EPA—APPROVED NEW YORK SOURCE-SPECIFIC PROVISIONS

Name of source	Identifier No.	State effective date	EPA approval date	Comments
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Big Six Towers	2–6304–00404/00004	04/04/2024	08/14/2026, 91 FR [INSERT FEDERAL REGISTER PAGE WHERE THE DOCUMENT BEGINS].	RACT emission limit for conditions 19, 30, 31, 32, and 40, emission unit 1–STACK, emission sources 0ENG2, 0ENG4, 0ENG6.

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[FR Doc. 2026–16627 Filed 8–13–26; 8:45 am]

BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 101–4, 101–6, 101–8, and 105–10

[GSPMR Case 2026–03; Docket No. GSA–GSA–2026–0199; Sequence No. 01]

RIN 3090–AL09

General Services Administration Property Management Regulation (GSPMR): Nondiscrimination in Programs Receiving Federal Financial Assistance

AGENCY: Office of Government-wide Policy (OGP), U.S. General Services Administration (GSA).

ACTION: Final rule.

SUMMARY: The General Services Administration (GSA) revises its regulations implementing Title VI of the Civil Rights Act of 1964 (Title VI) and moves those regulations from the Federal Property Management Regulations (FPMR) to the General Services Administration Property Management Regulations (GSPMR). Title VI prohibits discrimination on the basis of race, color, or national origin in programs or activities receiving Federal financial assistance. This final rule updates GSA's Title VI regulations to reflect current statutory interpretation, applicable executive orders, and government-wide regulatory structure. This final rule also improves clarity, consistency, and administrative efficiency. These revisions align with changes made by the U.S. Department of Justice (DOJ) to its Title VI Regulations.

DATES: This rule is effective September 14, 2026.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Lisa Lee Anderson, External Programs Branch Chief, Office of Civil Rights (OCR), at 202–501–0767 or *lisa.anderson@gsa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

A. Purpose

GSA is rescinding portions of its regulations promulgated pursuant to Title VI, 42 U.S.C. 2000d–1, to more closely align its regulations to the statute, which prohibits intentionally discriminatory conduct, *see* 42 U.S.C. 2000d. There are serious statutory and constitutional concerns with the legality of GSA's current Title VI regulations because they go beyond intentional discrimination by prohibiting conduct that has an unintentional disparate impact. This rule accordingly rescinds those portions of the regulations, which are in considerable tension with both the statute and the Constitution and do not sufficiently serve the public interest.

GSA's revisions also conform to Executive Order 14281, *Restoring Equality of Opportunity and Meritocracy,* 90 FR 17537 (Apr. 23, 2025). That Order states that ''[i]t is the policy of the United States to eliminate the use of disparate-impact liability in all contexts to the maximum degree possible to avoid violating the Constitution, Federal civil rights laws, and basic American ideals.'' *Id.* at 17537. That Order also directs Federal agencies to ensure that their civil rights regulations are consistent with Title VI. In furtherance of that directive, on December 10, 2025, DOJ issued a final rule revising its regulations implementing Title VI. Although GSA would take this action independent of Executive Order 14281, GSA's revisions align with Executive Order 14281 and DOJ's revised Title VI rule, *see Rescinding Portions of Department of Justice Title VI Regulations To Conform More Closely with the Statutory Text and To Implement Executive Order 14281,* 90 FR 57141 (Dec. 10, 2025). This final rule is consistent with Executive Order 12250, *Leadership and Coordination of Nondiscrimination Laws,* 45 FR 72995 (Nov. 2, 1980), which authorizes the Attorney General to coordinate the implementation and enforcement of Title VI and related nondiscrimination statutes across Federal agencies.

Finally, this final rule migrates GSA's Title VI regulations from the FPMR to the GSPMR and updates outdated terminology, cross-references, and citations. Due to the migration, this rule also contains technical, non-substantive changes to sections in 41 CFR 101–4 and 101–8 to update cross-references to the sections being migrated. This will ensure accuracy and clarity for both federal employees and the public.

This final rule does not alter the statutory nondiscrimination obligation imposed by Title VI. This rule makes clear that GSA's Title VI regulations do not prohibit conduct or activities that have a disparate impact and prohibit only intentional discrimination, and GSA thus will not pursue Title VI disparate-impact liability claims against its Federal-funding recipients.

B. Statutory and Regulatory History

Title VI provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance. *See* 42 U.S.C. 2000d. The statute directs Federal agencies that extend Federal financial assistance to effectuate the provisions of Title VI by issuing rules, regulations, or orders of general applicability. *See* 42 U.S.C. 2000d–1. GSA's Title VI regulations apply to recipients of Federal financial assistance from GSA. Consistent with this authority, GSA's regulations establish requirements for GSA's compliance oversight and coordination.

GSA initially issued its Title VI implementing regulations in December 1964, shortly after enactment of Title VI, and codified them in the FPMR as Subpart 101–6.2. *See* 29 FR 16287 (Dec. 4, 1964). In July 1973, GSA revised and republished portions of these regulations following a notice of proposed rulemaking issued in December 1971. *See* 38 FR 17973 (July 5, 1973). The 1973 revisions updated and clarified regulatory coverage and made conforming and editorial changes to reflect programmatic developments and statutory authorities applicable at that time. In August 2003, GSA amended its Title VI regulations to adopt government-wide changes incorporating definitions added by the Civil Rights Restoration Act of 1987. *See* 68 FR 51373 (Aug. 26, 2003). Those amendments updated terminology and definitions, including the use of the terms ''program'' and ''program or activity,'' and promoted consistency across Federal civil rights regulations.

C. Overview of Significant Changes

In this final rule, GSA migrates its Title VI regulations from the FPMR to the GSPMR. This migration consolidates GSA's property-related regulations within a single regulatory framework.

In issuing this final rule, GSA agrees with the interpretive analysis and explanations set forth in the preamble to DOJ's final rule revising its Title VI regulations, which explains the basis for the removal and revision of the provisions that extend beyond Title VI. *See* 90 FR 57141. In its rulemaking, DOJ determined that Title VI does not prohibit so-called unintentional discrimination, which occurs when a facially neutral policy has a disparate impact on a particular demographic group or population without any discriminatory intent. GSA agrees with the reasoning of DOJ's final rule and now issues its own rule consistent with that rule. Specifically, GSA agrees that there are serious legal and policy concerns with its Title VI regulations that impose disparate-impact liability.

1. Serious Legal Concerns

There are serious statutory concerns as to whether Title VI authorizes the disparate-impact provisions of the current regulations. As the Supreme Court has made clear, Title VI prohibits ''only intentional discrimination'' and ''permits'' facially neutral policies that result in disparate outcomes so long as there is no discriminatory intent. *Alexander* v. *Sandoval,* 532 U.S. 275, 280, 286 n.6 (2001). That is the ''single, best meaning'' of Title VI. *Loper Bright Enters.* v. *Raimondo,* 603 U.S. 369, 400 (2024). *Sandoval* calls into serious doubt the legality of GSA's ''disparate-impact regulations.'' *Sandoval,* 532 U.S. at 281–82, 284–85 (noting that DOJ's regulations were in ''considerable tension'' with the Supreme Court's Title VI precedents); *see also id.* at 286 n.6 (''[Title VI] permits the very behavior that the regulations forbid.''). Although *Sandoval* resolved only the question of private enforceability, subsequent cases such as *Loper Bright* have made clear that GSA cannot extend Title VI beyond its best meaning. *See* 603 U.S. at 412–13 (holding that ''courts must . . . ensur[e] that [an] agency acts within'' its statutory authority). And even in the absence of Supreme Court precedent, GSA would have concluded that the best reading of Title VI is that it prohibits only intentional discrimination.

Title VI authorizes agencies to promulgate regulations ''to effectuate'' the statute's prohibition of intentional discrimination. 42 U.S.C. 2000d–1. The current regulations' prohibition of conduct having an unintentional disparate impact reaches a vastly broader scope of conduct than the statute itself. This scope is too broad to be considered a simple prophylactic measure aimed at preventing intentional discrimination. *See Sandoval,* 532 U.S. at 286 n.6 (''[Title VI] permits the very behavior that the regulations forbid.''). Thus, the disparate-impact regulations do not ''effectuate'' Title VI. 42 U.S.C. 2000d–1.

There are also serious concerns about whether GSA's Title VI regulations pass constitutional muster under the Equal Protection Clause. As the Supreme Court recently held in *Students for Fair Admissions, Inc.* v. *President & Fellows of Harvard College,* ''the Equal Protection Clause . . . applies without regard to any differences of race, of color, or of nationality—it is universal in its application,'' and the ''guarantee of equal protection cannot mean one thing when applied to one individual and something else when applied to a person of another color.'' 600 U.S. 181, 206 (2023) (internal quotation marks omitted) (first quoting *Yick Wo* v. *Hopkins,* 118 U.S. 356, 369 (1886); and then quoting *Regents of the Univ. of Cal.* v. *Bakke,* 438 U.S. 265, 289–90 (1978) (Powell, J.)) (*SFFA*). Despite the promises of the Equal Protection Clause, a funding recipient's risk of disparate-impact liability under GSA's regulations is triggered by unintentional disparate outcomes, which the recipient may not even know about without investigation. To evaluate and avoid this risk, the funding recipient must incur investigatory costs, such as conducting an impact analysis; and the recipient may be coerced to proactively consider race, color, and national origin and then use these characteristics to change unintended disparate outcomes.

In short, disparate-impact liability encourages and, in some cases, requires entities to engage in the intentional use of race and racial balancing to eliminate those disparate outcomes by treating certain racial groups differently from others—the exact conduct the Equal Protection Clause forbids. *See id.* The serious constitutional concerns raised by these perverse incentives further confirm that the best reading of Title VI is that it prohibits only intentional discrimination and does not authorize GSA to impose disparate-impact liability. *See Edward J. DeBartolo Corp.* v. *Fla. Gulf Coast Bldg. & Constr. Trades Council,* 485 U.S. 568, 575 (1988) (''[W]here an otherwise acceptable construction of a statute would raise serious constitutional problems, the Court will construe the statute to avoid such problems unless such construction is plainly contrary to the intent of Congress.'' (citing *NLRB* v. *Catholic Bishop of Chi.,* 440 U.S. 490, 499–501, 504 (1979))).

This encouraged or coerced use of race, color, or national origin violates the Equal Protection Clause unless it survives review under the ''daunting'' strict-scrutiny standard. *SFFA,* 600 U.S. at 206; *see also Free Speech Coal., Inc.* v. *Paxton,* 606 U.S. 461, 484 (2025) (''Strict scrutiny—which requires a restriction to be the least restrictive means of achieving a compelling governmental interest—is 'the most demanding test known to constitutional law.''' (quoting *City of Boerne* v. *Flores,* 521 U.S. 507, 534 (1997))). The use of race, color, or national origin necessitated by GSA's disparate-impact provisions runs into serious issues with the requirement of narrow tailoring to achieve a compelling interest. *SFFA,* 600 U.S. at 206–07.

Similarly, the ''affirmative action'' provision in GSA's current regulations authorizes and sometimes requires the intentional use of race without requiring that this intentional use be narrowly tailored to serve a recognized compelling interest. Instead, it encourages intentional racial balancing ''to overcome the consequences of'' unintended racial disparities. 41 CFR 101–6.204–2(a)(4). Thus, for substantially the same reasons as above, the ''affirmative action'' provision raises serious constitutional concerns.

Separately, GSA has serious legal concerns regarding the provision that seeks to hold recipients responsible for conduct having a disparate impact in employment where the objective of the financial assistance is not for employment. *See* 41 CFR 101–6.204–2(d)(2). This provision oversteps the reach of Title VI and encroaches upon an area generally governed by Title VII of the Civil Rights Act of 1964 (Title VII). *See* 42 U.S.C. 2000e. Additionally, the rule points to the application of now rescinded Executive Order 11246. *See* 41 CFR 101–6.204–2(d)(1).

As summarized above, there are serious statutory and constitutional concerns with GSA's disparate-impact regulations. And even if the regulations, after full judicial review, might be deemed legal, GSA concludes that merely raising serious constitutional concerns such as those addressed above would independently justify the amendment of its regulations. *Cf. U.S. Tel. Ass'n* v. *FCC,* 188 F.3d 521, 528 (D.C. Cir. 1999) (concluding it was not ''arbitrary and capricious'' to adopt a certain policy in order to ''avoid[] raising a non-trivial constitutional question''). Further—and as discussed in the next section—even if the regulations did not raise serious constitutional concerns, GSA finds that eliminating the costs and confusion caused by the mismatch between the statute and the disparate-impact regulations, as well as other policy concerns, would independently justify the repeal of the regulations.

2. Serious Policy Concerns

GSA has serious policy concerns with the imposition of disparate-impact liability. Although GSA expresses its policy concerns with disparate-impact liability independent of Executive Order 14281, that Order explains many of the valid policy concerns associated with disparate-impact liability. As noted in section 1 of the Order, ''On a practical level, disparate-impact liability has hindered businesses from making hiring and other employment decisions based on merit and skill, their needs, or the needs of their customers because of the specter that such a process might lead to disparate outcomes, and thus disparate-impact lawsuits. This has made it difficult, and in some cases impossible, for employers to use bona fide job-oriented evaluations when recruiting, which prevents job seekers from being paired with jobs to which their skills are most suited—in other words, it deprives them of opportunities for success.'' 90 FR at 17537.

Moreover, the legal concerns identified above have caused uncertainty and confusion for Federal-funding recipients as to whether and when they need to comply with the disparate-impact regulations and when they can or must consider race, color, and national origin. As explained above, *Sandoval* casts substantial doubt on the validity of the disparate-impact regulations that many Federal departments and agencies have promulgated pursuant to Title VI. 532 U.S. at 280–82.

Additionally, in practice, and as explained above, disparate-impact liability leads covered entities to engage in racial balancing even as Title VI forbids intentional racial discrimination. For example, under 41 CFR 101–6.204–2(a)(3), a recipient is prohibited from selecting a site or location that would have the ''effect of'' defeating or substantially impairing the objectives of Title VI. However, imposing liability on a recipient for disparities that are unforeseen in planning the location of its program would, in many instances, unjustifiably burden the recipient's operations. And a recipient may proactively consider race simply to avoid triggering liability. This tension tends to create confusion and undermine public confidence in the nation's civil rights laws and in the rule of law itself, as the law seems to both forbid and require the same conduct.

These problems are amplified by the arbitrary nature of the racial and ethnic categories typically used to measure disparate effects, which, by virtue of their arbitrariness, typically lack a meaningful connection to a compelling interest. *See, e.g., SFFA,* 600 U.S. at 216–17 (explaining that the ''[racial] categories'' used in the affirmative action programs at issue were ''themselves imprecise in many ways'' and that ''the use of these opaque racial categories undermine[d], instead of promote[d], [the programs'] goals''). This confusion undermines adherence to the principle of nondiscrimination established in Title VI. GSA believes these policy concerns independently justify repealing the disparate-impact portions of its regulations to cure this confusion, remove the incentive for covered entities to engage in racial balancing, and maintain clarity and public confidence in the nation's civil rights laws.

GSA's current regulations impose disparate-impact liability for outcomes that may not be intended by the recipient. Disparate-impact liability is not contemplated by Title VI and does not pass constitutional muster. GSA has explored the possibility of requiring entities to remedy unintentional disparate impacts in programs by crafting a modified version of disparate-impact liability, for example, in only certain types of cases, in recipient eligibility determinations, or in screening decisions within surplus or excess property programs. But GSA has determined that any imposition of disparate-impact liability is inconsistent with the best meaning of Title VI, and any benefits from adopting alternative versions of disparate-impact liability are outweighed by GSA's legal and policy concerns. And even if possible, developing such a rule would not solve the confusion or rule-of-law concerns expressed above, nor reduce the compliance and litigation costs that covered entities face. GSA believes that the better course is to avoid the complexities, costs, and litigation associated with this alternative, even if eliminating disparate-impact liability would ultimately leave some problems unaddressed and others inadequately addressed.

At least since *Sandoval,* GSA's enforcement of its disparate-impact regulations has been minimal. *Sandoval,* more than two decades ago, cast serious doubt on the continuing viability of GSA's disparate-impact regulations. In addition, Executive Order 14281 also directed all agencies to ''deprioritize enforcement of all statutes and regulations to the extent they include disparate-impact liability,'' including specifically GSA's disparate-impact regulations. *See* 90 FR at 17538. For these reasons, GSA concludes that the legal and other policy concerns associated with its current regulations outweigh any claim of reliance on GSA enforcement of its current disparate impact regulations.

Further, GSA has considered whether rescission of its disparate-impact provisions may affect other reliance interests. Potential reliance interests include those recipients of Federal funds that may have adopted compliance practices, policies, internal procedures, or other compliance measures to address disparate-impact liability under the existing regulations. GSA has also considered whether beneficiaries of GSA-assisted programs may have understood the regulations to authorize disparate-impact enforcement in certain circumstances. In light of the legal and policy considerations discussed above, including GSA's limited enforcement history and evaluation of alternative approaches, GSA does not believe these potential reliance interests are substantial and concludes that they do not outweigh the legal and policy reasons for rescinding the disparate-impact provisions.

In addition to the considerations discussed above, GSA notes that *Sandoval* has also led to a divergence between Title VI enforcement by private plaintiffs and enforcement by Federal departments and agencies. After *Sandoval,* private plaintiffs can enforce only Title VI's statutory prohibition on intentional discrimination, while GSA could continue to pursue disparate-impact liability. Repealing GSA's disparate-impact regulations would eliminate this incongruent enforcement.

Although GSA understands that examining disparate effects can sometimes be useful in identifying covert attempts to engage in intentional discrimination or intentional indifference to unnecessary and arbitrary barriers, GSA notes that eliminating disparate-impact liability does not preclude the use of data on disparate outcomes to help prove intentional discrimination. Both GSA and private litigants rely on such data as a potential indicator of intentional discrimination. This use of statistical disparities to help establish, as an evidentiary matter, liability for intentional discrimination materially differs from using it to impose liability for an unintentional disparate impact.

Overall, after considering the relevant issues and factors and weighing the relevant considerations, GSA finds that, regardless of the legality of GSA's disparate-impact regulations, the above summarized policy concerns, when viewed separately or cumulatively, independently justify the repeal of its disparate-impact regulations.

3. Administrative Changes

In addition to making changes to GSA's Title VI regulations to remove provisions regarding disparate-impact liability, this final rule removes references in GSA's regulations to the former Department of Health, Education, and Welfare. This final rule reflects current Federal agency responsibilities, including by referring to the Department of Health and Human Services and the Department of Education, as appropriate. This final rule also makes additional technical and conforming edits, including by updating cross-references and citations to improve clarity and internal consistency within GSA's regulations. These updates are technical and conforming in nature and do not change the substance of GSA's Title VI obligations or enforcement framework.

Section-by-Section Analysis of Significant Changes

Section 101–6.204–2(a)(2) [Removed]

Section 101–6.204–2(a)(2) serves as an overarching prohibition on conduct that subjects individuals to unintentional disparate impacts because of their race, color, or national origin. It prohibits the use of criteria or methods of administration that have the ''effect'' of unintentional discrimination. The sole purpose of this section is to extend the scope of Title VI to conduct that has a disparate impact on individuals because of their race, color, or national origin. This rule deletes this paragraph in its entirety and thus conforms GSA's regulations to the scope of Title VI. The rule also addresses the legal and policy considerations discussed above. Additionally, this rule renumbers paragraph (a)(3) as paragraph (a)(2) to reflect removal of paragraph (a)(2).

Section 101–6.204–2(a)(3) [Redesignated Section 105–10.106(a)(2)]

Section 101–6.204–2(a)(3) addresses a Federal-funding recipient's or applicant's selection of the site or location of facilities. It provides that a funding recipient may not make selections with the ''purpose or effect'' of discriminating, or ''with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of'' Title VI or GSA's implementing regulations. The paragraph's two references to ''effect'' extend to conduct having an unintentional disparate impact. This rule deletes both ''or effect'' references to conform paragraph (a)(3) more closely to Title VI and to address the legal and policy considerations and determinations described in this document. Additionally, this rule redesignates paragraph (a)(3) as § 105–10.106(a)(2), consistent with other structural changes made by this rule.

Section 101–6.204–2(a)(4) [Removed]

Section 101–6.204–2(a)(4) expressly permits the consideration of race, color, or national origin where the purpose and effect is to remove or overcome the consequences of past practices that limit participation in a program on the ground of race, color, or national origin. Additionally, where those past practices tended to exclude participation on the ground of race, color, or national origin, this paragraph directs recipients to take ''reasonable action'' to address the ''effects'' of those practices. This provision's references to unintentional ''effects'' encourages intentional racial classifications, racial preferences, and other race-based actions. However, the provision does not require the compelling interest and narrow tailoring necessary to survive constitutional scrutiny. Requiring a recipient to take reasonable action to remove or overcome the consequences of past discriminatory practices goes beyond the Equal Protection Clause of the Fourteenth Amendment, which permits—but does not require—a government, in limited circumstances, to take narrowly tailored action to remedy the effects of its identified past discrimination. *See Bakke,* 438 U.S. at 307.

This rule, therefore, removes paragraph (a)(4).

Section 101–6.204–2(d)(2) [Removed]

Section 101–6.204–2(d) addresses prohibited discriminatory employment practices. Paragraph (d)(1) prohibits intentionally discriminatory employment practices in a program when a primary objective of the Federal financial assistance that program receives is to provide employment. Paragraph (d)(2) extends the prohibition on discrimination to employment practices of the funding recipient even ''[w]here a primary objective of the Federal financial assistance is not to provide employment'' if discrimination in the non-funded ''employment practices'' ''tends, on the ground of race, color, or national origin, to exclude persons from participation in, to deny them the benefits of or to subject them to discrimination under the program to which this part applies.'' This paragraph prohibits not only intentional discrimination but also conduct that ''tends'' to have a discriminatory effect.

Moreover, GSA notes that paragraph (d)(2)'s extension to employment practices where the Federal funding's primary objective is not to provide employment conflicts with the statutory limitation found in 42 U.S.C. 2000d-3. That section states that ''[n]othing contained in [Title VI] shall be construed to authorize action under [Title VI] by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is to provide employment.'' 42 U.S.C. 2000d-3; *see also Johnson* v. *Transp. Agency, Santa Clara Cnty.,* 480 U.S. 616, 627–28 n.6 (1987) (citing the statutory limitation and noting Congress's intent that Title VI not ''impinge'' on Title VII, which prohibits discriminatory employment practices). The rule deletes paragraph (d)(2) to amend the regulation so that it more closely adheres to Title VI and to address the legal and policy considerations and determinations described in this document.

GSA also removes references to Executive Order 11246 from paragraph (d)(1) to reflect its revocation by Executive Order 14173, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity,* 90 FR 8633 (Jan. 21, 2025), and to avoid potential confusion regarding current legal requirements. This rule makes a technical edit to paragraph (d)(1) to reflect the removal of paragraph (d)(2). Finally, this rule redesignates subsection (d) as § 105–10.106(d). All the changes described in this paragraph are technical in nature.

Sections 101–6.206(h)–(j) [Removed]

Section 101–6.206 addresses illustrative examples of prohibited actions and practices. Sections 101–6.206(h)–(j) describe actions and conduct that indirectly accomplished what this part prohibits directly, as well as circumstances in which the continuing effects of past discrimination may limit the availability of program benefits. These provisions further contemplate remedial or outreach-based actions, including race- or nationality-based measures, to address disparities in program participation or service availability.

Title VI prohibits intentional discrimination on the basis of race, color, or national origin, but does not prohibit so-called unintentional discrimination; nor does Title VI require or permit recipients to take race-based actions to remedy statistical disparities. Consistent with Executive Order 14281, DOJ clarified, and GSA agrees, that regulations premised on discriminatory effects, indirect discrimination, or the continuing consequences of past practices extend beyond Title VI, which proscribes only intentional discrimination.

Paragraphs (h) through (j) are premised on effects-based and remedial concepts that are not supported by the text of Title VI. In particular, these provisions contemplate obligations or permissions tied to disparate outcomes or group-based considerations, rather than intentional discriminatory conduct.

Accordingly, GSA removes paragraphs (h) through (j) to conform its regulations to the requirements of Title VI and Executive Order 14281. Finally, this rule redesignates the remaining parts of § 101–6.206 as § 105–10.112.

Section 101–6.215–1(a)

Section 101–6.215–1 addresses the relationship between this part and other regulations, orders, and instructions. It supersedes prior GSA nondiscrimination directives to the extent they address conduct prohibited by this part while preserving existing obligations and identifies executive orders and other authorities that are not superseded.

Paragraph (a) of this section currently identifies Executive Orders 10925, 11114, and 11246 as authorities not superseded by this part. Executive Order 11246 superseded Executive Orders 10925 and 11114, and Executive Order 11246 was subsequently revoked by Executive Order 14173. Because these executive orders no longer have legal effect, GSA removes paragraph (a) from this section. This change is technical in nature. This rule also makes a technical edit to paragraph (b) to reflect the removal of paragraph (a). Finally, this rule redesignates § 101–6.215–1 as § 105–10.401.

II. Regulatory Certifications

A. Executive Order 12250

Executive Order 12250 authorizes the Attorney General to coordinate the implementation and enforcement of Title VI and related nondiscrimination statutes across Federal agencies. Under Executive Order 12250, Executive agencies must submit regulations implementing Title VI to DOJ to ensure consistent and effective implementation of various laws prohibiting discriminatory practices in Federal programs and programs receiving Federal financial assistance. Additionally, section 1–101 of Executive Order 12250 delegated the President's responsibility to approve Title VI regulations to the Attorney General. *See* 42 U.S.C. 2000d–1. This final rule has been reviewed and approved by DOJ in accordance with Executive Order 12250.

B. Executive Orders 12866 and 13563

Executive Order 12866, *Regulatory Planning and Review,* 58 FR 51735 (Sep. 30, 1993), directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563, *Improving Regulation and Regulatory Review,* 76 FR 3821 (Jan. 18, 2011), emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

The Office of Information and Regulatory Affairs (OIRA), within the Office of Management and Budget (OMB), has determined that this final rule is a significant regulatory action under Executive Order 12866. However, the rule is not economically significant under section 3(f)(1), as it does not have an annual effect on the economy of $100 million or more.

This final rule revises GSA's Title VI regulation by removing regulatory provisions related to disparate-impact liability and aligning the regulations with the statutory text and the interpretation adopted by DOJ pursuant to Executive Order 12250. The rule does not impose new compliance obligations, reporting requirements, recordkeeping requirements, or procedural requirements on recipients of Federal financial assistance. In addition, the rule includes organizational, conforming, and technical amendments, including the migration of GSA's Title VI provisions to the GSPMR, which are administrative in nature and do not create or modify substantive compliance obligations.

In evaluating the economic effects of this rule, GSA considered the nature and scope of its Federal financial assistance activities. Unlike other agencies, GSA does not administer Federal financial assistance primarily through monetary grants. Rather, GSA's provision of Federal financial assistance arises in connection with the agency's statutory responsibilities for Federal property management and related intergovernmental functions. Such assistance may include, as applicable, the donation of surplus personal property, the discounted conveyance of Federal real property for authorized public purposes, and the temporary detail of Federal personnel pursuant to applicable statutory authorities.

Because GSA does not administer assistance through centralized grant programs, it does not maintain data that would allow the agency to isolate or quantify costs incurred by recipients as a result of disparate-impact liability, independent of other compliance or enforcement activities. In particular, GSA does not track complaints, compliance reviews, or enforcement actions based on disparate-impact theories, nor does it collect information regarding recipient expenditures undertaken to mitigate disparate-impact risk.

Because of these data limitations, GSA is unable to reliably quantify the economic effects associated with the removal of disparate-impact liability. Any attempt to estimate such effects would require assumptions that cannot be supported by available evidence. Accordingly, GSA has relied on a qualitative assessment of the economic effects of this rule. This approach is consistent with the analytical framework used by DOJ in its Title VI final rule, *see* 90 FR at 57147, which similarly relied on qualitative analysis due to the absence of data isolating disparate-impact complaints or enforcement actions.

The primary qualitative benefits of this final rule arise from the removal of disparate-impact liability from GSA's Title VI regulation. By eliminating regulatory provisions that extend beyond the statutory prohibition on intentional discrimination, the rule clarifies the scope of Title VI and aligns GSA's regulation with the governing statute and the interpretation adopted by DOJ.

This clarification reduces regulatory uncertainty for recipients of Federal financial assistance by narrowing the conduct subject to enforcement. Recipients are no longer subject to liability based solely on the effects of neutral policies or practices absent discriminatory intent. As a result, recipients are afforded greater regulatory predictability in the administration of programs and activities receiving Federal financial assistance.

The rule also reduces ongoing compliance and administrative burdens by eliminating the need for recipients to assess, document, or mitigate potential disparate-impact liability associated with neutral policies or practices. In the absence of disparate-impact liability, recipients are no longer incentivized to engage in resource-intensive analyses of demographic or outcome-based effects for purposes unrelated to statutory compliance. This reduction applies on an ongoing basis and is not limited to one-time compliance activities. This change promotes the more efficient use of agency and recipient resources by focusing compliance efforts on conduct that is prohibited by statute.

Any potential costs associated with familiarization with the revised regulation are minimal, one-time, and incidental, and are outweighed by the ongoing qualitative benefits associated with increased clarity, reduced uncertainty, and reduced compliance and enforcement burden.

Based on the qualitative assessment of the practical costs and benefits discussed above, GSA has determined that this rule is consistent with the principles of Executive Orders 12866 and 13563. The rule removes regulatory provisions that are not authorized by the statute and does not impose new compliance obligations or administrative requirements on recipients of Federal financial assistance. Accordingly, GSA has determined that the benefits of this rule justify its costs and that the rule represents a reasoned and appropriate exercise of regulatory authority.

This determination reflects consideration of the rule in its entirety, including the organizational, conforming, and technical amendments and the migration of GSA's Title VI provisions to the GSPMR, which are administrative in nature and do not affect the qualitative assessment or conclusions reached under Executive Orders 12866 and 13563.

C. Executive Order 14192

Executive Order 14192, *Unleashing Prosperity Through Deregulation,* 90 FR 9065, (Jan. 31, 2025), directs agencies to identify and implement deregulatory actions that reduce regulatory burden. This final rule qualifies as a deregulatory action under Executive Order 14192. By removing provisions regarding disparate-impact liability from GSA's Title VI regulations, the rule reduces regulatory uncertainty and administrative and enforcement-related burdens associated with outcome-based liability assessments, while imposing no new compliance requirements. To the extent that recipients or internal program offices may choose to update materials that reference GSA's Title VI regulations following the revisions in this rule, any such updates would be non-substantive, discretionary, and one-time, and may be incorporated into routine policy maintenance activities. Any de minimis costs of effectuating this rule are outweighed by the elimination of recurring compliance and enforcement-related burdens.

Based on this assessment, GSA has determined that the total costs of this rule are less than zero; therefore, the rule should be classified as a deregulatory action under Executive Order 14192.

D. Executive Order 13132 (Federalism)

This rule will not have a substantial, direct effect on the relationship between the national government and the states, on distribution of power and responsibilities among various levels of government, or on states' policymaking discretion. States that choose to receive Federal financial assistance from GSA do so voluntarily and agree to comply with relevant statutory requirements as a condition of receiving such funding. This rule does not subject states or any other funding recipients or beneficiaries to new obligations. This rule amends and clarifies existing regulations that are required by statute. Therefore, in accordance with section 6 of Executive Order 13132, *Federalism,* 64 FR 43255, 43257–58 (Aug. 4, 1999), GSA has determined that these amendments do not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

E. Regulatory Flexibility Act

GSA does not expect this final rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* This final rule is also exempt from the Administrative Procedure Act (APA) pursuant to 5 U.S.C. 553(a)(2) because it applies to agency management and personnel and public property. The rule therefore does not require notice and comment and is accordingly exempt from the RFA as well. *See* 5 U.S.C. 603–04. Hence, an Initial Regulatory Flexibility Analysis has not been performed.

F. Administrative Procedure Act

GSA issues this final rule without prior public notice and comment or a delayed effective date pursuant to the APA's exception for rules ''relating to agency management or personnel or to public property, loans, grants, benefits, or contracts.'' 5 U.S.C. 553(a)(2).

Title VI of the Civil Rights Act of 1964 concerns nondiscrimination conditions on the receipt of Federal financial assistance. In particular, Title VI applies to programs or activities receiving Federal financial assistance, including Federal grants and loans, the use or transfer of Federal property, Federal personnel assistance, and any Federal agreement, arrangement, or other contract that has as one of its purposes the provision of assistance. *See* 41 CFR 101–6.216.102(c) (redesignated as 41 CFR 101–10.104); *see also* 41 CFR 101–6.205–1 (redesignated as 41 CFR 101–10.108) (requiring funding recipients to sign contractual assurance of compliance with Title VI).

Courts have recognized that Congress enacted Title VI pursuant to its authority to establish the terms on which Federal funds are disbursed. *See Cummings* v. *Premier Rehabilitation Keller, P.L.L.C.,* 596 U.S. 212, 217–18 (2022); *Pennhurst State School and Hospital* v. *Halderman,* 451 U. S. 1, 17 (1981). Consistent with this understanding, agencies have invoked the exception at 5 U.S.C. 553(a)(2) when issuing or revising civil rights regulations governing Federal financial assistance programs. *See, e.g., Rescinding Portions of Department of Justice Title VI Regulations To Conform More Closely With the Statutory Text and To Implement Executive Order 14281,* 90 FR 57141 (invoking the section 553(a)(2) exception); *Education Programs or Activities Receiving or Benefitting from Federal Financial Assistance,* 82 FR 46655, 46655 (Oct. 6, 2017) (invoking the section 553(a)(2) exception to amend Title IX regulations to ''promote consistency in the enforcement of Title IX for [the Department of Agriculture] financial assistance recipients''); *Preserving Community and Neighborhood Choice,* 85 FR 47899 (Aug. 7, 2020) (invoking the exception to repeal Housing and Urban Development rule regarding Federal grantees); *Participation by Minority Business Enterprise in Department of Transportation Programs,* 53 FR 18285 (May 23, 1988) (invoking the exception to expand coverage of Department of Transportation regulation regarding Federal Aviation Administration's airport financial assistance program).

OMB defines ''Federal financial assistance'' using the same categories identified in the APA. *See* 2 CFR 200.1. Federal financial assistance administered by GSA falls within the categories of public property, personnel, grants, benefits, and contractual arrangements; therefore, the APA exception applies. Accordingly, GSA issues this final rule without prior public notice and comment and without a delayed effective date under 5 U.S.C. 553(a)(2).

G. Congressional Review Act

OIRA has determined that this rule does not meet the criteria under 5 U.S.C. 804(2).

H. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1501 *et seq.,* requires agencies to prepare several analytic statements before proposing any rule that may result in annual expenditures of $100 million by state, local, or tribal governments, or the private sector. 2 U.S.C. 1532(a). GSA does not expect this rule will cause any such expenditures. But even if such expenditures were likely, the UMRA excludes any proposed or final Federal regulation that ''establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability.'' 2 U.S.C. 1503(2). Accordingly, this rulemaking is not subject to the provisions of the UMRA.

I. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the GSPMR do not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public that require the approval of OMB under 44 U.S.C. 3501 *et seq.*

III. Severability

GSA's position is that each of the amendments described in this rule serves a vital, related, but distinct purpose. GSA also confirms that each of the amendments is intended to operate independently of each other and that the potential invalidity of one amendment should not affect the other amendments. GSA would adopt any of the amendments independently of the invalidity of a separate amendment.

List of Subjects

41 CFR Part 101–4

Education, Sex discrimination, Youth organizations.

41 CFR Part 101–6

Carpools, Civil rights, Government property management, Intergovernmental relations, Reporting and recordkeeping requirements, Transportation.

41 CFR Part 101–8

Administrative practice and procedure, Aged, Civil rights, Government property management, Individuals with disabilities, Reporting and recordkeeping requirements.

41 CFR Part 105–10

Administrative practice and procedure, Civil rights, Discrimination, Equal employment opportunity, Federal financial assistance, Grant programs.

Edward Forst,
Administrator.

For the reasons set forth in the preamble, GSA amends 41 CFR subtitle C, chapters 101 and 105, as set forth below:

Chapter 101—Federal Property Management Regulations

PART 101–4—NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

■ 1. The authority citation for part 101–4 continues to read as follows:

Authority: 20 U.S.C. 1681, 1682, 1683, 1685, 1686, 1687, 1688.

■ 2. Amend § 101–4.605 by revising the last sentence to read as follows:

101–4.605 Enforcement procedures.

* * * These procedures may be found at 41 CFR part 105–10.

PART 101–6—MISCELLANEOUS REGULATIONS

■ 3. The authority citation for part 101–6 continues to read as follows:

Authority: 31 U.S.C. 1344(e)(1); 40 U.S.C. 486(c).

Subpart 101–6.2 [Removed]

■ 4. Under the authority of 42 U.S.C. 2000d-1, remove subpart 101–6.2, consisting of §§ 101–6.201 through 101–6.217.

PART 101–8—NONDISCRIMINATION IN PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE

■ 5. The authority citation for part 101–8 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

■ 6. In § 101–8.301:

■ a. Add introductory text to § 101.8–301; and

■ b. Remove the undesignated paragraph at the end of the section.

The addition reads as follows:

§ 101–8.301 Definitions.

The definitions set out in this section apply to this subpart. In addition, the definitions set forth in § 105–10.104 of this subtitle, to the extent not inconsistent with this subpart, are made applicable to and incorporated into this subpart.

* * * * *

§ 101–8.312 [Amended]

■ 7. In § 101–8.312, remove the text '' §§ 101–6.205–101–5.215'' and add, in its place, the text ''§§ 105–10.101 through 105–10.404 of this subtitle''.

■ 8. Add part 105–10 to chapter 105 to read as follows:

Chapter 105—General Services Administration

PART 105–10—NONDISCRIMINATION IN PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE

Subpart A—General Provisions

Subpart B—Compliance Information and Investigations

Subpart C—Enforcement, Hearings, and Judicial Review

Subpart D—Miscellaneous Provisions

Authority: 42 U.S.C. 2000d *et seq.*

§ 105–10.101 Scope.

This part provides the regulations of the General Services Administration (GSA) under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d—2000d–7) concerning nondiscrimination in federally assisted programs in connection with which Federal financial assistance is extended under laws administered in whole or in part by GSA.

§ 105–10.102 Purpose.

The purpose of this part is to effectuate the provisions of title VI of the Civil Rights Act of 1964 (hereinafter referred to as the ''Act'') to the end that 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 or activity receiving Federal financial assistance from GSA.

§ 105–10.103 Applicability.

(a) Subject to paragraph (b) of this section, this part applies to any program for which Federal financial assistance is authorized under a law administered in whole or in part by GSA, including the laws listed in § 105–10.404. It applies to money paid, property transferred, or other Federal financial assistance extended to any such program after the effective date of this part pursuant to an application approved prior to such effective date.

(b) This part does not apply to—

(1) Any Federal financial assistance by way of insurance or guaranty contracts;

(2) Money paid, property transferred, or other assistance extended to any such program before the effective date of this part, except to the extent otherwise provided by contract;

(3) Any assistance to any individual who is the ultimate beneficiary under any such program; or

(4) Any employment practice, under any such program, of any employer, employment agency, or labor organization, except to the extent described in § 105–10.106(d).

(c)The fact that a statute which authorizes GSA to extend Federal financial assistance to a program or activity is not listed in § 105–10.404 shall not mean, if title VI of the Act is otherwise applicable, that such program is not covered. Other statutes now in force or hereinafter enacted may be added to this list by notification published in the **Federal Register**.

(d) The regulations issued by the following Departments pursuant to title VI of the Act shall be applicable to Federal financial assistance of the kind indicated, and those Departments shall respectively be responsible for determining and enforcing compliance therewith:

(1) Department of Health and Human Services and Department of Education—donation or transfer of surplus property for purposes of education or public health (§ 105–10.404 (a)(2) and (b)).

(2) Department of Defense—donation of surplus personal property for purposes of civil defense (§ 105–10.404(a)(2)).

(3) Department of Transportation—donation of property for public airport purposes (§ 105–10.404(c)). GSA will, however, be responsible for obtaining such assurances as may be required in applications and in instruments effecting the transfer of property.

(4) Department of the Interior—disposal of surplus real property, including improvements, for use as a public park, public recreational area, or historic monument (§ 105–10.404(d) (1) and (2)). GSA will, however, be responsible for obtaining such assurances as may be required in applications and in instruments effecting the transfer of property for use as a historic monument.

(5) Department of Housing and Urban Development—disposal of surplus real property for use in the provision of rental or cooperative housing to be occupied by families or individuals of low or moderate income (§ 105–10.404(q)).

(e) Each Department named in paragraph (d) of this section shall keep GSA advised of all compliance and enforcement actions, including sanctions imposed or removed, taken by it with respect to the types of Federal financial assistance specified in paragraph (d) of this section to which the regulations of such Department apply.

§ 105–10.104 Definitions.

As used in this part:

Administrator means the Administrator of General Services.

Applicant means one who submits an application, request, or plan required to be approved by a responsible GSA official, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and the term *application* means such an application, request, or plan.

Facility includes all or any portion of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

Federal financial assistance includes—

(1) Grants and loans of Federal funds;

(2) The grant or donation of Federal property and interests in property;

(3) The detail of Federal personnel;

(4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purposes of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and

(5) Any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

General Services Administration or *GSA* includes each of its operating services and other organizational units.

Primary recipient means any recipient which is authorized or required to extend Federal financial assistance to another recipient.

Program or activity and *program* mean all of the operations of any entity, any part of which is extended Federal financial assistance, including:

(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 paragraphs (1) through (3) of this definition.

Recipient means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or any other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient, including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary.

Responsible GSA official with respect to any program receiving Federal financial assistance means the Administrator or other official of GSA who by law or by delegation has the principal responsibility within GSA for the administration of the law extending such assistance.

United States means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and the territories and possessions of the United States, and the term *State* means any one of the foregoing.

§ 105–10.105 Discrimination prohibited.

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 part applies.

§ 105–10.106 Specific discriminatory actions prohibited.

(a)(1) In connection with any program to which this part applies, a recipient may not, directly or through contractual or other arrangements, on the ground of race, color, or national origin:

(i) Deny an individual any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program;

(vi) Deny an individual an opportunity to participate in the program through the provision of services or otherwise, or afford him an opportunity to do so which is different from that afforded others under the program (including the opportunity to participate in the program as an employee but only to the extent set forth in paragraph (d) of this section).

(2) In determining the site or location of facilities, an applicant or recipient may not make selections with the purpose of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any program to which this part applies, on the ground of race, color, or national origin or with the purpose of defeating or substantially impairing the accomplishment of the objectives of the Act or this part.

(b) As used in this section, the services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(c) The enumeration of specific forms of prohibited discrimination in this section does not limit the generality of the prohibition in § 105–10.105.

(d) Where a primary objective of the Federal financial assistance to a program to which this part applies is to provide employment, a recipient may not, directly or through contractual or other arrangements, subject an individual to discrimination on the ground of race, color, or national origin in its employment practices under such program (including, but not limited to, recruitment or recruitment advertising; employment; layoff or termination; upgrading, demotion, or transfer; rates of pay or other forms of compensation; selection for training, including apprenticeship; and use of facilities).

§ 105–10.107 Special benefits.

An individual shall not be deemed subjected to discrimination by reason of his exclusion from benefits limited by Federal law to individuals of a particular race, color, or national origin different from his.

§ 105–10.108 Assurances required.

(a) Every application for Federal financial assistance to which this part applies, except an application to which § 105–10.109 applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. In the case of an application for Federal financial assistance to provide real property or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. In the case of personal property, the assurance shall obligate the recipient for the period during which he retains ownership or possession of the property. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended pursuant to the application. The responsible GSA official shall specify the form of the foregoing assurances and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(b) In the case of real property, structures or improvements thereon, or interests therein, which is acquired with Federal financial assistance, or in the case where Federal financial assistance is provided in the form of a transfer of real property or interest therein from the Federal Government, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. Where no transfer of property is involved, but property is improved with Federal financial assistance, the recipient shall agree to include such a covenant in any subsequent transfer of such property. Where the property is obtained from the Federal Government, such covenant may also include a condition coupled with a right to be reserved by GSA to revert title to the property in the event of a breach of the covenant where, in the discretion of the responsible GSA official, such a condition and right of reverter is appropriate to the statute under which the real property is obtained and to the nature of the grant and the grantee. In such event, if a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on such property for the purposes for which the property was transferred, the Administrator may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as he deems appropriate, to forbear the exercise of such right to revert title for so long as the lien of such mortgage or other encumbrance remains effective.

(c) The assurance required in the case of a transfer of personal property shall be inserted in the instrument effecting the transfer of the property.

(d) In the case of Federal financial assistance not involving a transfer of property, the assurance required shall be inserted in the agreement executed between the United States and the recipient covering the extension of Federal financial assistance.

§ 105–10.109 Continuing Federal financial assistance.

Every application by a State or a State agency for continuing Federal financial assistance to which this part applies shall as a condition to its approval and the extension of any Federal financial assistance pursuant to the application contain or be accompanied by a statement that the program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or pursuant to this part, and provide or be accompanied by provision for such methods of administration for the program as are found by the responsible GSA official to give reasonable assurance that the applicant and all recipients of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to this part.

§ 105–10.110 Elementary and secondary schools.

(a) The requirements of §§ 105–10.108 and 105–10.109 with respect to any elementary or secondary school or school system shall be deemed to be satisfied if such school or school system—

(1) Is subject to a final order of a court of the United States for the desegregation of such school or school system, and provides an assurance that it will comply with such order, including any future modification of such order, or

(2) Submits a plan for the desegregation of such school or school system which the responsible official of the Department of Education determines is adequate to accomplish the purposes of the Act and this part within the earliest practicable time, and provides reasonable assurance that it will carry out such plan.

(b) In any case of continuing Federal financial assistance such responsible official may reserve the right to redetermine, after such period as may be specified by him, the adequacy of the plan to accomplish the purposes of the Act and this part. In any case in which a final order of a court of the United States for the desegregation of such school or school system is entered after submission of such a plan, such plan shall be revised to conform to such final order, including any future modification of such order.

§ 105–10.111 Applicability of assurances.

(a) In the case of any application for Federal financial assistance to an institution of higher education, the assurance required by this subpart shall extend to admission practices and to all other practices relating to the treatment of students.

(b) The assurance 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 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.

(c) Where an installation or facility (for example, a public airport, or park or recreation area) is comprised of real property for which application is made, and, in addition, other real property of the applicant, the assurance required under this subpart shall be applicable to the entire installation or facility.

§ 105–10.112 Illustrative applications.

The following examples will illustrate the application of the foregoing provisions of this part to certain programs for which Federal financial assistance is extended by GSA (in all cases the discrimination prohibited is discrimination on the ground of race, color, or national origin, prohibited by title VI of the Act and this part):

(a) In the programs involving the transfer of surplus property for airport, park or recreation, historic monument, wildlife conservation, or street widening purposes (§ 105–10.404(c), (d), (e), and (h)), the public generally is entitled to the use of the facility and to receive the services provided by the facility and to facilities operated in connection therewith, without segregation or any other discriminatory practices.

(b) In the program involving the loan of machine tools to nonprofit institutions or training schools (§ 105–10.404(o)), discrimination by the recipient in the admission of students or trainees or in the treatment of its students or trainees in any aspect of the educational process is prohibited. In the case of an institution of higher education, the prohibition applies to the entire institution. In the case of elementary or secondary schools, the prohibition applies to all elementary and secondary schools of the recipient school district, consistent with § 105–10.110. In this and other illustrations the prohibition of discrimination in the treatment of students or trainees includes the prohibition of discrimination among the students or trainees in the availability or use of any academic, dormitory, eating, recreational, or other facilities of the recipient.

(c) In the programs involving the donation of personal property to public bodies or the American National Red Cross (§ 105–10.404 (f) and (j)), discrimination in the selection or treatment of individuals to receive or receiving the benefits or services of the program is prohibited.

(d) In the program involving the donation of personal property to eleemosynary institutions (§ 105–10.404(*1*)), the assurance will apply to applicants for admission, patients, interns, residents, student nurses, and other trainees, and to the privilege of physicians, dentists, and other professionally qualified persons to practice in the institution, and will apply to the entire institution and to facilities operated in connection therewith.

(e) In the programs involving the allotment of space by GSA to Federal Credit Unions, without charge for rent or services, and the provision of free space and utilities for vending stands operated by blind persons (§ 105–10.404(i) and (k)), discrimination by segregation or otherwise in providing benefits or services is prohibited.

(f) In the program involving grants to State and local agencies and to nonprofit organizations and institutions for the collecting, describing, preserving, and compiling and publishing of documentary sources significant to the history of the United States (§ 105–10.404(n)), discrimination by the recipient in the selection of students or other participants in the program, and, with respect to educational institutions, in the admission or treatment of students, is prohibited.

(g) In the program involving the transfer of surplus real property for use in the provision of rental or cooperative housing to families or individuals of low or moderate income (§ 105–10.404(q)), discrimination in the selection and assignment of tenants is prohibited.

Subpart B—Compliance Information and Investigations

§ 105–10.201 Cooperation and assistance in obtaining compliance.

Each responsible GSA official shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this part and shall provide assistance and guidance to recipients to help them comply voluntarily with this part.

§ 105–10.202 Compliance reports.

Each recipient shall keep such records and submit to the responsible GSA official or designee timely, complete and accurate compliance reports at such times, and in such form and containing such information, as the responsible GSA official or designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. In the case in which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.

§ 105–10.203 Access to sources of information.

Each recipient shall permit access by the responsible GSA official or designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution or person and this agency, institution or person shall fail or refuse to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

§ 105–10.204 Information to beneficiaries and participants.

Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the program for which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the responsible GSA official finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

§ 105–10.205 Periodic compliance reviews.

The responsible GSA official or designee shall from time to time review the practices of recipients to determine whether they are complying with this regulation.

§ 105–10.206 Complaints.

Any person who believes him or herself or any specific class of individuals to be subjected to discrimination prohibited by this part may by himself or by a representative file with the responsible GSA official or designee a written complaint. A complaint must be filed not later than 90 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible GSA official or designee.

§ 105–10.207 Investigations.

The responsible GSA official or designee will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation should include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.

§ 105–10.208 Resolution of matters.

(a) If an investigation pursuant to § 105–10.207 indicates a failure to comply with this part, the responsible GSA official or designee will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in subpart C of this part.

(b) If an investigation does not warrant action pursuant to paragraph (a) of this section the responsible GSA official or designee will so inform the recipient and the complainant, if any, in writing.

§ 105–10.209 Intimidatory or retaliatory acts prohibited.

No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part, or because he has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

Subpart C—Enforcement, Hearings, and Judicial Review

§ 105–10.301 Procedure for effecting compliance.

If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law.

Such other means may include, but are not limited to—

(a) A reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking; and

(b) Any applicable proceeding under State or local law.

§ 105–10.302 Noncompliance with Assurances.

If an applicant fails or refuses to furnish an assurance required under § 105–10.108 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section, Federal financial assistance may be refused in accordance with the procedures of § 105–10.303. The GSA shall not be required to provide assistance in such a case during the pendency of the administrative proceedings under § 105–10.303 except that GSA shall continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to an application therefor approved prior to the effective date of this part.

§ 105–10.303 Termination of or refusal to grant or to continue Federal financial assistance.

(a) No order suspending, terminating or refusing to grant or continue Federal financial assistance shall become effective until—

(1) The responsible GSA official has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means;

(2) There has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part;

(3) The action has been approved by the Administrator pursuant to § 105–10.314 and

(4) The expiration of 30 days after the Administrator has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action.

(b) Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

§ 105–10.304 Other means authorized by law.

(a) No action to effect compliance by other means authorized by law shall be taken until—

(1) The responsible GSA official has determined that compliance cannot be secured by voluntary means,

(2) The recipient or other person has been notified of his failure to comply and of the action to be taken to effect compliance, and

(3) The expiration of at least 10 days from the mailing of such notice to the recipient or other person.

(b) During this period of at least 10 days, additional efforts shall be made to persuade the recipient or other person to comply with this part and to take such corrective action as may be appropriate.

§ 105–10.305 Opportunity for hearing.

Whenever an opportunity for a hearing is required by § 105–10.303, reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either:

(a) Fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the responsible GSA official that the matter be scheduled for hearing; or

(b) Advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this section or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and § 105–10.303, and consent to the making of a decision on the basis of such information as is available.

§ 105–10.306 Time and place of hearing.

Hearings shall be held, at a time fixed by the responsible GSA official, at the offices of GSA in Washington, DC, unless such official determines that the convenience of the applicant or recipient or of GSA requires that another place be selected. Hearings shall be held before the responsible GSA official or, at his discretion, before a hearing examiner designated in accordance with 5 U.S.C. 3105 or 3344 (section 11 of the Administrative Procedure Act).

§ 105–10.307 Right to counsel.

In all proceedings under this subpart C, the applicant or recipient and GSA shall have the right to be represented by counsel.

§ 105–10.308 Procedures, evidence, and record.

(a) The hearing, decision, and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 554–557 (sections 5–8 of the Administrative Procedure Act) and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in § 105–10.305, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both GSA and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(b) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

§ 105–10.309 Consolidated or joint hearings.

In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more Federal statutes, authorities, or other means by which Federal financial assistance is extended and to which this part applies, or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under title VI of the Act, the Administrator may, by agreement with such other departments, or agencies, where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedure not inconsistent with this regulation. Final decisions in such cases, insofar as this part is concerned, shall be made in accordance with this subpart C.

§ 105–10.310 Decision by person other than the responsible GSA official.

If the hearing is held by a hearing examiner such hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the responsible GSA official for a final decision, and a copy of such initial decision or certification shall bemailed to the applicant or recipient. Where the initial decision is made by the hearing examiner the applicant or recipient may within 30 days of the mailing of such notice of initial decision file with the responsible GSA official his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the responsible GSA official may on his own motion within 45 days after the initial decision serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of such notice of review the responsible GSA official shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the responsible GSA official.

§ 105–10.311 Decisions on record or review by the responsible GSA official.

Whenever a record is certified to the responsible GSA official for decision or he reviews the decision of a hearing examiner pursuant to § 105–10.310, or whenever the responsible GSA official conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with him briefs or other written statements of its contentions, and a copy of the final decision of the responsible GSA official shall be given in writing to the applicant or recipient, and to the complainant, if any.

§ 105–10.312 Decisions on record where a hearing is waived.

Whenever a hearing is waived pursuant to this subpart C, a decision shall be made by the responsible GSA official on the record and a copy of such decision shall be given in writing to the applicant or recipient, and to the complainant, if any.

§ 105–10.313 Rulings required.

Each decision of a hearing officer or responsible GSA official shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

§ 105–10.314 Approval by Administrator.

Any final decision of a responsible GSA official (other than the Administrator) which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this part or the Act, shall promptly be transmitted to the Administrator, who may approve such decision, may vacate it, or remit or mitigate any sanction imposed.

§ 105–10.315 Content of orders.

The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, to which this regulation applies, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance to which this regulation applies will thereafter be extended to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this part, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the responsible GSA official that it will fully comply with this part.

§ 105–10.316 Post termination proceedings.

(a) An applicant or recipient adversely affected by an order issued under § 105–10.315 shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this part and provides reasonable assurance that it will fully comply with this part. An elementary or secondary school or school system which is unable to file an assurance of compliance with subpart A shall be restored to full eligibility to receive financial assistance if it files a court order or a plan for desegregation meeting the requirements of § 105–10.110 and provides reasonable assurance that it will comply with this court order or plan.

(b) Any applicant or recipient adversely affected by an order entered pursuant to § 105–10.315 may at any time request the responsible GSA official to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of paragraph (a) of this section. If the responsible GSA official determines that those requirements have been satisfied, he shall restore such eligibility.

(c) If the responsible GSA official denies any such request, the applicant or recipient may submit a request, in writing, for a hearing, specifying why it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure issued by the responsible GSA official. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of paragraph (a) of this section. While proceedings under this section are pending, the sanctions imposed by the order issued under § 105–10.315 shall remain in effect.

§ 105–10.317 Judicial review.

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

Subpart D—Miscellaneous Provisions

§ 105–10.401 Effect on other regulations.

All regulations, orders, or like directions heretofore issued by any officer of GSA which imposed requirements designed to prohibit any discrimination against individuals on the ground of race, color, or national origin under any program to which this part applies, and which authorize the suspension or termination of or refusal to grant or to continue Federal financial assistance to any applicant for or recipient of such assistance for failure to comply with such requirements, are hereby superseded to the extent that such discrimination is prohibited by this part, except that nothing in this part shall be deemed to relieve any person of any obligation assumed or imposed under any such superseded regulation, order, instruction, or like direction prior to the effective date of this part. Nothing in this part, however, shall be deemed to supersede any other orders, regulations, or instructions, insofar as such orders, regulations, or instructions prohibit discrimination on the ground of race, color, or national origin in any program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

§ 105–10.402 Forms and instructions.

Each responsible GSA official shall issue and promptly make available to interested persons forms and detailed instructions and procedures for effectuating this part as applied to programs to which this part applies and for which he is responsible.

§ 105–10.403 Supervision and coordination.

The Administrator may from time to time assign to officials of other departments or agencies of the Government, with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of title VI of the Act and this part (other than responsibility for final decision as provided in subpart C of this part), including the achievement of effective coordination and maximum uniformity within GSA and within the executive branch of the Government in the application of title VI and this part to similar programs and in similar situations. Any action taken, determination made, or requirement imposed by an official of another Department or Agency acting pursuant to an assignment of responsibility under this section shall have the same effect as though such action had been taken by the responsible GSA official.

§ 105–10.404 Laws authorizing Federal financial assistance for programs to which this part applies.

(a)(1) Donation of surplus personal property to educational activities which are of special interest to the armed services (section 203(j)(2) of the Federal Property and Administrative Services Act of 1949, 40 U.S.C. 484(j)(2)).

(2) Donation of surplus personal property for use in any State for purposes of education, public health, or civil defense, or for research for any such purposes (section 203(j) (3) and (4) of the Federal Property and Administrative Services Act of 1949, 40 U.S.C. 484(j) (3) and (4)), and the making available to State agencies for surplus property, or the transfer of title to such agencies, of surplus personal property approved for donation for purposes of education, public health, or civil defense, or for research for any such purposes (section 203(n) of the Federal Property and Administrative Services Act of 1949, 40 U.S.C. 484(n)).

(b) Disposal of surplus real and related personal property for purposes of education or public health, including research (section 203(k)(1) of the Federal Property and Administrative Services Act of 1949, 40 U.S.C. 484(k)(1)).

(c) Donation of property for public airport purposes (section 13(g) of the Surplus Property Act of 1944, 50 U.S.C. App. 1622(g); section 23 of the Airport and Airway Development Act of 1970, Pub. L. 91–258).

(d)(1) Disposal of surplus real property, including improvements, for use as a historic monument (section 13(h) of the Surplus Property Act of 1944, 50 U.S.C. App. 1622(h)).

(2) Disposal of surplus real and related personal property for public park or public recreational purposes (section 203(k)(2)) of the Federal Property and Administrative Services Act of 1949, 40 U.S.C. 484(k)(2).

(e) Disposal of real property to States for wildlife conservation purposes (Act of May 19, 1948, 16 U.S.C. 667b–d).

(f) Donation of personal property to public bodies (section 202(h) of the Federal Property and Administrative Services Act of 1949, 40 U.S.C. 483(h)).

(g) Grants of easements by the General Services Administration pursuant to the Act of October 23, 1962, (40 U.S.C. 319–319(c), and grants by the General Services Administration of revocable licenses or permits to use or occupy Federal real property, if the consideration to the Government for such easement, licenses, or permits is less than estimated fair market value.

(h) Conveyance of real property or interests therein by the General Services Administration to States or political subdivisions for street widening purposes pursuant to the Act of July 7, 1960 (40 U.S.C. 345c), if the consideration to the Government is less than estimated fair market value.

(i) Allotment of space by the General Services Administration in Federal buildings to Federal Credit Unions, without charge for rent or services (section 25 of the Federal Credit Union Act, 12 U.S.C. 1770).

(j) Donation of surplus property to the American National Red Cross (section 203(*l*) of the Federal Property and Administrative Services Act of 1949, 40 U.S.C. 484(*l*)).

(k) Provision by the General Services Administration of free space and utilities for vending stands operated by blind persons (section 1 of the Randolph-Sheppard Act, 20 U.S.C. 107).

(l) Donation of forfeited distilled spirits, wine, and malt beverages to eleemosynary institutions (26 U.S.C. 5688).

(m) Donation of surplus Federal records (Federal Records Disposal Act of 1943, 44 U.S.C. 366–380).

(n) Grants to State and local agencies and to nonprofit organizations and institutions for the collecting, describing, preserving and compiling, and publishing of documentary sources significant to the history of the United States (section 503 of the Federal Property and Administrative Services Act of 1949, as amended by Pub. L. 88–383).

(o) Loan of machine tools and industrial manufacturing equipment in the national industrial reserve to nonprofit educational institutions or training schools (section 7 of the National Industrial Reserve Act of 1948, 50 U.S.C. 456).

(p) District of Columbia grant-in-aid hospital program (60 Stat. 896, as amended).

(q) Disposal of surplus real property for use in the provision of rental or cooperative housing to be occupied by families or individuals of low or moderate income (section 414 of the Housing and Urban Development Act of 1969, Pub. L. 91–152).

(r) Payments in lieu of taxes on certain real property transferred from the Reconstruction Finance Corporation (Title VII of the Federal Property and Administrative Services Act of 1949, 40 U.S.C. 521–524).

(s) Conveyance of certain lands and property to the State of Hawaii without reimbursement (Pub. L. 88–233, 77 Stat. 472).

[FR Doc. 2026–16584 Filed 8–13–26; 8:45 am]

BILLING CODE 6820–UD–P