United States Department of Agriculture
Food and Nutrition Service
Mountain Plains Region
1244 Speer Boulevard, Suite 903
Denver, Colorado 80204-3585

Reply to Attn. of: MPSN-1: June 20, 2013

Subject: USDA Nondiscrimination Statement Update

To: Food Distribution Directors
WIC State Directors
Child Nutrition State Directors
Indian Tribal Organizations

The Department's Policy staff has updated the attached nondiscrimination Statement. There has been some confusion and many questions regarding the new Statement. Below is additional information which we hope will answer some of your questions as well as provide clarification of the requirements under the new Statement.

- The Statement implementation date is May 24, 2013.
- Continued use of existing forms is permitted until further notice. Once the final Departmental Regulation is issued, FNS will establish a final implementation date in which all materials must have the new statement.
- New forms and publications must be printed with the updated Statement.
- Websites, online applications and IT systems should be updated immediately.
- Any written materials which currently require the full Statement should be replaced with the revised full Statement.
- Per FNS Instruction 113-1, the full Statement, as applicable, is required to be used in its entirety; only verbiage and phone numbers have changed.
- Where permissible, the Short Statement may be used: "USDA is an equal opportunity provider and employer." Please note use of the shorter version is the **exception**, not the rule.
- The revised Nondiscrimination Statements apply to all programs and are to be used by (and apply to) all State Agencies, recipients, and sub-recipients; including but not limited to Vendors.
- A new *And Justice for All* poster will be printed and distributed to State agencies when the Department Regulation is issued. Until then, the existing posters remain authorized for use.
- The bases applying to all FNS programs have not changed. Local representatives must be aware of the program's protected bases and advise applicants and participants accordingly.

- The public notification requirement also requires proper posting of Civil Rights information, including (but not limited to) use of the "And Justice For All" poster and use of the Nondiscrimination Statement on applications, notices, and other forms. (FNS Instruction 113-1 Sections IX, X, XI, and Appendix A)
- Use of the program appropriate Nondiscrimination Statement without alterations is required (see above). If a State has an additional statement or other protected bases that apply only at the State and Local level, the additional information may be added (separately) at the end. (FNS Instruction 113-1 Section IX.)

Darlene Sanchez

DARLENE SANCHEZ
Regional Director
Special Nutrition Programs

Attachment

USDA

United States
Department of
Agriculture

Food and
Nutrition
Service

3101 Park
Center Drive

Alexandria, VA
22302-1500

May 24, 2013

Subject: USDA Nondiscrimination Statement Update

To: Associate Administrators
Regional Administrators
Staff Office Directors

This information is provided based on guidance from the Office of the Assistant Secretary for Civil Rights. The Department's Policy staff has updated the nondiscrimination statement; however, it is included in Departmental Regulation (DR) 4300-003, Equal Opportunity Public Notification Policy, which has not been cleared for issuance. Until the DR is issued, the following nondiscrimination statements should be used for our programs.

SNAP and FDPIR State or local agencies, and their subrecipients, must post the following nondiscrimination statement:

The U.S Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).

For any other information dealing with Supplemental Nutrition Assistance Program (SNAP) issues, persons should either contact the USDA SNAP Hotline Number at (800) 221-5689, which is also in Spanish or call the State Information/Hotline Numbers (click the link for a listing of hotline numbers by State); found online at http://www.fns.usda.gov/snap/contact_info/hotlines.htm.

USDA is an equal opportunity provider and employer.

For all other FNS nutrition assistance programs, State or local agencies, and their subrecipients, must post the following nondiscrimination statement:

The U.S Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

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Joint Application Form (HHS)

This institution is prohibited from discriminating on the basis of race, color, national origin, disability, age, sex and in some cases religion and political beliefs.

The U.S Department of Agriculture also prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the

Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination with USDA, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

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For any other information dealing with Supplemental Nutrition Assistance Program (SNAP) issues, persons should either contact the USDA SNAP Hotline Number at (800) 221-5689, which is also in Spanish or call the State Information/Hotline Numbers (click the link for a listing of hotline numbers by State); found online at http://www.fns.usda.gov/snap/contact_info/hotlines.htm.

To file a complaint of discrimination regarding a program receiving Federal financial assistance through the U.S. Department of Health and Human Services (HHS), write: HHS Director, Office for Civil Rights, Room 515-F, 200 Independence Avenue, S.W., Washington, D.C. 20201 or call (202) 619-0403 (voice) or (800) 537-7697 (TTY).

USDA and HHS are equal opportunity providers and employers.

When we receive updates to the nondiscrimination statement and "*And Justice for All*" posters, we will share appropriately. If you have question, please contact me at (703) 305-2213.

Crystal Tolar
Chief, Compliance Branch
Office of Civil Rights