

**§ 112.12**

and to take such corrective action as may be appropriate.

[30 FR 298, Jan. 9, 1965, as amended at 38 FR 17934, July 5, 1973; 49 FR 33629, Aug. 24, 1984; 61 FR 2691, Jan. 29, 1996]

**§ 112.12 Effect on other regulations; forms and instructions.**

(a) *Effect on other regulations.* All regulations, orders or like directions heretofore issued by SBA which impose requirements designed to prohibit any discrimination against individuals on the grounds of race, color, or national origin and which authorize the suspension or termination of or refusal to grant to or to continue 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to any applicant for or recipient of such assistance for failure to comply with such requirements, are hereby superseded to the extent that such discrimination is prohibited by this part, except that nothing in this part shall be deemed to relieve any person of any obligation assumed or imposed under any such superseded regulation, order, instruction, or like direction prior to the effective date of this part.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 of the following (including future amendments thereof):

(1) Executive Order 11246 and regulations issued thereunder, or (2) any other orders, regulations or instructions, insofar as such order, regulations, or instructions prohibit discrimination on the grounds of race, color, or national origin in any program or situation to which this part is inapplicable or prohibit discrimination on any other ground.

(b) *Forms and instructions.* SBA shall issue and promptly make available to interested persons forms and detailed instructions and procedures for effectuating this part.

(c) *Supervision and coordination.* The Administrator may from time to time assign to officials of SBA or to officials of other agencies of the Government with the consent of such agencies, responsibilities in connection with the effectuation of the purpose of Title VI of the Act and this part (other than responsibility for final decision as provided in §112.13), including the achievement of effective coordination and maximum uniformity within SBA and within the Executive Branch of the

**13 CFR Ch. I (1-1-01 Edition)**

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 subsection shall have the same effect as though such action had been taken by the Administrator of SBA.

[30 FR 298, Jan. 9, 1965, as amended at 38 FR 17935, July 5, 1973. Redesignated at 49 FR 33629, Aug. 24, 1984]

**APPENDIX A TO PART 112**

Name of program	Authority
<b>Financial Programs</b>	
Regular business loans .....	Small Business Act, sec. 7(a) and 7(a)(11).
Handicapped assistance loans.	Small Business Act, sec. 7(a)(10).
Small business energy loans	Small Business Act, sec. 7(a)(12).
Small general contractors .....	Small Business Act, sec. 7(a)(9).
Vietnam-era and Disabled Veterans Loan Program.	Pub. L. 97-72.
Debtor State development company loans (501) and their small business concerns.	Small Business Investment Act, title V, and Small Business Act, sec. 7(a)(13).
Debtor small business investment companies and their small business concerns.	Small Business Investment Act, title III.
<b>Disaster Loans</b>	
Physical .....	Small Business Act, sec. 7(b)(1).
Economic injury (EIDL) .....	Small Business Act, sec. 7(b)(2).
Federal action—economic injury.	Small Business Act, sec. 7(b)(3).
Currency fluctuation—economic injury.	Small Business Act, sec. 7(b)(4).
<b>Nonfinancial Programs</b>	
Women's business enterprise	Executive Order 12138.
Small business innovation and research.	Small Business Act, sec. 9.
Procurement automated source system.	Small Business Act, sec. 8 and Pub. L. 96-302.
Business Development Program.	Small Business Act, sec. 8(a) and Pub. L. 95-507, as amended by Pub. L. 96-481.
Small Business Institute Program.	Small Business Act, sec. 8(b)(1) and Pub. L. 85-536.
Certificate of competency .....	Small Business Act, sec. 8(b)(7) and Pub. L. 95-89.
Subcontracting Assistance Program.	Small Business Act, sec. 8(d) and Pub. L. 95-507.
Technology Assistance Program.	Small Business Act, sec. 9.
Small business development centers.	Small Business Act, sec. 21 and Pub. L. 96-302.

**Small Business Administration**

**Pt. 113**

Name of program	Authority
International Trade Program	Small Business Act, sec. 22 and Pub. L. 96-481.
Service Corps of Retired Executives and Active Corps of Executives.	Small Business Act, secs. 101 and 8(b)(1) and Pub. L. 95-510.
Veterans affairs programs .....	Pub. L. 93-237.
Private sector initiatives .....	Small Business Act, sec. 8(b)(1).

NOTE: All programs listed above are also covered by part 113 of title 13 of the Code of Federal Regulations.

[50 FR 1441, Jan. 11, 1985]

**PART 113—NONDISCRIMINATION IN FINANCIAL ASSISTANCE PROGRAMS OF SBA—EFFECTUATION OF POLICIES OF FEDERAL GOVERNMENT AND SBA ADMINISTRATOR**

**Subpart A—General Provisions**

- Sec.
- 113.1 Purpose.
- 113.2 Definitions.
- 113.3 Discrimination prohibited.
- 113.3-1 Consideration of race, color, religion, sex, marital status, handicap, or national origin.
- 113.3-2 Accommodations to religious observance and practice.
- 113.3-3 Structural accommodations for handicapped clients.
- 113.4 Assurances required.
- 113.5 Compliance information.
- 113.6 Conduct of investigations.
- 113.7 Procedure for effecting compliance.
- 113.8 Effect on other regulations, forms and instructions.

APPENDIX A TO SUBPART A OF PART 113

**Subpart B—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance**

INTRODUCTION

- 113.100 Purpose and effective date.
- 113.105 Definitions.
- 113.110 Remedial and affirmative action and self-evaluation.
- 113.115 Assurance required.
- 113.120 Transfers of property.
- 113.125 Effect of other requirements.
- 113.130 Effect of employment opportunities.
- 113.135 Designation of responsible employee and adoption of grievance procedures.
- 113.140 Dissemination of policy.

COVERAGE

- 113.200 Application.

- 113.205 Educational institutions and other entities controlled by religious organizations.
- 113.210 Military and merchant marine educational institutions.
- 113.215 Membership practices of certain organizations.
- 113.220 Admissions.
- 113.225 Educational institutions eligible to submit transition plans.
- 113.230 Transition plans.
- 113.235 Statutory amendments.

DISCRIMINATION ON THE BASIS OF SEX IN ADMISSION AND RECRUITMENT PROHIBITED

- 113.300 Admission.
- 113.305 Preference in admission.
- 113.310 Recruitment.

DISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES PROHIBITED

- 113.400 Education programs or activities.
- 113.405 Housing.
- 113.410 Comparable facilities.
- 113.415 Access to course offerings.
- 113.420 Access to schools operated by LEAs.
- 113.425 Counseling and use of appraisal and counseling materials.
- 113.430 Financial assistance.
- 113.435 Employment assistance to students.
- 113.440 Health and insurance benefits and services.
- 113.445 Marital or parental status.
- 113.450 Athletics.
- 113.455 Textbooks and curricular material.

DISCRIMINATION ON THE BASIS OF SEX IN EMPLOYMENT IN EDUCATION PROGRAMS OR ACTIVITIES PROHIBITED

- 113.500 Employment.
- 113.505 Employment criteria.
- 113.510 Recruitment.
- 113.515 Compensation.
- 113.520 Job classification and structure.
- 113.525 Fringe benefits.
- 113.530 Marital or parental status.
- 113.535 Effect of state or local law or other requirements.
- 113.540 Advertising.
- 113.545 Pre-employment inquiries.
- 113.550 Sex as a bona fide occupational qualification.

PROCEDURES

- 113.600 Notice of covered programs.
- 113.605 Enforcement procedures.

AUTHORITY: 15 U.S.C. 633, 634, 687, 1691; 20 U.S.C. 1681, 1682, 1683, 1685, 1686, 1687, 1688; 29 U.S.C. 794; Sec. 5, Pub. L. 85-536, 72 Stat. 385, as amended; Sec. 308, Pub. L. 85-699, 72 Stat. 694, as amended.

SOURCE: 44 FR 20068, Apr. 4, 1979, unless otherwise noted.