

DEPARTMENT OF AGRICULTURE
Rural Utilities Service

BULLETIN 1790-1

SUBJECT: Nondiscrimination Among Beneficiaries of RUS Programs

TO: RUS Electric and Telecommunications Borrowers.

EFFECTIVE DATE: Date of Approval.

EXPIRATION DATE: Seven years from date of approval.

OFFICE OF PRIMARY INTEREST: Program Development and Regulatory Analysis.

FILING INSTRUCTIONS: This bulletin supersedes and rescinds RUS Bulletin 20-19:320-19, Nondiscrimination Among Beneficiaries of RUS Programs, issued July 1978.

AVAILABILITY: This bulletin can be accessed through the Internet at <http://www.usda.gov/rus/regs.html>

PURPOSE: RUS firmly believes that good civil rights practices are synonymous with good business practices for our borrowers. Maintaining a good civil rights posture towards the consumers you serve and towards the employees of your organization will improve your overall member relations program which, in turn, will result in an improved corporate image throughout your service area.

It is the established policy of RUS that no person in the United States shall, on the grounds of race, color, or national origin, or solely by reason of such person's disability or on the basis of age, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under the RUS electric, telecommunication, and rural development programs.

The bulletin provides information and guidance that RUS shall make available to borrowers or applicants for financial assistance, to comply with the following rules and regulations:

Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.); Section 504 of the Rehabilitation Act of 1973 as amended (29 U.S.C. 794); the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et seq.); the rules and regulations of the Department of Agriculture (the Department) implementing the provisions of Title VI of the Civil Rights Act (7CFR Part 15); the rules and regulations of the Department of Health and Human Services implementing the provisions of the Age Discrimination Act (45 CFR Part 90) under which the Department is operating until such time as the Department adopts its own implementing rules and regulations (7 CFR Part 15, 7 CFR Part 15b, and 45 CFR Part 90 are hereinafter collectively called the Departmental rules and regulations).

/s/ Christopher A. McLean

1/28/00

Acting Administrator

Date

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CIVIL RIGHTS:

Nondiscrimination Among Beneficiaries of RUS Programs

NONDISCRIMINATION:

Civil Rights Title VI

Equal Employment

ABBREVIATIONS

CFR	Code of Federal Register
CRS	Civil Rights Staff, Rural Development
GFR	General Field Representative

DEFINITIONS

Act means the Rural Electrification Act of 1936, as amended, (7 U.S.C. 901 *et seq.*).

Active borrower means an electric or telecommunications borrower that has, on the effective date an outstanding insured or guaranteed loan from RUS for rural electrification, and whose eligibility for future RUS financing is not restricted pursuant to 7 CFR part 1786.

Administrator means the Administrator of the Rural Utilities Service or the Administrator's designee.

Borrower means an entity that has outstanding RUS loan(s) or guarantee(s) for an electric or telecommunications purpose under the provisions of the Act.

Departmental rules and regulations means 7 CFR Part 15, 7 CFR Part 15b, and 45 CFR Part 90, collectively.

Electric or telecommunications purpose means a purpose that:

- 1) The Administrator is authorized to finance under sections 2, 4, 5, 201, 305, and 408 of the Act; or
- 2) Is characterized by furnishing, generating, or transmitting electric energy or other activities involved in providing electricity, or is characterized as providing telephone service. It will not include a relatively insignificant amount of customer premises equipment, as determined by the Administrator.

1 PURPOSE: The purpose of this guidance bulletin is to summarize all current civil rights rules and regulations pertaining to RUS electric and telecommunications borrowers into a single document. This document will describe the statutes, rules, and regulations, which inform RUS borrowers of their responsibilities for ensuring nondiscrimination practices in the operation of their organizations.

2 POLICY: It is the established policy of RUS that no person in the United States shall, on the grounds of race, color, or national origin, or solely by reason of such person's disability, or on the basis of age, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under the RUS electric, telecommunications, and rural development programs.

3 PROCEDURES: The regulations referenced provide information on the procedures and forms required of RUS borrowers and applicants for financial assistance to comply with Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d *et seq.*), Section 504 of the Rehabilitation Act of 1973, as amended, (29 U.S.C. 794), the Age Discrimination Act of 1975, as amended, (42 U.S.C. 6101, *et seq.*), and Departmental rules and regulations, (7 CFR 15 and 15b, 45 CFR 90, collectively).

3.1 Availability of U.S. Department of Agriculture Rules and Regulations. Copies of the Departmental rules and regulations can be accessed through the Internet at <http://www.access.gpo.gov/nara/cfr/index.html>. RUS bulletins and forms referenced in this bulletin are available from the Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Ave., SW, STOP 1522, Washington, D.C. 20250-1522; fax (202) 720-4120, or most may be available from the RUS website: <http://www.usda.gov/rus/index.html>.

4. PROVISIONS OF TITLE VI OF THE CIVIL RIGHTS ACT, SECTION 504 OF THE REHABILITATION ACT, AND THE AGE DISCRIMINATION ACT APPLICABLE TO RUS BORROWERS.

4.1 Borrowers subject to above civil rights regulations: A RUS borrower becomes subject to the provisions of Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, and the Age Discrimination Act, upon receipt by such borrower of a loan made by RUS, an advance of funds, or a note or bond under which the advance of funds is requested.

4.2 Prohibition against discrimination: To the extent that Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, and the Age Discrimination Act, apply to each RUS borrower, no person in the United States shall, on the basis of race, color, national origin, age or handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under the RUS electric, telecommunications, and rural development programs.

4.3 Illustrations of specifically prohibited actions: The actions set forth below are illustrations of the kinds of activities prohibited by RUS-financed electric and telecommunications organizations. This list of actions is not all inclusive, but it provides RUS borrowers with further clarification of their responsibilities for compliance with Departmental rules and regulations.

4.3.1 Program services must be provided without regard to race, color, national origin, age, or disability, therefore, RUS borrowers shall not:

- a. Discriminate by refusing or failing to extend electric or telecommunications service to persons in identified minority classes, inconsistent with the borrower's line extension policy.
- b. Discriminate by denying any person the benefits of improvement, expansion, or upgrading, of electric or telecommunications service;
- c. Discriminate in the rates, terms, or conditions in providing service to customers;
- d. Discriminate in the type of service provided to electric and telecommunications customers;
- e. Refuse or fail to accept applications for membership or applications to purchase shares of stock;
- f. Exclude or discourage any member or stockholder, if the borrower is a cooperative or mutual type corporation, from participation in any meeting; or discriminate with respect to the member's or stockholder's rights, such as nomination and election to a position on the board of directors; or discriminate against any qualified voter from participation in any election. The Civil Rights Staff will give advice and assistance to program recipients regarding the nomination and election process, so that full member involvement is encouraged.
- g. Discriminate against any person in the use of the borrower's public facilities;
- h. Discriminate in employment practices, which tend to have an impact on services provided to customers;
- i. Discriminate against any customer, under its consumer financing program, on the weatherproofing of buildings, the wiring of premises, or the installation of electrical and plumbing appliances and equipment.
- j. Discriminate by excluding any qualified bidder from having an equal opportunity to participate in the bidding or negotiating process for construction, maintenance, or service and supply contracts.

5 COMPLIANCE ASSURANCE (RUS FORM 266)

5.1 Requirements for submission of compliance assurance: Each borrower is required, as a condition prerequisite to advance of loan funds, to provide RUS with assurance that it will conduct its program operations in compliance with Departmental rules and regulations. Such assurance is required to be furnished to RUS with respect to the first advance of loan funds, irrespective of the date of the

loan contract, note, or bond under which the advance of funds was requested. The assurance is provided on RUS Form 266, Compliance Assurance, executed by an authorized official of the borrower's board of directors. The compliance assurance shall remain effective for all subsequent advances.

5.2 When submission of compliance assurance is required:

5.2.1 Existing borrowers. All RUS borrowers must have an RUS Form 266, Compliance Assurance, on file at the RUS Washington D.C. Headquarters office, prior to the advance of funds.

5.2.2 New applicants. Each first-time loan applicant who requests a loan from RUS shall include the RUS Form 266 with its loan application.

5.3 Duration of compliance assurance:

5.3.1 Real property. When loan funds from RUS are advanced to a borrower to finance the acquisition or improvement of real property, including the acquisition, construction, or improvement of structures on real property, the RUS Form 266 shall apply to the borrower. In the case of a subsequent transfer, the transferee then becomes responsible for the RUS Form 266, only if the transfer is through debt assumption.

5.3.2 Personal property. When loan funds from RUS are advanced to a borrower to finance the acquisition or improvement of personal property, the Form 266 shall apply to the borrower for the period during which the borrower retains ownership or possession of the personal property.

5.3.3 Other cases. In all other cases, the RUS Form 266 shall apply to the borrower for the period during which any loan funds from RUS remain unpaid and outstanding.

6 PUBLIC NOTIFICATION REQUIREMENTS

6.1 Requirement to notify persons of nondiscrimination policy:

6.1.1 Existing borrowers. Each RUS borrower is required to notify customers, beneficiaries, applicants, employees, and other interested persons of the applicability of the Departmental rules and regulations by furnishing, publishing and posting the Statement of Nondiscrimination and the most current version of "And Justice for All" (AD-475A) poster.

6.1.2 New Borrowers. Each new borrower, within 60 days after receiving its first advance of loan funds, shall also furnish, publish, and post the Statement of Nondiscrimination and the most current version of the "And Justice for All" (AD-475A) poster.

6.2 Forms of public notification required:

6.2.1 Title VI of the Civil Rights Act. Each borrower that has received an advance of loan funds from RUS shall notify participants, beneficiaries, and other interested persons of the applicability of Title VI of the Civil Rights Act using the Statement of Nondiscrimination.

6.2.2 Section 504 of the Rehabilitation Act. Each borrower that has received an advance of loan funds from RUS shall notify participants, beneficiaries, and other interested persons of the applicability of Section 504 of the Rehabilitation Act using the Statement of Nondiscrimination.

6.2.3 Age discrimination act. Each borrower that has received an advance of loan funds from RUS shall notify participants, beneficiaries, and other interested persons of the applicability of the Age Discrimination Act using the Statement of Nondiscrimination.

6.3 Specifically Required Notification Actions: The Statement of Nondiscrimination is the required statement, which must be used by RUS borrowers upon implementing public notification requirements. Borrowers will be required to provide verification that this statement has been published during civil rights compliance reviews. Additionally, the "And Justice for All" poster must be displayed. These requirements apply to both headquarters and branch office(s).

6.3.1 Each RUS borrower shall notify participants, beneficiaries, applicants, employees, and other interested persons of the organization's nondiscrimination policy by:

- a. Displaying the "And Justice For All" poster (AD 475A) in the headquarters and branch office lobbies where it is easily visible to the general public;
- b. Posting the required Statement of Nondiscrimination in the headquarters and branch office lobbies where it is easily visible to the general public;
- c. Publishing the Statement of Nondiscrimination, in the local newspaper(s) annually. (Verification of the newspaper statement and date(s) of publication must be provided to governmental reviewers during pre and post loan civil rights audits); and
- d. Providing a copy of the Statement of Nondiscrimination to all new customers and employees.

7 DATA COLLECTION REQUIREMENTS AND REPORT OF COMPLIANCE AND PARTICIPATION

7.1 Requirement to Collect and Maintain Racial and Ethnic Data: RUS borrowers must establish and maintain a documented system to identify and collect racial/ethnic data on the eligible population in served residences.

7.2 Required Racial and Ethnic Categories: The required racial/ethnic categories to be used by RUS borrowers when recording the information requested are as follows:

- a. American Indian or Alaska Native
- b. Asian
- c. Black or African American
- d. Native Hawaiian or Other
- e. White
- f. Hispanic or Latino
- g. Other

7.3 Procedures for Collecting Racial and Ethnic Data: Census data is available for a number of different geographic breakdowns (counties, census blocks, etc.). You should use the geographic breakdown that most closely approximates your service area or combine census areas to develop a weighted average covering your service area. Census data can be found on the Internet at <http://www.census.gov> or alternatively at your county courthouse.

7.3.1 Visual Observation: When new customers apply for service at the office, the organization may determine that person's race or ethnic background through visual observation. The data collected must be coded and maintained.

7.3.2 Verbal or Written Request: In situations where a customer does not apply for service at the office, either an oral or written request can be made. It is appropriate to request such information from the customer; however, it must be specified that the data is being collected for Federal Government Reporting Purposes Only. The customer has the option to provide or not to provide this information.

7.3.2.1 If the customer chooses not to provide the requested data, the organization may determine the customer's race or ethnic background based on the makeup of the service area. The data collected must be coded and maintained.

8 CIVIL RIGHTS COMPLIANCE REVIEWS

8.1 Technical Assistance: The Civil Rights Staff (CRS), Rural Development, shall provide to the RUS staff ongoing technical assistance and guidance as necessary to ensure that borrowers are in compliance with Departmental rules and regulations.

8.2 Civil Rights Compliance Reviews: RUS General Field Representatives (GFRs) shall conduct periodic pre-loan and post-loan civil rights compliance reviews to determine borrowers' civil rights compliance posture. In most cases, a civil rights compliance review shall be conducted by the GFR of RUS borrowers at least once in a 12-month period. The CRS, Rural Development, shall also conduct Civil Rights Compliance Reviews of RUS borrowers, on an ongoing basis.

8.3 Waiver for Annual Civil Rights Compliance Reviews: If a RUS borrower does not have loan activity, including outstanding unadvanced loan funds in a 12-month period, the GFR is not required to conduct an annual civil rights compliance review during that period. The GFRs must provide a written statement to the CRS, Rural Development indicating those borrowers for whom a waiver is being requested.

8.4 Departmental civil rights compliance reviews: Special civil rights compliance reviews, with respect to the requirements of Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, and the Age Discrimination Act, may be made periodically by representatives of the Office of Civil Rights Enforcement, U.S. Department of Agriculture.

8.5 Access to Sources of Review Information: Each RUS borrower shall permit Departmental/Agency officials access to its facilities during compliance review visits. Also, borrowers must provide these officials access to all reports, books, records, accounts, and any other source of information requested for the purpose of determining compliance with civil rights regulations.

9 NONCOMPLIANCE PROCEDURES

9.1 Findings of Noncompliance: Any findings of noncompliance by the GFR will be brought to the attention of the RUS borrower in an effort to resolve the noncompliance voluntarily. Noncompliance procedures are as follows:

9.1.1 Upon receipt by RUS of information indicating violation of the Departmental rules and regulations, the RUS Regional Division Director shall notify the borrower, in writing, and request the borrower to discontinue the alleged violation voluntarily and to state its position with regard to the alleged violation.

9.1.2 If efforts to secure voluntary compliance are unsuccessful, the RUS shall notify the borrower, in writing, of the agency's intent to refer the matter to the Department's Office of Civil Rights (OCR) for appropriate action 7 CFR 15.8. Also, the RUS shall promptly notify the Assistant Attorney General, Civil Rights Division, U.S. Department of Justice (DOJ), as required by 28 CFR 42.407d.

9.1.3 If efforts by RUS to secure voluntary compliance are not successful, the noncompliance may result in one or more of the following actions by RUS:

- a. Refusal to make an additional loan to the borrower.
- b. Suspension or termination of further advances of loan funds.
- c. Any other action as may be authorized by law.
- d. All actions shall be taken in accordance with 7 CFR 15.8-15.11.

9.2 Complaint Procedures: Discrimination complaints against RUS borrowers are to be submitted, in writing, to the Secretary of Agriculture; RUS Administrator; or the Office of Civil Rights, U.S. Department of Agriculture, Washington, D.C. 20250. Written discrimination complaints must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing the complaint has been extended by the Secretary of Agriculture.

10 GREATER PARTICIPATION BY MINORITIES AND WOMEN

10.1 Equal Opportunity in Bidding Process for Contracts: Each RUS borrower shall implement a system that provides an equal opportunity for minorities and/or female-owned enterprises to participate in the bidding process for contracts and the purchases of supplies, materials, and equipment.

In addition to publicizing the above information in the local news media, RUS borrowers should make special outreach efforts to contact minority and/or female-owned enterprises to advise them of opportunities for participation in the bidding process. These special outreach efforts must be documented by the borrower and will be verified by GFRs during annual civil rights compliance reviews.

10.2 Cooperative Bylaws: The bylaws constitute a contract between the customer and the cooperative or mutual-type corporation. A copy of the bylaws must be available at the cooperative's office. Also, each new patron is to be provided with a copy of the bylaws.

All members should be provided with the bylaws section on the election process at least 30 days prior to the nomination of candidates for board positions. An organization having no nominating committee or district meeting, shall include this information with the annual meeting announcement.

10.3 Minority and Female Participation on Committees: RUS encourages the development of an effective program to promote and increase minority and/or female participation in activities of the cooperatives such as membership on the nominating and planning committees. Also, the cooperative should make a special effort to increase minority and women membership attendance at the annual meetings.

11 PROGRAM ACCESSIBILITY

11.1 Program Accessibility Requirements: All borrowers must comply with Departmental rules and regulations, which implements Section 504 of the Rehabilitation Act of 1973, as amended.

11.2 Prohibition Against Discrimination: No person with a disability shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity administered by the U.S. Department of Agriculture.

11.3 Methods of Compliance (Existing Facilities): RUS borrowers in existing facilities must comply with the Departmental requirements by such means as redesigning equipment; conducting annual meetings in accessible buildings; assigning aids to patrons; making home visits; providing services in alternate accessible sites; constructing new facilities; or any other method that results in making the program accessible. RUS borrowers must give priority to those methods that offer programs services to disabled persons in the most integrated setting appropriate to obtain full benefits of the program. The CRS, Rural Development, will give advice and assistance to program recipients regarding holding annual meetings in facilities that allow for maximum possible public involvement and participation.

11.4 Methods of Compliance (New Construction): Each new facility, or part of a facility, which is constructed for use by a RUS borrower shall, to the maximum extent feasible, be altered in such a manner that the facility is fully accessible to persons with disabilities.

12 EMPLOYMENT

12.1 Title VI of the Civil Rights Act: Prohibition against discrimination. When discrimination on the basis of race, color, or national origin in the employment practices of a RUS borrower, tends to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity of such borrower, the portions of the Departmental rules and regulations, which implement Title VI of the Civil Rights Act, shall also apply to employment practices.

12.2 Section 504 of the Rehabilitation Act (Employment): Applicability of discrimination prohibition. This section applies to all borrowers.

12.2.1 No qualified person with a disability, on the basis of such person's disability, shall be subjected to discrimination in employment by any RUS borrower to which this section applies.

12.2.2 Each RUS borrower shall make all decisions concerning employment in a manner that ensures that discrimination on the basis of disability does not occur.

12.2.3 A RUS borrower may not limit, segregate, or classify applicants or employees in any way that adversely affects their opportunities or status because of any disability.

12.2.4 A borrower may not participate in a contractual or other relationship that has the effect of subjecting qualified applicants or employees to discrimination. This includes relationships with employment and referral agencies, with labor unions, with organizations providing or administering fringe benefits to employees of the borrower, and with organizations providing training and apprenticeship programs.

12.2.5 All provisions of this bulletin pertaining to employment apply equally to volunteer service.

12.3 Requirement to Make Reasonable Accommodations :

12.3.1 Each RUS borrower shall make reasonable accommodations, to the known physical and mental limitations of an otherwise qualified applicant or employee with a disability, unless the borrower can demonstrate that the accommodation would impose an undue hardship in the operation of its program.

12.3.1.1 Reasonable accommodations may include making facilities used by employees readily accessible to and usable by persons with a disability; and job restructuring; part-time or modified work schedules; acquisition or modification of equipment or devices; the provision of readers or interpreters; and other similar actions.

12.3.1.2 In determining whether an accommodation would impose an undue hardship on the operation of a borrower's program, factors to be considered are: the overall size of the borrower's program with respect to the number of employees, number and type of facilities and size of budget; the type of operation, including the composition and structure of program workforce; and, the nature and cost of the accommodation needed.

12.2.1.3 An RUS borrower may not deny any employment opportunity to a qualified employee or applicant if the basis for the denial is the need to make reasonable accommodations for the physical or mental limitations of the employee or applicant.

12.4 Employment Tests and Selection Criteria:

12.4.1 An RUS borrower may not use any employment test or other selection criterion that screens out or tends to screen out persons with disabilities unless: the borrower shows that the test score or other selection criteria, as used by the borrower, is job-related for the position in question, and the Secretary of Agriculture cannot show that alternative job-related tests or criteria are available which do not screen out, or tend to screen out, as many persons with disabilities.

12.4.2 An RUS borrower shall select and administer tests concerning employment to ensure that, when administered to an applicant or employee who has a disability, the test results accurately reflect the applicant's or employee's job skills, aptitude, or whatever other factors the test purports to measure.

12.5 Pre-employment Inquiries and Medical Examinations :

12.5.1 A RUS borrower may not conduct a pre-employment medical examination or may not make pre-employment inquiry of an applicant as to whether the applicant is a person with a disability or as to the nature or severity of a disability. A borrower may, however, make a pre-employment inquiry into an applicant's ability to perform job-related functions.

12.5.2 Nothing in this bulletin shall prohibit a RUS borrower from conditioning an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty; provided, that: all entering employees are subjected to such an examination, regardless of disabilities; and the results of such an examination are used only in accordance with the requirements of this section.

13 OTHER CIVIL RIGHTS STATUTES, ORDERS, RULES AND REGULATIONS THAT MAY BE APPLICABLE TO RUS BORROWERS

13.1 List of Other Civil Rights Statutes: The list of civil rights statutes, orders, rules, and regulations is not all-inclusive, but is intended to alert RUS borrowers that there are civil rights requirements and responsibilities which may be applicable to them beyond the civil rights statutes, rules, and regulations referenced in this bulletin.

13.2 Prohibition Against Discrimination in Employment:

13.2.1 Title VII of the Civil Rights Act of 1964, as amended (42U.S.C. 2000e et seq.) provides that it shall be an unlawful employment practice for an employer:

- a. To fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such person's race, color, religion, sex or national origin; or
- b. To limit, segregate, or classify employees or applicants for employment in any way which would deprive, or tend to deprive any individual of employment opportunities (or otherwise adversely affect his status as an employee) because of such individual's race, color, religion, sex, or national origin.

13.2.2 Age Discrimination in Employment Act. The Age Discrimination in Employment Act of 1967, as amended (29 U.S.C. 621 et seq.) provides that it shall be unlawful for an employer:

- a. To fail or refuse to hire or discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age;
- b. To limit, segregate, or classify employees in any way which would deprive, or tend to deprive, any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's age; or
- c. To reduce the wage rate of any employee in order to comply with the Age Discrimination in Employment Act.

13.2.3 Executive Order 11246. Executive Order 11246, as amended (42 U.S.C. 2000e note), provides that each executive department and agency which administers a program involving Federal

financial assistance shall require, as a condition for the approval of any grant, contract, loan, insurance, or guarantee thereunder which may involve a construction contract, that the applicant for Federal financial assistance undertake and agree to incorporate, or cause to be incorporated, in all construction contracts paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to such grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the "Equal Employment Opportunity Clause" prescribed by such Executive Order.

13.3 Prohibition Against Discrimination in Credit:

13.3.1 Equal Credit Opportunity Act. The Equal Credit Opportunity Act of 1974, as amended (15 U.S.C. 1691 *et seq.*) provides that it shall be unlawful for any creditor to discriminate against an applicant, with respect to a credit transaction on the basis of:

- a. Race, color, religion, national origin, sex, or marital status, age (provided that the applicant has the legal capacity to enter into contracts); or
- b. Because all or part of the applicant's income derives from any public assistance program; or
- c. Because the applicant has, in good faith, exercised his rights under the Equal Credit Opportunity Act.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0032. The time required to complete this information collection is estimated to average .08 of an hour per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of inform

COMPLIANCE ASSURANCE

*(Title VI, Civil Rights Act of 1964,
Section 504, Rehabilitation Act of 1973,
Age Discrimination Act of 1975)*

Rural Utilities Service
United States Department of Agriculture
Washington, D.C. 20250

The undersigned acknowledges that it is familiar with Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d *et seq.*) ("Title VI of the Civil Rights Act"), Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794) ("Section 504 of the Rehabilitation Act"), the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 *et seq.*) (the "Age Discrimination Act"), the rules and regulations of the U.S. Department of Agriculture implementing Title VI of the Civil Rights Act (7 CFR Part 15) and implementing Section 504 of the Rehabilitation Act (7 CFR Part 15b), the government-wide rules and regulations of the U.S. Department of Health and Human Services implementing the Age Discrimination Act (45 CFR Part 90) under which the U.S. Department of Agriculture is operating until such time as it adopts its own implementing regulations (7 CFR Part 15, 7 CFR Part 15b and 45 CFR Part 90 being hereinafter collectively called the "Departmental rules and regulations"), and the rules and regulations of the Rural Utilities Service implementing Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, the Age Discrimination Act and the Departmental rules and regulations (7 CFR Part 1786) (the "RUS regulations").

The undersigned hereby assures the Rural Utilities Service that it will comply fully with all requirements imposed by or pursuant to such Departmental rules and regulations and the RUS regulations which require that no person, on the basis of race, color, national origin, age, or handicap, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the conduct of its program and the operation of its facilities.

The undersigned further agrees that, in the event of its violation of or failure to comply with any of the requirements imposed by or pursuant to such Departmental rules and regulations, the United States may seek judicial enforcement of compliance with such requirements.

This assurance is executed and supplied to the Rural Utilities Service pursuant to a duly adopted resolution of the board of directors of the undersigned.

RUS Borrower

Date

*Person Authorized by the Board
To Sign This Assurance*

STATEMENT OF NONDISCRIMINATION

“In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, religion, age, disability (Not all prohibited bases apply to all programs.)

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410, or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.”

RUS Form 268, Report of Compliance and Participation (Page 1)
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<http://www.usda.gov/rus/electric/forms.htm>

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