

lack thereof, in any occupation or profession for qualified individuals with disabilities or persons of a certain race, color, religion, sex, national origin, age, political affiliation or belief, or citizenship shall not be considered in recruiting, selecting or placing individuals in programs or activities.

§ 34.12 Delegation and coordination.

(a) The Secretary may from time to time assign to officials of other departments or agencies of the Government (with the consent of such department or agency) responsibilities in connection with the effectuation of the nondiscrimination and equal opportunity provisions of JTPA and this part (other than responsibility for final decisions pursuant to §34.42), including the achievement of effective coordination and maximum uniformity within the Department and within the executive branch of the Government in the application of the nondiscrimination and equal opportunity provisions of JTPA or this part to similar programs and similar situations.

(b) 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 Director.

(c) Whenever a compliance review or complaint investigation under this part reveals possible violation of Executive Order 11246, as amended, section 503 of the Rehabilitation Act of 1973, as amended, the affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (38 U.S.C. 4212), the Equal Pay Act of 1963, as amended, title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, as amended, the Americans With Disabilities Act, or any other Federal civil rights law, that is not also a violation of the nondiscrimination and equal opportunity provisions of JTPA or this part, the Director shall attempt to notify the appropriate agency and provide it with all relevant documents and information.

Subpart B—Recordkeeping and Other Affirmative Obligations of Recipients

§ 34.20 Assurance required; duration of obligation; covenants.

(a) *Assurance.* (1) Each application for Federal financial assistance under JTPA, as defined in §34.2, shall include an assurance, in the following form, with respect to the operation of the JTPA-funded program or activity and all agreements or arrangements to carry out the JTPA-funded program or activity:

As a condition to the award of financial assistance under JTPA from the Department of Labor, the grant applicant assures, with respect to operation of the JTPA-funded program or activity and all agreements or arrangements to carry out the JTPA-funded program or activity, that it will comply fully with the nondiscrimination and equal opportunity provisions of the Job Training Partnership Act of 1982, as amended (JTPA), including the Nontraditional Employment for Women Act of 1991; title VI of the Civil Rights Act of 1964, as amended; section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; title IX of the Education Amendments of 1972, as amended; and with all applicable requirements imposed by or pursuant to regulations implementing those laws, including but not limited to 29 CFR part 34. The United States has the right to seek judicial enforcement of this assurance.

(2) The assurance shall be deemed incorporated by operation of law in the grant, cooperative agreement, contract or other arrangement whereby Federal financial assistance under JTPA is made available, whether or not it is physically incorporated in such document and whether or not there is a written agreement between the Department and the recipient, between the Department and the Governor, between the Governor and the recipient, or between recipients. The assurance may also be incorporated by reference in such grants, cooperative agreements, contracts or other arrangements.

(b) *Continuing State programs.* Each application by a State or a State agency to carry out a continuing JTPA-funded program or activity shall, as a