

Section	Remove	Add
17.321(b)	program	
17.333(a)(2), last sentence	program	
17.335(c)(2), first sentence	Federal	
17.338(b)(2)	program or activity	Federal financial assistance

Dated: October 11, 2002.

P. Lynn Scarlett,

*Assistant Secretary—Policy, Management,
and Budget, Department of the Interior.*

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Chapter I

RIN 1660-AA12

Authority and Issuance

■ For the reasons set forth in the joint preamble, FEMA amends 44 CFR chapter I, part 7 as set forth below:

PART 7—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS (FEMA REG. 5)

■ 1. The heading for subpart A is revised to read as follows:

Subpart A—Nondiscrimination in FEMA-Assisted Programs—General

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

Authority: FEMA Reg. 5 issued under sec. 602, 78 Stat. 252; 42 U.S.C. 2000d-1; 42 U.S.C. 1855-1885g; 50 U.S.C. 404.

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

§ 7.2 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—

(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.

* * * * *

■ 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.

■ 5. Section 7.9 is amended by revising paragraph (b) to read as follows:

§ 7.9 Assurances from institutions.

* * * * *

(b) The assurances 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 institutions or to the opportunity to participate in the provision of services or other benefits to such individuals, shall be applicable to the entire institution.

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	Remove	Add
7.2(f)	for any program,	
7.2(f)	under any such program	
7.2(g)	for the purpose of carrying out a program	
7.4, second sentence	under any such program	
7.4(b)	under any such program	
7.4(c)	under any such program	
7.5(a), introductory text	under any program	
7.7, first sentence	to carry out a program	
7.7, fifth sentence	for each program,	
7.7, fifth sentence	in the program	
7.10(b), last sentence	of any program under	
7.10(d)	program under which	
7.13(e), first sentence	programs	in
		program for which
		Federal statutes, authorities, or other means
		by which Federal financial assistance is extended and
		to which this regulation applies
		assistance to which this regulation applies will
7.14(f)	under the program involved	
7.14(f)	assistance will	
7.14(f)	under such program	
7.16(a), first sentence	under such program	