

## ASSURANCES OF COMPLIANCE WITH CIVIL RIGHTS REQUIREMENTS

### ASSURANCES OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

As a condition of receipt of federal financial assistance from the United States Department of the Treasury (Treasury), the subrecipient, beneficiary, or such other party, as the case may be, herein awardee, provides the assurances stated herein. The federal financial assistance may include federal grants, loans, and agreements, to provide assistance to awardee's beneficiaries, the use or rent of Federal land or property at below market value, Federal training, a loan of Federal personnel, subsidies, and other arrangements with the intention of providing assistance. Federal financial assistance does not encompass agreements of guarantee or insurance, regulated programs, licenses, procurement agreements by the Federal government at market value, or programs that provide direct benefits.

The assurances apply to all federal financial assistance from or funds made available through the Treasury, including any assistance that the awardee may request in the future.

The Civil Rights Restoration Act of 1987 provides that the provisions of the assurances apply to all of the operations of the awardee's program(s) and activity(ies), so long as any portion of the awardee's program(s) or activity(ies) is federally assisted in the manner prescribed above.

1. Awardee ensures its current and future compliance with Title VI of the Civil Rights Act of 1964, as amended, which prohibits exclusion from participation, denial of the benefits of, or subsection to discrimination under programs and activities receiving federal financial assistance, of any person in the United States on the ground of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by Treasury Title VI regulations at 31 CFR Part 22 and other pertinent executive orders such as Executive Order 13166, directives, circulars, policies, memoranda, and/or guidance documents.

2. Awardee acknowledges that Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," seeks to improve access to federally assisted programs and activities for individuals who, because of national origin, have Limited English proficiency (LEP). Awardee understands that denying a person access to its programs, services, and activities because of LEP is a form of national origin discrimination prohibited under Title VI of the Civil Rights Act of 1964 and Treasury's implementing regulations. Accordingly, awardee shall initiate reasonable steps, or comply with Treasury's directives, to ensure that LEP persons have meaningful access to its programs, services, and activities. Awardee understands and agrees that meaningful access may entail providing language assistance services, including oral interpretation and written translation where necessary, to ensure effective communication in the awardee's programs, services, and activities.

3. Awardee agrees to consider the need for language services for LEP persons when awardee develops applicable budgets and conducts programs, services, and activities. As a resource, Treasury has published its LEP guidance at 70 FR 6067. For more information on taking reasonable steps to provide meaningful access for LEP persons, please visit <https://www.lep.gov/>.

4. Awardee acknowledges and agrees that compliance with the assurances constitutes a condition of continued receipt of federal financial assistance and is binding upon awardee and awardee's successors, transferees, and assignees for the period in which such assistance is provided.

5. Awardee acknowledges and agrees that it must require any sub-grantees, contractors, subcontractors, successors, transferees, and assignees to comply with assurances 1-4 above, and agrees to incorporate the following language in every agreement subject to Title VI and its regulations between

the awardee and the awardee's sub-grantees, contractors, subcontractors, successors, transferees, and assignees:

*The sub-grantee, contractor, subcontractor, successor, transferee, and assignee shall comply with Title VI of the Civil Rights Act of 1964, which prohibits Awardees of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, which are herein incorporated by reference and made a part of this agreement. Title VI also includes protection to persons with "Limited English Proficiency" in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, and herein incorporated by reference and made a part of this agreement.*

6. Awardee understands and agrees that if any real property or structure is provided or improved with the aid of federal financial assistance by the Treasury, this assurance obligates the awardee, or in the case of a subsequent transfer, the transferee, for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is provided, this assurance obligates the awardee for the period during which it retains ownership or possession of the property.

7. Awardee shall cooperate in any enforcement or compliance review activities by Treasury of the aforementioned obligations. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The awardee shall comply with information requests, on-site compliance reviews and reporting requirements.

8. Awardee shall maintain a complaint log and inform Treasury of any complaints of discrimination on the grounds of race, color, or national origin, and limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, pending or completed, including outcome. Awardee also must inform Treasury if awardee has received no complaints under Title VI.

9. Awardee must provide documentation of an administrative agency's or court's findings of non-compliance of Title VI and efforts to address the non-compliance, including any voluntary compliance or other agreements between the awardee and the administrative agency that made the finding. If the awardee settles a case or matter alleging such discrimination, the awardee must provide documentation of the settlement. If awardee has not been the subject of any court or administrative agency finding of discrimination, please so state.

10. If the awardee makes sub-awards to other agencies or other entities, the awardee is responsible for ensuring that sub-awardees also comply with Title VI and other applicable authorities covered in this document. State agencies that make sub-awards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of sub-awardees.

The United States of America has the right to seek judicial enforcement of the terms of this assurances document and nothing in this document alters or limits the federal enforcement measures that the United States may take in order to address violations of this document or applicable federal law.

## **AGREEMENT WITH AWARDEE OF FEDERAL RECOVERY FUNDS**

Section 602(b) of the Social Security Act (the Act), as added by section 9901 of the American Rescue Plan Act (ARPA), Pub. L. No. 117-2 (March 11, 2021), authorizes the United States Department of the Treasury (Treasury) to make payments to subrecipients, beneficiaries, and other parties, as the case may be, from the Coronavirus State Fiscal Recovery Fund. The State of Nebraska (State) has further signed and certified separate agreement(s) with Treasury as a condition of receiving such payments from the Treasury. This agreement is between your organization and the State, and your organization is signing and certifying the same terms and conditions included in the State's separate agreement(s) with Treasury. Your organization is referred to as awardee herein.

As a condition of your organization receiving federal recovery funds from the State, the authorized representative below hereby certifies that your organization will carry out the activities listed in section 602(c) of the Act. Your organization also agrees to use the federal recovery funds as specified in bills passed by the Unicameral and signed by the Governor.

Under penalty of perjury, the undersigned official certifies that the authorized representative has read and understood the organization's obligations in the attached Assurances of Compliance with Civil Rights Requirements (consisting of two (2) pages), that any information submitted in conjunction with this document is accurate and complete, and that the organization is following the nondiscrimination requirements.