

Dated: April 17, 2001.

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## **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:

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

■ 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; 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.

\* \* \* \* \*

#### **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:

Section	Remove	Add
1170.2 .....	or benefits from	
1170.3(a) .....	and	
1170.3(a) .....	95–602	95–602, and by the Civil Rights Restoration Act of 1987, Pub. L. 100–259
1170.3(d) .....	program	program or activity
1170.11 .....	or benefits from	
1170.12(a)(5) .....	program	program or activity
1170.12(b) .....	programs or activities	aid, benefits, or services
1170.12(c)(2) .....	program	program or activity
1170.12(d)(1) .....	or benefits from	
1170.12(e) .....	the benefits of a program	aid, benefits, or services
1170.12(e) .....	from a program	from aid, benefits, or services
1170.12(f) .....	programs and activities	programs or activities
1170.13(a)(3) .....	programs	aid, benefits, or services
1170.13(a)(3) .....	program	aid, benefit, or service
1170.13(a)(4), first sentence .....	of a program's	
1170.13(c) .....	the programs and activities	the program or activity
1170.13(c) .....	museum programs and activities	museum aid, benefits, or services
1170.13(d) .....	programs and activities	programs or activities
1170.21(a) .....	or benefits from	
1170.21(c), last sentence .....	apprenticeship programs	apprenticeships
1170.21(d)(8) .....	social	those that are social
1170.21(d)(8) .....	programs	
1170.22(a) .....	program	program or activity
1170.22(c), introductory text .....	program	program or activity
1170.22(c)(1) .....	program	program or activity
1170.32(b), last sentence .....	offer program and activities to	serve
1170.32(d)(3) .....	program accessibility	accessibility under paragraph (a) of this section
1170.41 .....	programs and activities	programs or activities
1170.41 .....	or benefit from	
1170.43(a) .....	program or activity	aid, benefit, or service
1170.43(d) .....	programs and activities	program or activity
1170.44(a), second sentence .....	program of	
1170.44(c) .....	in its program	