

SUBJECT: EOP - Compliance with Civil Rights Policies in all Federally Assisted and Federally Conducted Programs      DATE: JUL 13 1996

TO: Richard Baird, Acting State Conservationist, NRCS, Orono, Maine      FILE CODE:

This is in reference to our telephone conversation of July 12, 1996 requesting a clarification of NRCS and soil and water conservation districts (SWCD's) responsibilities in complying with nondiscrimination provisions as they affect program delivery initiatives.

First of all, NRCS must comply fully with all the nondiscrimination provisions as contained in 7CFR-15, Subpart A, which covers Nondiscrimination in Federally-Assisted Programs in the Department of Agriculture - and effectuates Title VI of the Civil Rights Act of 1964, and other related policies and procedures issued by the Secretary of Agriculture relative to program delivery. The policy cited above in Section 15.4 requires every SWCD to sign an assurance statement as "recipients" of "federal financial assistance" to voluntarily comply with the Secretary's policies. As such, each SWCD has entered into a Mutual Agreement (MA) and a Cooperative Working Agreement (CWA) between USDA, State, NRCS, and districts to comply with nondiscrimination policies and ensure equity in delivering program benefits to all eligible customer groups.

Pursuant to the CWA, districts, as our partners and as "recipients" of "federal financial assistance", should print an appropriate "disclaimer" statement on publications that are widely distributed among program beneficiaries and/or for public information. The fact that districts raise separate funds that they earmark for specific projects does not alter the fact that they receive federal financial assistance in some form and are therefore still covered by 7CFR-, Subpart A.

Departmental Regulation 4330-1, Section 2 (1)(a-g), "Public Notification", very clearly states the role and responsibilities of both recipients and agencies in informing program participants and applicants of their program rights and responsibilities, the policy of nondiscrimination and the procedures for filing a complaint. Hence, publications issued by "recipients" very appropriately should include an appropriate "disclaimer" statement as a gesture of voluntary compliance with the USDA Secretary's policies as called for under Section 15.5 Compliance of 7CFR-15, Subpart-A, and the CWA.

In respect to the question of sorting mailing lists by race and gender, we are not sure of any requirement under current NRCS and/or USDA policies. The use of mailing lists to disseminate program information or program changes is considered a valuable tool in

program outreach. When such lists are utilized to reach the different potential program beneficiaries, NRCS has encouraged both employees and "recipients" to use a coding system for mailing lists that ensure inclusion of all eligible customers by both ethnicity and gender. The use of such a coded list demonstrates the good faith efforts of NRCS as well as of the "recipients" in targeting and reaching the entire population served by the district in the specific geographic area.

We hope this clarifies your concerns relative to the issues as raised.

OM  
7/18/96

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