

PART 2006 - MANAGEMENT

Subpart P - Civil Rights Impact Analysis

§2006.751 General.

(a) Authorities and scope. This Instruction implements Departmental regulation 4300-4, which requires U.S. Department of Agriculture (USDA) Agencies to implement a process for conducting civil rights impact analyses by establishing an internal system to identify and address civil rights implications of proposed policy actions before those actions are approved and implemented.

(b) Policy. No person or group shall be discriminated against on the basis of race, color, sex, national origin, religion, age, disability, or marital and/or familial status in any employment practice or in any program conducted or assisted by the USDA or the Rural Economic and Community Development (RECD) mission area, which includes the Rural Housing and Community Development Service (RHCDS), the Rural Business and Cooperative Development Service (RBCDS), and the Rural Utilities Service (RUS).

§2006.752 Definitions.

Major civil rights impacts. Consequences of proposed policy actions which, if implemented, will negatively and disproportionately affect employees, program beneficiaries, or applicants for employment or program benefits in USDA/RECD/RHCDS/RBCDS/RUS-conducted or -assisted programs by virtue of their race, color, sex, national origin, religion, age, disability, or marital and/or familial status. Examples of civil rights impacts may include, but are not limited to the following:

- (1) An office relocation which results in an increase in commuting cost or lessened accessibility to low and moderately priced nondiscriminatory housing because of race, color, sex, national origin, religion, age, disability, or marital and/or familial status, which, when compared to others, is disproportionately negative;
- (2) New or amended legislation, budget proposals, program regulations, instructions or project approvals which, if implemented, may result in a reduction of program benefits because of race, color, sex, national origin, religion, age, disability, or marital and/or familial status, which, when compared to others, is disproportionately negative;

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(3) Agency reorganizations which result in a reduction in employment opportunities for individuals because of race, color, sex, national origin, religion, age, disability, or marital and/or familial status, which, when compared to others, is disproportionately negative; or

(4) Reductions-in-force which have negative and disproportionate effects based on race, color, sex, national origin, religion, age, disability, or marital and/or familial status.

Proposed policy actions. Actions subject to the requirements of this instruction include, but are not limited to:

(1) New legislation or amendments to existing legislation proposed by the Agency;

(2) New or revised Agency regulations or instructions;

(3) Budget proposals;

(4) Grants, contracts, loans, prepayments, distributions of allocations, or project approvals or disapprovals;

(5) Reorganizations; or

(6) Office consolidations, closures, or relocations.

§2006.753 Responsibilities.

(a) The certifying officials listed in §2006.754 of this Instruction will ensure that the analyses are made and will prepare the certifications required by that section.

(b) State Civil Rights Coordinators/Managers will assist the State Director in resolving questions concerning major civil rights impacts and provide advice to field office staffs.

(c) The Director, Equal Opportunity Staff (EOS), on behalf of the appropriate Administrator, will:

(1) Resolve questions regarding major civil rights impacts that cannot be resolved by the appropriate Assistant Administrator.

(2) Resolve questions regarding major civil rights impact that cannot be resolved at the State Office level.

(3) Review Agency regulations for new or revised programs, address the potential for a major civil rights impact, and provide certification prior to issuance.

§2006.753 (c) (Con.)

(4) Provide technical assistance and informal advice to National and State Office staffs.

(d) In cases where the issue cannot be resolved at the Agency level, EOS, through the appropriate Administrator, will refer the issue to the Department's Office of Civil Rights Enforcement for further review.

§2006.754 Analysis and certification.

(a) Analysis. The certifying officials listed in paragraph (b) of this section will identify and address major civil rights impacts of proposed policy actions and the potential for negative effect based on race, color, sex, national origin, religion, age, disability, or marital and/or familial status.

(b) Certification. To assure the Agency that a civil rights impact analysis has been completed and the potential effects of each proposed policy action have been considered, before the proposed policy action is approved and implemented, the certifying official will complete Form RECD 2006-38, "Civil Rights Impact Analysis Certification," as follows:

(1) The certifying official for RECD/RHCDS/RBCDS/RUS regulations for new or revised programs will be made by the Director, EOS, in accordance with §2006.753 (c)(3) of this Instruction.

(2) The certifying officials for all other proposed policy actions are as follows:

(i) The appropriate Assistant Administrator or State Director, or person designated to certify on their behalf, for proposed policy actions initiated under their respective authorities.

(ii) The appropriate Administrator, the appropriate Deputy Administrator, the appropriate Staff Director, or official designated to certify on their behalf, for proposed policy actions initiated by the Administrator, Deputy Administrator for Management, Deputy Administrator for Program Operations, Program Support Staff, Legislative Affairs and Public Information Staff, EOS, Planning and Analysis Staff, or National Appeals Staff, respectively.

§§2006.755 - 2006.800 [Reserved]

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