79th NASASP Conference

Civil Rights & Federal Surplus Personal Property Donation Program

Presented by:
U.S. General Services Administration
Office of Civil Rights
External Programs Branch

What will we be covering today?

01
General Overview

- Roles & Responsibilities
- Definitions
- Applicable Federal Laws

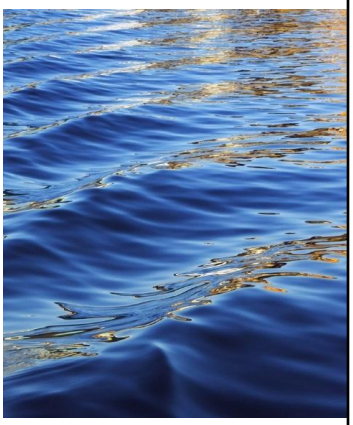
02
OCR Compliance Reviews

Procedures and administrative guidelines.

03
Program Updates

Key developments, policy updates, and compliance revisions for the upcoming program year.

General Overview



General Overview

Why do civil rights laws apply to programs and activities that receive Federal assistance?

The Legal Foundation

The United States government enacted Title VI of the Civil Rights Act of 1964, as amended, as well as other civil rights laws and regulations.

These laws ensure that public funds are not spent in a way which result in or subsidizes discrimination.

The Core Principle

"Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial discrimination."

— President John F. Kennedy, 1963

Civil Rights Roles and Responsibilities of Recipients of Federal Assistance

Federal laws prohibit discrimination in programs and activities receiving Federal assistance on the basis of:

Race, Color & National Origin

Protects individuals from discrimination based on race, color, or national origin.

Sex

Prohibits discrimination on the basis of sex in education and other assisted programs.

Disability

Ensures equal access and prohibits exclusion of qualified individuals with disabilities.

Age

Prohibits age discrimination in any program or activity receiving Federal funding.

Who is responsible for enforcing these laws?

Federal Funding Agencies

Agencies that provide Federal funding to assist recipients in their programs and activities are responsible for ensuring compliance.

Executive Order 12250

E.O. 12250 delegates to the U.S. Attorney General the function to ensure the consistent and effective implementation of laws prohibiting discriminatory practices in federally conducted and assisted programs.

Definitions

What is Federal assistance?

Federal assistance, also known as Federal financial assistance (FFA), includes grants and loans of Federal funds, as well as, a grant or donation of Federal property and an interest in property.

Federal assistance includes, but is not limited to:

Personnel

The detail/loan of Federal personnel.

Property Sale/Lease

The sale and lease of Federal property or any interest thereof without consideration or at reduced consideration.

Agreements

Any Federal agreement or arrangement which has as one of its purposes the provision of assistance.

See 41 CFR 101-6.216(e) for additional information.

What is a recipient?

Federal civil rights compliance applies to all entities defined as recipients of Federal financial assistance (FFA).

Basic Definition

A recipient is an entity that receives FFA either directly or indirectly.

Covered Entities

This organization may be a state, political subdivision, public or private agency, institution, organization, or individual.

Key Distinction

The recipient is specifically distinguished as not being the ultimate beneficiary of the extended assistance.

What is a program or activity?

Core Legal Definition

In essence, a program or activity means **all of the operations** of an entity, if any part of its operations has received Federal assistance.

Practical Application

Once a donee organization receives Federal surplus property, **all of its operations** are covered by the federal civil rights laws that apply to federal financial assistance programs.

What is meant by discrimination?

The Legal Protection

Generally, federal laws provide that no person in the United States shall, on the ground of **race, color, national origin, age, disability or sex**, be subjected to specific prohibited actions.

01 Excluded from participation in,

02 Denied the benefits of, or

03 Otherwise subjected to discrimination

under **any program OR activity** that receives Federal assistance.

Core Laws

Title VI of the Civil Rights Act of 1964

Race, Color, & National Origin

These three pillars form the foundation of Title VI civil rights protections in federal assistance programs.

Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color, and national origin in all programs and activities receiving Federal financial assistance.

GSA Implementing Regulation

41 CFR Part 101-6 Subpart 101-6.2

Nondiscrimination in Programs Receiving Federal Financial Assistance

Title IX of the Education Amendments of 1972

Sex

Ensuring equal opportunity and prohibiting discrimination based on sex in education and training programs.

Title IX of the Education Amendments of 1972 prohibits sex discrimination in training and education programs receiving Federal financial assistance.

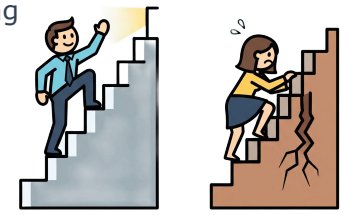
GSA Implementing Regulation

41 CFR 101-4

Federal Property Authority

40 U.S.C. § 122

Prohibits discrimination on the basis of sex in all programs and activities receiving Federal assistance under Title 40.



Section 504 of the Rehabilitation Act of 1973

Individuals with Disabilities

Guarantees equal access and prohibits discrimination in any program or activity receiving Federal financial assistance.

No qualified person with a disability shall, on the basis of disability, be:

01 Excluded from participation in,

02 Denied the benefits of,

03 Otherwise subjected to discrimination

under **any program or activity** that receives Federal financial assistance.

Program Accessibility

SASPs and donees must ensure that their programs and activities are accessible to individuals with disabilities.

Key Focus Areas

- **Accessible Routes:** Ensure travel routes outside and inside the SASP facility are accessible where public/donees are allowed.
- **Hearing Accessibility:** Establish communication procedures for individuals who are deaf or hard of hearing.
- **Visual Accessibility:** Establish communication procedures for individuals with sight impairments.
- **Restrooms:** Provide accessible public restrooms (if public restrooms are provided).

Compliance Standards

All program elements must be compliant with accessibility standards.

Older Facilities:
If the SASP building is older, the primary focus is on ensuring **program access**.

Newer Facilities:
If the SASP is a newer facility, **UFAS** or **ABAAS standards** will be strictly applied.

Best Practices

01 **Parking Spaces**
Access aisles comply with standard measurements and are properly marked and closest to the entrance where donees and public enter/exit SASP operations.

02 **Restrooms**
Adequate maneuverability for wheelchair users. Paper towel and soap dispensers are at standard heights and can be easily reached by individuals with limited reach.

03 **Warehouse & SASP Offices**
Ensure adequate access and maneuverability throughout all office and warehouse areas for both staff and visitors.

04 **Door Tension**
Maintain ADA-compliant door tension: interior doors require no more than 5 lbs of force to open, and exterior doors require 8.5 to 10 lbs maximum.

05 **Effective Communication**
Implement procedures to guarantee effective, clear communication with individuals who have hearing, sight, or speech impairments.

Service Animals

Access & Definition

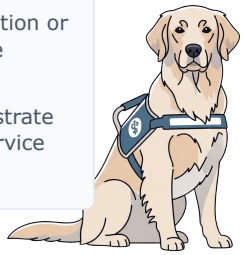
- **Guaranteed Access:** Must provide access to individuals with disabilities and their service animals.
- **Defined Animals:** Limited to dogs or miniature horses individually trained to do work or perform tasks for a person with a disability.
- **Permitted Areas:** Allowed anywhere members of the public can go, including offices, public buildings, stores, and restaurants.

Inquiry Restrictions

Staff are strictly prohibited from making specific inquiries regarding service animals.

You CANNOT:

- Ask about the nature or severity of the individual's disability.
- Require medical documentation or official training proof for the animal.
- Ask that the animal demonstrate its ability to perform the service task.

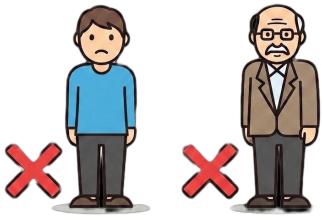


Age Discrimination Act of 1975

Core Mandate

Age (Any Age)

The Act prohibits discrimination on the basis of age in all programs and activities receiving Federal financial assistance.



Permitted Exceptions

Specific Programs & Regulations

The statute allows some exceptions, such as child care programs or programs designed specifically for the elderly.

These exceptions are incorporated in GSA's implementing regulations.

Examples of Possible Discrimination

In Federally Assisted Programs and Activities

Prohibited Situations

The following are examples of situations that may be considered discriminatory:

- **Denying Access:** Denying service or program access.
- **Differential Treatment:** Treating a person differently compared to others.
- **Segregation:** Segregating or separating an individual in any matter related to receipt of a service or program access.
- **Restricting Privileges:** Restricting enjoyment of any advantage or privilege enjoyed by others receiving benefits under the program.

Exceptions & Authority

Nondiscriminatory Reasons

A recipient may be treated differently or denied service, provided there is a **legitimate nondiscriminatory reason** for these actions.

Regulatory Authority

41 CFR 101-6.204-2

Emergencies and Disasters

SASP Role in Civil Rights & Disaster Relief

Key Roles & Mandates

SASPs play a vital role in helping communities impacted by natural disasters, including hurricanes, fires, tornadoes, and other emergencies.

Inclusive Emergency Planning

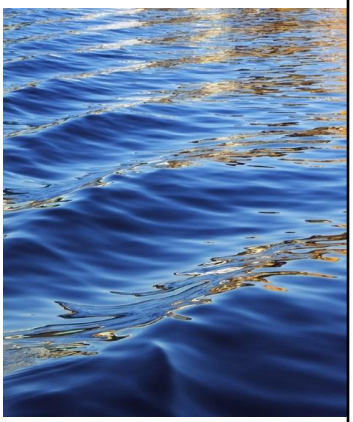
Ensure emergency planning, response, and recovery efforts include access for individuals with disabilities.

How SASPs Assist

SASPs proactively support local disaster recovery efforts through coordinated initiatives:

- **Community Leadership:** Reaching out directly to impacted community leaders to understand local needs.
- **Surplus Property:** Partnering with the private sector and other SASPs to facilitate the donation of federal surplus property.

OCR Compliance Reviews



Methods of Administration

Civil Rights Compliance Reviews

01
Civil Rights Coordinator

02
Assurance Statements

03
Civil Rights Posters

04
Outreach to Potentially Eligible Participants

05
Disability Access

06
Data System

07
Sex Discrimination

08
Train SASP Staff

Self-Assessment Questions

As a recipient, ask:

01 Do we have clear nondiscrimination policies?

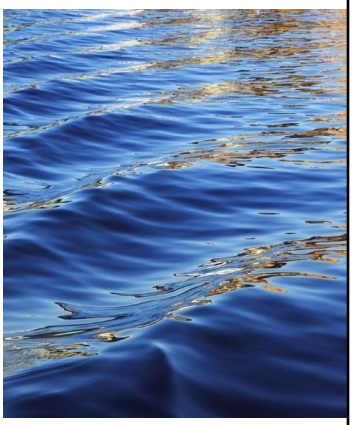
02 Are staff trained?

03 Are facilities accessible?

04 Are complaint procedures in place?

05 Are we monitoring regulatory updates?

Program Updates



OCR Regulatory Updates

Recent and Upcoming Regulatory Updates

01

Age Discrimination Act

- In **March 2026**, GSA published a final rule relocating its regulations from **41 CFR part 101-8.7** to **41 CFR part 105-9**.
- This was an administrative relocation with **no substantive policy changes**.

02

Title VI

- GSA completed rulemaking to relocate regulations from legacy Federal Property Management to **General Services Property Management Regulations**.
- Removes regulatory disparate impact provisions to align with current **Department of Justice guidance**.
- Publication is expected soon.

03

Section 504 & Title IX

- GSA is actively updating and relocating Section 504 and Title IX regulations into the **current CFR structure**.
- These rulemakings modernize regulations to reflect **current legal requirements** and agency practice.
- Additional information will be provided as progress continues and updates are published.

Title VI – Language Access Update

Context & Guidance

Executive Order 14224

Designates English as the official language of the United States while preserving agencies' authority to provide language assistance when authorized or required by law.

Attorney General Guidance

Directs Federal agencies to review existing language access policies and ensure they are consistent with current law and administration policy.

What This Means for Recipients

Statutory Nondiscrimination Title VI's statutory prohibition against national origin discrimination remains in full effect.

Transition from Prior LEP Guidance GSA is no longer relying on prior government-wide LEP guidance that has been rescinded.

Compliance Evaluations OCR evaluates compliance based on applicable statutes, regulations, and legal authorities, rather than categorical expectations.

Future Updates Additional guidance will be shared with recipients as it becomes available.

Please let us know if we can be of assistance!

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