



U.S. Department  
of Transportation

**Federal Highway  
Administration**

# Memorandum

## **SP-87-027-GE**

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Subject Exemptions from Civil Rights Planning Requirements  
in the Territories of Guam and American Samoa and  
the Commonwealth of Northern Marianas Islands

Date August 10, 1987

Reply to

Attn of HCR-10

From Deputy Director, Office of Civil Rights

To Mr. John O. Hibbs  
Director, Office of Motor Carrier  
Field Operations (HFO-1)

This is to confirm conversations with Mr. Ron Ashby of your staff regarding the applicability of Civil Rights requirements to MCSAP recipients in Guam, Northern Marianas, and American Samoa. In response to his concerns, it was determined that:

- (1) The DBE requirements of Section 106(c) of the Surface Transportation and Uniform Relocation Assistance Act (STURAA) of 1987 do not apply to MCSAP funds since that section applies only to projects funded by Titles I and III of the Act.
- (2) In the territories, employees of and applicants for employment with MCSAP recipients and American businesses with 15 or more employees, are covered by Title VII of the 1964 Civil Rights Act and may file complaints with the Equal Employment Opportunity Commission.
- (3) The nondiscrimination provisions of Title VI of the 1964 Civil Rights Act, and related statutes, apply to the territories. However, the territories have never been required to submit standard Title VI assurances, because there has been no finding that the subject territories had a history of the types of problems addressed by the Civil Rights statutes. Therefore, it is considered inappropriate, and contrary to the public interest, to require that they complete unnecessarily burdensome administrative requirements that serve no identifiable purpose. Enforcement of Title VI and related Statutes in the territories is accomplished by following up on discovered or reported instances of discrimination. The subject territories are therefore exempt from the requirements to develop and submit nondiscrimination and EEO plans.

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If further clarification is required, contact me or Roscoe Dukes at 366-0471.

  
Edward W. Morris, Jr.