

## Small Business Administration

## § 113.2

- 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.

## Subpart A—General Provisions

### § 113.1 Purpose.

(a) Part 112 of this chapter, issued pursuant to Title VI of the Civil Rights Act of 1964, prohibits discrimination on the basis of race, color, or national origin by some recipients of financial assistance from SBA. The purpose of this part is to reflect to the fullest extent possible the nondiscrimination policies of the Federal Government as expressed in the several statutes, Executive Orders, and messages of the President dealing with civil rights and equality of opportunity, and in the previous determination of the Administrator of the Small Business Administration that discrimination based on race, color, religion, sex, marital status, handicap or national origin shall be prohibited, to the extent that it is not prohibited by part 112 of this chapter, to all recipients of financial assistance from SBA.

(b) In accordance with Pub. L. 94-239, 15 U.S.C. 1691, cited as the Equal Credit Act Amendments of 1976, it is unlawful for any recipient creditor to discriminate against any applicant, with respect to any aspect of a credit transaction because of race, color, religion, national origin, sex, marital status, age: (*Provided*, the applicant has the capacity to contract), because all or part of the applicant's income derives from any public assistance program, or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act.

(c) It is the intention of the Administrator that the prohibitions in this part supplement those in part 112 of this chapter, that the two parts be read in *pari materia*, and that the procedures established herein be harmonized to the maximum extent feasible with those established in part 112 of this chapter.

### § 113.2 Definitions.

As used in this part:

(a) The term *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