

# **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:

**Authority:** Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 *et seq.*; 45 CFR part 90; 22 U.S.C. 2658, unless otherwise noted.

■ 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—

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

(2) 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:

| Section                           | Remove                  | Add                          |
|-----------------------------------|-------------------------|------------------------------|
| 218.01, last sentence .....       | programs and activities | programs or activities       |
| 218.02 .....                      | or benefits from        |                              |
| 218.21 .....                      | programs and activities | program or activities        |
| 218.34(a)(2), last sentence ..... | program                 |                              |
| 218.36(c)(2) .....                | Federal                 |                              |
| 218.39(b)(2) .....                | program or activity     | Federal financial assistance |

Dated: May 1, 2001.

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## **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<sup>1</sup>**

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

**Authority:** 42 U.S.C. 2000d–2000d–7; E.O. 12250, 45 FR 72995, 3 CFR, 1980 Comp., p. 298.

■ 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:

(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—

<sup>1</sup> See also 28 CFR 50.3. Guidelines for enforcement of Title VI, Civil Rights Act.