

Section	Remove	Add
611.9(e), first sentence .....	programs	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
611.10(f) .....	under the program involved	
611.10(f) .....	assistance will	
611.10(f) .....	under such program	
611.12(a), first sentence .....	under such program	
611.13(h) .....	for any program,	
611.13(h) .....	under any such program	
611.13(i) .....	for the purpose of carrying out a program	

**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:

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

**§ 617.2 [Amended]**

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

■ 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:

Section	Remove	Add
617.1, last sentence .....	programs and activities	programs or activities
617.8, first sentence .....	program or activities	program or activity
617.11(a)(2), last sentence .....	program	
617.12(a), first sentence .....	under	for
617.12(c), first sentence .....	program	program or activity
617.12(e), first sentence .....	Federal	
617.12(f)(2)(ii) .....	program or activity	Federal financial assistance

Dated: April 26, 2001.

**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**

■ For the reasons set forth in the joint preamble, NFAH, composed of the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum and Library Services, amends 45 CFR chapter XI, part 1110, as set forth below:

**PART 1110—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS**

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

**Authority:** 42 U.S.C. 2000d–2000d–7.

■ 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.**

\* \* \* \* \*

(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.

■ 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.

\* \* \* \* \*

■ 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)(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