912 is revised to read as follows:

§ 7.912 To what programs or activities does this regulation apply? * * * * *

10. Section 7.913 is amended by adding, in alphabetical order, a definition of “Program or activity” to read as follows:

§ 7.913 Definition of terms used in this regulation.

Program or activity means all of the operations of any entity described in paragraphs (1) through (4) of this definition, any part of which is extended Federal financial assistance:

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship—

(1)(i) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(ii) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(4) Any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3) of this definition.

* * * * *

11. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

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</tr>
<tr>
<td>7.912(a)</td>
<td>program</td>
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<td>7.925</td>
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</tr>
<tr>
<td>7.926</td>
<td>programs and activities</td>
<td>programs or activities</td>
</tr>
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<td>7.930, first sentence</td>
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<td>program</td>
</tr>
<tr>
<td>7.931(b)</td>
<td>program</td>
<td>program</td>
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<td>program and activity</td>
<td>program or activity</td>
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<tr>
<td>7.945(b), first sentence</td>
<td>Federal</td>
<td>Federal financial assistance</td>
</tr>
<tr>
<td>7.945(c)(2), first sentence</td>
<td>program or activity</td>
<td></td>
</tr>
</tbody>
</table>


Michael D. Brown,
Under Secretary, Emergency Preparedness and Response.

NATIONAL SCIENCE FOUNDATION
45 CFR Chapter VI
RIN 3145-AA38

Authority and Issuance

For the reasons set forth in the joint preamble, NSF amends 45 CFR chapter VI, parts 605, 611, and 617 as set forth below:

PART 605—NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

1. The heading for part 605 is revised to read as set forth above.

2. The authority citation for part 605 continues to read as follows:


3. Section 605.3 is amended by adding a new paragraph (m) to read as follows:

§ 605.3 Definitions.

(m) Program or activity means all of the operations of any entity described in paragraphs (l)(1) through (4) of this section, any part of which is extended Federal financial assistance:

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship—

(1) (i) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(ii) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(2) (i) A college, university, or other postsecondary institution, or a public system of higher education; or

(ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

(3)(i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—

(4) Any other entity which is established by two or more of the entities described in paragraph (m)(1), (2), or (3) of this section.
5. The heading for subpart C is amended by removing the word "Program".

### §605.38 [Amended]
7. The heading for §605.38 is amended by removing the word "programs".

### §605.39 [Amended]
8. The heading for §605.39 is amended by removing the word "programs".

9. In the table below, for each section indicated in the left column and add the text shown in the middle column and the text shown in the right column:

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<td>605.0, first sentence</td>
<td>programs and activities or benefits from</td>
<td>programs or activities</td>
</tr>
<tr>
<td>605.2</td>
<td></td>
<td>aid, benefits, or services</td>
</tr>
<tr>
<td>605.3(k)(5), second sentence</td>
<td>programs</td>
<td>programs or activities</td>
</tr>
<tr>
<td>605.3(k)(5), third sentence</td>
<td>program</td>
<td>program or activity</td>
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<td>605.4(b)(1)(v)</td>
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<td>recipient’s program or activity</td>
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<td>605.4(b)(3)</td>
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<td>aid, benefits, or services</td>
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<td>605.4(b)(4)(i)</td>
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<td>605.4(b)(5)(i)</td>
<td>or benefits from</td>
<td>aid, benefits, or services</td>
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<tr>
<td>605.4(b)(6)</td>
<td>or benefiting from</td>
<td>from aid, benefits or services</td>
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<td>from aid, benefits or services</td>
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<td>605.5(a)</td>
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<td>programs or activities</td>
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<tr>
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<td>605.11(b)(8)</td>
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<td>program or activity</td>
</tr>
<tr>
<td>605.12(a)</td>
<td>program</td>
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</tr>
<tr>
<td>605.12(c)(1)</td>
<td>program</td>
<td>program or activity</td>
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<td>offer programs and activities to serve</td>
<td>accessibility under paragraph (a) of this section</td>
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</tr>
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<td>programs or activities</td>
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<td>Individualized Education Program</td>
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<td>for aid, benefits, or services</td>
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<td>the one</td>
<td>those</td>
</tr>
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<td>operates</td>
<td>operates or provides</td>
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<tr>
<td>605.33(c)(1), first sentence</td>
<td>in</td>
<td>for aid, benefits, or services</td>
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<td>605.33(c)(1), second sentence</td>
<td>to a program</td>
<td>operated or provided</td>
</tr>
<tr>
<td>605.33(c)(1), second sentence</td>
<td>operated</td>
<td>aid, benefits, or services</td>
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<td>the aid, benefits, or services</td>
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<td>placement</td>
</tr>
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<td>605.33(c)(3)</td>
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<td>a free appropriate public education</td>
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<td>605.35(a)</td>
<td>program</td>
<td>a regular or special education program</td>
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<tr>
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<td>programs and activities</td>
<td>aid, benefits, or services</td>
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<td>605.38</td>
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<td>provides</td>
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<td>605.39(a)</td>
<td>education program</td>
<td>day care</td>
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<td>provides</td>
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<tr>
<td>605.39(a)</td>
<td>operates</td>
<td>that recipient’s program or activity</td>
</tr>
<tr>
<td>605.39(a)</td>
<td>programs shall operate such programs</td>
<td>provides</td>
</tr>
</tbody>
</table>

In §605.22, the heading and first sentence of paragraph (a) are revised to read as follows:

### §605.22 Existing facilities.
(a) Accessibility. A recipient shall operate each program or activity to which this part applies so that when each part is viewed in its entirety it is readily accessible to qualified handicapped persons.

* * *
### PART 611—NONDISCRIMINATION IN FEDERAL-ASSISTED PROGRAMS OF THE NATIONAL SCIENCE FOUNDATION—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

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<td>605.41</td>
<td>or benefit from</td>
<td>aid, benefits, or services</td>
</tr>
<tr>
<td>605.43(a)</td>
<td>program or activity</td>
<td>program or activity</td>
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<td>605.43(d)</td>
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<td>605.44(a), second sentence</td>
<td>program of</td>
<td>program of</td>
</tr>
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<td>605.44(c)</td>
<td>in its program</td>
<td>programs and activities</td>
</tr>
<tr>
<td>605.50</td>
<td>programs and activities</td>
<td>programs and activities</td>
</tr>
<tr>
<td>605.51</td>
<td>or benefit from</td>
<td>activity for</td>
</tr>
<tr>
<td>605.54, first sentence</td>
<td>activity for</td>
<td>activity that provides aid, benefits, or services for</td>
</tr>
</tbody>
</table>

### §611.4 Assurances required.

1. The assurance required with respect to an institution of higher education.
2. The assurance required with respect to an institution of postsecondary education.
3. The assurance required with respect to an institution of education or training.
4. The assurance required with respect to an instrumentality of a State or local government.
5. An assurance required with respect to any entity described in paragraph (f)(1) through (4) of this section.

### §611.5 Illustrative applications.

1. A research, training, or other grant to a university for activities to be conducted in a graduate school.
2. A research, training, or other grant to a university for activities to be conducted in an undergraduate school.

### §611.13 Definitions.

1. A local educational agency.
2. A public or private institution.
3. A State or local government.
4. An entity which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation.

### §611.14 Types of Federal financial assistance.

1. Types of Federal financial assistance.
2. Types of Federal financial assistance.
3. Types of Federal financial assistance.
4. Types of Federal financial assistance.

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**Notes:**
- Section 611.4 is amended by revising paragraph (c)(2) to read as follows:
- Section 611.5 is amended by revising example 2. to read as follows:
- Section 611.13 is amended by revising paragraph (f) to read as follows:
### PART 617—NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM NSF

15. The authority citation for part 617 continues to read as follows:

<table>
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<th>Section</th>
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<td>617.1, last sentence</td>
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<td>617.11(a)(2), last sentence</td>
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<td>617.12(a), first sentence</td>
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<td>programs and activities</td>
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<td>617.12(c), first sentence</td>
<td></td>
<td>program</td>
</tr>
<tr>
<td>617.12(e), first sentence</td>
<td></td>
<td>under</td>
</tr>
<tr>
<td>617.12(f)(2)(ii)</td>
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<td>Federal</td>
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<tr>
<td>617.12(f)(2)(iii)</td>
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<td>program or activity</td>
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</table>


§ 617.2 [Amended]

16. In § 617.2, the list is amended by adding, in alphabetical order, the term “Program or activity.”

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<td>617.2, the list is amended by</td>
<td></td>
<td></td>
</tr>
<tr>
<td>revising paragraph (a) to read as follows:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Authority: 42 U.S.C. 2000d.
Lawrence Rudolph, General Counsel, National Science Foundation.

### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

45 CFR Chapter XI

RIN 3135–AA17, RIN 3136–AA24, RIN 3137–AA11

Authority and Issuance

1. The authority citation for part 1110 is revised to read as follows:


2. Section 1110.4 is amended by revising the heading of paragraph (b) and paragraph (d)[2] to read as follows:

§ 1110.4 Assurances required.

(a) Continuing Federal financial assistance

(b) Continuing Federal financial assistance

(d) Continuing Federal financial assistance

(2) The assurance required with respect to an institution of higher education or any other institution, insofar as the assurance relates to the institution’s practices with respect to admission or other treatment of individuals as students, or clients of the institution or to the opportunity to participate in the provision of services or other benefits to such individuals, shall be applicable to the entire institution.

3. Section 1110.5 is amended by revising paragraph (a) to read as follows:

§ 1110.5 Illustrative applications.

(a) In a research, training, 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.

(b) Continuing Federal financial assistance

(d) Continuing Federal financial assistance

(2) The assurance required with respect to an institution of higher education or any other institution, insofar as the assurance relates to the institution’s practices with respect to admission or other treatment of individuals as students, or clients of the institution or to the opportunity to participate in the provision of services or other benefits to such individuals, shall be applicable to the entire institution.

4. Section 1110.13 is amended by revising paragraph (g) to read as follows:

§ 1110.13 Definitions.

(g) Program or activity and program mean all of the operations of any entity described in paragraphs (g)(1) through (4) of this section, any part of which is extended Federal financial assistance:

1. A department, agency, special purpose district, or other instrumentality of a State or of a local government; or

2. The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government:

3. An entire corporation, partnership, or other private organization—

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or
(4) Any other entity which is established by two or more of the entities described in paragraph (g)(1), (2), or (3) of this section.

<table>
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<td>1110.2, second sentence</td>
<td>program or activity that such program</td>
<td>type of Federal financial assistance</td>
</tr>
<tr>
<td>1110.2, fifth sentence</td>
<td>programs</td>
<td>types of Federal financial assistance</td>
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<td>1110.2, last sentence</td>
<td>to carry out a program</td>
<td>with</td>
</tr>
<tr>
<td>1110.4(a)(1), first sentence</td>
<td>for each program</td>
<td>statute</td>
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<tr>
<td>1110.4(a)(1), third sentence</td>
<td>in the program</td>
<td>for</td>
</tr>
<tr>
<td>1110.4(a)(2), first sentence</td>
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<td>in</td>
</tr>
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<td>program for which</td>
</tr>
<tr>
<td>1110.4(a)(2), third sentence</td>
<td>program</td>
<td>Federal statutes, authorities, or other means</td>
</tr>
<tr>
<td>1110.4(b)</td>
<td>to carry out a program involving</td>
<td>by which Federal financial assistance is extended and</td>
</tr>
<tr>
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<td>of any program under</td>
<td>to which this regulation applies</td>
</tr>
<tr>
<td>1110.6(d)</td>
<td>program under which</td>
<td>assistance to which this regulation applies will</td>
</tr>
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</tr>
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<td></td>
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<td>1110.13(i)</td>
<td>under such any program</td>
<td></td>
</tr>
<tr>
<td>1110.13(j)</td>
<td>for the purposes of carrying out a program</td>
<td></td>
</tr>
</tbody>
</table>

§ 1151.3 Definitions.

(h) Program or activity means all of the
operations of any entity described in paragraphs (h)(1) through (4) of this section, any part of which is extended Federal financial assistance:

(i) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(ii) The entity of such State or local government that distributes such assistance and each other department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(2)(i) A college, university, or other postsecondary institution, or a public system of higher education; or

(ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

(3)(i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(4) Any other entity which is established by two or more of the entities described in paragraph (h)(1), (2), or (3) of this section.

§ 1151.22 Existing facilities.

(a) A recipient shall operate each program or activity to which this part applies so that when each part is viewed in its entirety it is readily accessible to and usable by handicapped persons.

5. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:
### PART 1156—NONDISCRIMINATION ON THE BASIS OF AGE

§ 1156.2 [Amended]

7. Section 1156.2 is amended by removing the words “and to each program or activity that receives or benefits from such assistance” in paragraph (a).

8. Section 1156.3 is amended by redesignating paragraphs (h) through (n) as paragraphs (i) through (o), respectively; and by adding a new paragraph (h) to read as follows:

§ 1156.3 Definitions.

(h) Program or activity means all of the operations of any entity described in paragraphs (h)(1) through (4) of this section, any part of which is extended Federal financial assistance:

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship;

(4) Any other entity which is established by two or more of the entities described in paragraph (h)(1), (2), or (3) of this section.

9. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

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<td>1156.17(a)(2)</td>
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Karen Elias,
Deputy General Counsel, National Endowment for the Arts.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

45 CFR Chapter XI

RIN 3136–AA24

Authority and Issuance

For the reasons set forth in the joint preamble, NEH amends 45 CFR chapter XI part 1170 as set forth below:

PART 1170—NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED PROGRAMS OR ACTIVITIES

1. The heading for part 1170 is revised to read as set forth above.

2. The authority citation for part 1170 continues to read as follows:


3. Section 1170.3 is amended by revising paragraph (g) to read as follows:

§ 1170.3 Definitions.

(g) The term program or activity means all of the operations of any entity described in paragraphs (g)(1) through (4) of this section, any part of which is extended Federal financial assistance:

(1)(i) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(ii) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(2)(i) A college, university, or other postsecondary institution, or a public system of higher education; or

(ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

(3)(i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation;

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(4) Any other entity which is established by two or more of the entities described in paragraph (g)(1), (2), or (3) of this section.

Subpart D to Part 1170—[Amended]

4. The heading for subpart D is amended by removing the word “Program”.

5. Section 1170.32 is amended by revising the heading and first sentence of paragraph (a) to read as follows:

§ 1170.32 Existing facilities.

(a) Accessibility. A recipient shall operate each program or activity to which this part applies so that when each part is viewed in its entirety it is readily accessible to handicapped persons.

6. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

<table>
<thead>
<tr>
<th>Section</th>
<th>Remove</th>
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</tr>
</thead>
<tbody>
<tr>
<td>1170.2</td>
<td></td>
<td>95–602, and by the Civil Rights Restoration Act of 1987, Pub. L. 100–259</td>
</tr>
<tr>
<td>1170.3(a)</td>
<td>or benefits from program or activity</td>
<td>program or activity</td>
</tr>
<tr>
<td>1170.3(b)</td>
<td></td>
<td>aid, benefits, or services</td>
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<tr>
<td>1170.3(c)</td>
<td></td>
<td>program or activity</td>
</tr>
<tr>
<td>1170.3(d)</td>
<td></td>
<td>aid, benefits, or services</td>
</tr>
<tr>
<td>1170.3(e)</td>
<td></td>
<td>from aid, benefits, or services</td>
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<tr>
<td>1170.3(f)</td>
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<td>programs or activities</td>
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<tr>
<td>1170.3(g)</td>
<td></td>
<td>aid, benefits, or services</td>
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<tr>
<td>1170.3(h)</td>
<td></td>
<td>from aid, benefits, or services</td>
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<tr>
<td>1170.3(i)</td>
<td></td>
<td>programs or activities</td>
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<td>1170.3(j)</td>
<td></td>
<td>aid, benefit, or service</td>
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<tr>
<td>1170.3(k)</td>
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<td>the program or activity</td>
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<tr>
<td>1170.3(l)</td>
<td></td>
<td>museum aid, benefits, or services</td>
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<tr>
<td>1170.3(m)</td>
<td></td>
<td>programs or activities</td>
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<tr>
<td>1170.3(n)</td>
<td></td>
<td>apprenticeships</td>
</tr>
<tr>
<td>1170.3(o)</td>
<td></td>
<td>those that are social</td>
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<tr>
<td>1170.3(p)</td>
<td></td>
<td>program or activity</td>
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<tr>
<td>1170.3(q)</td>
<td></td>
<td>program or activity</td>
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<tr>
<td>1170.3(r)</td>
<td></td>
<td>program or activity</td>
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<tr>
<td>1170.3(s)</td>
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<td>program or activity</td>
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<td>1170.3(t)</td>
<td></td>
<td>program or activity</td>
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<tr>
<td>1170.3(u)</td>
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<td>program or activity</td>
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<tr>
<td>1170.3(v)</td>
<td></td>
<td>program or activity</td>
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<tr>
<td>1170.3(w)</td>
<td></td>
<td>program or activity</td>
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<tr>
<td>1170.3(x)</td>
<td></td>
<td>program or activity</td>
</tr>
<tr>
<td>1170.3(y)</td>
<td></td>
<td>program or activity</td>
</tr>
</tbody>
</table>

Daniel Schneider,
General Counsel, National Endowment for the Humanities.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

45 CFR Chapter XII

RIN 3045-AA29

Authority and Issuance

For the reasons set forth in the joint preamble, the Corporation amends 45 CFR chapter XII, parts 1203 and 1232 as set forth below:

PART 1203—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

1. The authority citation for part 1203 continues to read as follows:


2. Section 1203.3 is amended by revising paragraph (e) to read as follows:

§ 1203.3 Definitions.

(e) Program or activity and program

mean all of the operations of any entity described in paragraphs (e)(1) through (4) of this section, any part of which is extended Federal financial assistance:

(1)(i) A department, agency, special purpose district, or other instrumentality of a State or local government;

(ii) The entire plant or other facility to which Federal financial assistance is extended, in the case of such entity of such State or local government (A) If assistance is extended to such department, agency, or an entire sole proprietorship—

(A) If assistance is extended to such department, agency, special purpose district, or other instrumentality of a State or local government; or

(B) Which is principally engaged in the provision of services, disposition, treatment, or benefits to these individuals, is applicable to the entire institution or facility, relating to the client of the institution or facility, or to any other correctional facility, or any other academic institution, detention or correctional facility, or any other institution or facility, to which the opportunity to participate in the provision of services, disposition, treatment, or benefits to these individuals, is applicable to the entire institution or facility.

(2) The assurance required by an academic institution, detention or correctional facility, or any other institution or facility, relating to the institution’s practices with respect to admission or other treatment of individuals as students, patients, wards, inmates, persons subject to control, or clients of the institution or facility or to the opportunity to participate in the provision of services, disposition, treatment, or benefits to these individuals, is applicable to the entire institution or facility.

3. Section 1203.3 is amended by revising paragraph (b), paragraph (c)(2), and the heading of paragraph (d) to read as follows:

§ 1203.5 Assurances required.

(b) Assurances from Government agencies. In the case of an application for a department, agency, or office of a State or local government for Federal financial assistance for a specified purpose, the assurance required by this section shall extend to any other department, agency, or office of the same governmental unit if the policies of the other department, agency, or office will substantially affect the project for which Federal financial assistance is requested.

(2) The assurance required by an academic institution, detention or correctional facility, or any other institution or facility, relating to the institution’s practices with respect to admission or other treatment of individuals as students, patients, wards, inmates, persons subject to control, or clients of the institution or facility or to the opportunity to participate in the provision of services, disposition, treatment, or benefits to these individuals, is applicable to the entire institution or facility.

Appendix A to Part 1203 [Amended]

4. The heading for appendix A to part 1203 is amended by removing the word “Programs” and adding, in its place, the words “Federal Financial Assistance”.

Appendix B to Part 1203 [Amended]

5. The heading for appendix B to part 1203 is amended by removing the word “Programs” and adding, in its place, the words “Federal Financial Assistance”.

6. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

<table>
<thead>
<tr>
<th>Section</th>
<th>Remove</th>
<th>Add</th>
</tr>
</thead>
<tbody>
<tr>
<td>1170.44(d)(1)</td>
<td>under the education program or activity operated by the recipient</td>
<td>aid, benefits, or services</td>
</tr>
<tr>
<td>1170.47(a)(1), first sentence</td>
<td>programs and activities for a program or activity</td>
<td>the program</td>
</tr>
<tr>
<td>1170.51(a), first sentence</td>
<td>the program</td>
<td>program</td>
</tr>
<tr>
<td>1170.51(a), first sentence</td>
<td>the program</td>
<td>programs</td>
</tr>
<tr>
<td>1170.52(a)(3)(ii)</td>
<td>programs and activities</td>
<td>programs</td>
</tr>
<tr>
<td>1170.54(a), second sentence</td>
<td>financial assistance</td>
<td>financial assistance for a specified purpose, the assurance required by this section shall extend to any other department, agency, or office of the same governmental unit if the policies of the other department, agency, or office will substantially affect the project for which Federal financial assistance is requested.</td>
</tr>
</tbody>
</table>
### PART 1232—NONDISCRIMINATION ON BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

7. The heading for part 1232 is revised to read as set forth above.

8. The authority citation for part 1232 continues to read as follows:


9. Section 1232.3 is amended by adding a new paragraph (m) to read as follows:

§ 1232.3 Definitions.

(m) Program or activity means all of the operations of any entity described in paragraphs (m)(1) through (4) of this section, any part of which is extended Federal financial assistance:

(1)(i) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of assistance to a State or local government;

(2)(i) A college, university, or other postsecondary institution, or a public system of higher education; or

(ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

(3)(i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship—

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(4) Any other entity which is established by two or more of the entities described in paragraph (m)(1), (2), or (3) of this section.

### Subpart C of Part 1232—[Amended]

10. The heading for subpart C of part 1232 is amended by removing the word “Program”.

§ 1232.13 [Amended]

11. The heading for § 1232.13 is amended by removing the word “program”.

12. Section 1232.14 is amended by revising the first sentence of paragraph (a) and paragraph (b) to read as follows:

§ 1232.14 Existing facilities.

(a) A recipient shall operate each program or activity to which this part applies so that when each part is viewed in its entirety it is readily accessible and usable by handicapped persons.

(b) A recipient is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. Where structural changes are necessary to comply with paragraph (a) of this section, such changes shall be made as soon as practicable, but in no event later than three years after the effective date of the regulation.

13. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

| Section |
|--------------------------|--------------------------|--------------------------|
| 1232.2, first sentence | under a program or benefits from | including volunteer programs such as |
| 1232.2, first sentence | under a program | under any programs |
| 1232.3(k) | program | program or activities |
| 1232.4(b)(1)(v) | program | program |
| 1232.4(b)(2) | program or benefits from | the benefits of a program |
| 1232.4(b)(3)(ii) | the benefits of a program | aid, benefits, or services |
| 1232.4(b)(4)(i) | | program or activity |
1. The authority citation for part 21 is
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PART 27—NONDISCRIMINATION ON THE BASIS OF DISABILITY IN
PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL
ASSISTANCE

5. The heading for part 27 is revised to read as set forth above.

6. The authority citation for part 27 continues to read as follows:

Authority: Sec. 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794); sec. 16(a) and (d) of the Federal Transit Act of 1964, as amended (49 U.S.C. 5310(a) and (f)); sec. 165(b) of the Federal-Aid Highway Act of 1973, as amended (23 U.S.C. 142 nt.).

Subpart A—General

7. Section 27.5 is amended by revising the definition of Primary recipient and adding, in alphabetical order, a definition of Program or activity to read as follows:

§27.5 Definitions.

Primary recipient means any recipient that is authorized or required to extend Federal financial assistance from the Department to another recipient.

Program or activity means all of the operations of any entity described in paragraphs (1) through (4) of this definition, any part of which is extended Federal financial assistance:

(A) A department, agency, special purpose district, or other instrumentality of a State or of a local government;

(B) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(2)(i) A college, university, or other postsecondary institution, or a public system of higher education; or

(ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;

(3)(i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as awhole; or

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(4) Any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3) of this definition.

* * * * *

8. Section 27.7 is amended by revising the heading for paragraph (d) to read as follows:

§27.7 Discrimination prohibited.

(d) Aid, benefits, or services limited by Federal law.* * *

9. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

<table>
<thead>
<tr>
<th>Section</th>
<th>Remove</th>
<th>Add</th>
</tr>
</thead>
<tbody>
<tr>
<td>21.7(a)(1), sixth sentence</td>
<td>under a program</td>
<td>with statute</td>
</tr>
<tr>
<td>21.7(a)(2), second sentence</td>
<td>program</td>
<td>for types of Federal financial assistance</td>
</tr>
<tr>
<td>21.7(a)(2), third sentence</td>
<td>programs</td>
<td>in</td>
</tr>
<tr>
<td>21.7(b)</td>
<td>of any program under</td>
<td>Federal statutes, authorities, or other means</td>
</tr>
<tr>
<td>21.7(b)</td>
<td>programs</td>
<td>by which Federal financial assistance is extended and</td>
</tr>
<tr>
<td>21.9(b), second sentence</td>
<td></td>
<td>to which this regulation applies</td>
</tr>
<tr>
<td>21.9(d)</td>
<td></td>
<td>assistance to which this regulation applies will</td>
</tr>
<tr>
<td>21.15(e), first sentence</td>
<td>under any such program</td>
<td></td>
</tr>
<tr>
<td>21.17(f)</td>
<td>under the program involved</td>
<td></td>
</tr>
<tr>
<td>21.17(f)</td>
<td>assistance will</td>
<td></td>
</tr>
<tr>
<td>21.21(a), first sentence</td>
<td>under such program</td>
<td></td>
</tr>
<tr>
<td>21.23(d)</td>
<td>for the purpose of carrying out a program</td>
<td></td>
</tr>
<tr>
<td>21.23(f)</td>
<td>for any program,</td>
<td></td>
</tr>
<tr>
<td>21.23(f)</td>
<td>under any such program</td>
<td></td>
</tr>
</tbody>
</table>
10. The heading of subpart B is revised to read as follows:

**Subpart B—Accessibility Requirements in Specific Operating Administration Programs: Airports, Railroads, and Highways**

11. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

<table>
<thead>
<tr>
<th>Section</th>
<th>Remove</th>
<th>Add</th>
</tr>
</thead>
<tbody>
<tr>
<td>27.71(b), last sentence</td>
<td>programs</td>
<td>programs or activities</td>
</tr>
<tr>
<td>27.77</td>
<td>Essential Air Service program</td>
<td>Essential Air Service Program</td>
</tr>
</tbody>
</table>

**Subpart C—Enforcement**

12. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

<table>
<thead>
<tr>
<th>Section</th>
<th>Remove</th>
<th>Add</th>
</tr>
</thead>
<tbody>
<tr>
<td>27.121(b), last sentence</td>
<td>of any program under</td>
<td>in program or activity</td>
</tr>
<tr>
<td>27.121(d)</td>
<td>program</td>
<td>program or activity</td>
</tr>
<tr>
<td>27.125(b)(2)</td>
<td>program</td>
<td>Federal statutes, authorities, or other means by which Federal financial assistance is extended and to which this first regulation applies</td>
</tr>
<tr>
<td>27.127(f), first sentence</td>
<td>programs</td>
<td>assistance to which this regulation applies</td>
</tr>
<tr>
<td>27.129(e), first sentence</td>
<td>under the program involved</td>
<td></td>
</tr>
<tr>
<td>27.129(e), last sentence</td>
<td>assistance</td>
<td></td>
</tr>
</tbody>
</table>


Norman Y. Mineta,
Secretary of Transportation.