

(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.

\* \* \* \* \*

■ 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:

Section	Remove	Add
1110.2, first sentence .....	federally assisted programs and activities	types of Federal financial assistance
1110.2, second sentence .....	under any such program	
1110.2, fifth sentence .....	program or activity	type of Federal financial assistance
1110.2, fifth sentence .....	that such program	that a program
1110.2, last sentence .....	programs	types of Federal financial assistance
1110.4(a)(1), first sentence .....	to carry out a program	
1110.4(a)(1), third sentence .....	for each program	
1110.4(a)(1), third sentence .....	in the program	
1110.4(a)(2), first sentence .....	through a program of	with
1110.4(a)(2), second sentence .....	under a program of	with
1110.4(a)(2), third sentence .....	program	statute
1110.4(b) .....	to carry out a program involving	for
1110.6(b), last sentence .....	of any program under	in
1110.6(d) .....	program under which	program for which
1110.9(e), first sentence .....	programs	Federal statutes, authorities, or other means
		by which Federal financial assistance is extended and
1110.10(f) .....	under the program involved	to which this regulation applies
1110.10(f) .....	assistance will	assistance to which this regulation applies will
1110.10(f) .....	under such program	
1110.13(i) .....	for any program,	
1110.13(i) .....	under any such program	
1110.13(j) .....	for the purposes of carrying out a program	

Dated: January 16, 2003.

**Karen Elias,**

*Deputy General Counsel, National Endowment for the Arts, National Foundation on the Arts and the Humanities.*

Dated: January 17, 2003.

**Daniel Schneider,**

*General Counsel, National Endowment for the Humanities, National Foundation on the Arts and the Humanities.*

Dated: January 16, 2003.

**Nancy E. Weiss,**

*General Counsel, Institute of Museum and Library Services, National Foundation on the Arts and the Humanities.*

## **NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES**

### **National Endowment for the Arts**

#### **45 CFR Chapter XI**

**RIN 3135-AA17**

#### **Authority and Issuance**

■ For the reasons set forth in the joint preamble, NEA amends 45 CFR chapter XI, parts 1151 and 1156, as set forth below:

### **PART 1151—NONDISCRIMINATION ON THE BASIS OF HANDICAP**

■ 1. The authority citation for part 1151 continues to read as follows:

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

■ 2. Section 1151.3 is amended by adding a new paragraph (h) to read as follows:

#### **§ 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:

(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 (h)(1), (2), or (3) of this section.

#### **§ 1151.21 [Amended]**

■ 3. The undesignated center heading immediately preceding § 1151.21 is amended by removing the word "Program".

■ 4. Section 1151.22 is amended by revising the first sentence of paragraph (a) to read as follows:

#### **§ 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: