



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service
Food and Drug Administration

Memorandum

NOV 30 2005

From: Acting Commissioner of Food and Drugs
Subject: Civil Rights Policy Statement
To: FDA Employees

The Food and Drug Administration is committed to ensuring the civil rights of its customers by making sure they can participate in and benefit from all FDA programs and activities. It is agency policy that programs that receive financial assistance from FDA, and programs conducted by FDA, are free from discrimination.

We all have an enormous responsibility and a legal obligation to hold those to whom we provide assistance, whether through grants or contracts, accountable for the proper and equitable use of those funds. Each of us, especially managers, supervisors, and project officers that oversee such funding, must demonstrate that discrimination and exclusionary practices in programs we fund or conduct will not be tolerated.

To achieve this goal, the FDA Office of Equal Employment Opportunity and Diversity Management works closely with the Department's Office for Civil Rights (OCR), to enforce compliance with civil rights laws that apply to federally funded and conducted activities. These laws include Title VI of the Civil Rights Act of 1964; Sections 504 and 508 of the Rehabilitation Act of 1973, as amended; Title II of the Americans with Disabilities Act of 1990; the Age Discrimination Act of 1975; Title IX of the Education Amendments of 1972; Titles VII and VIII of the Public Health Service Act; and the privacy provisions of the Health Insurance Portability and Accountability Act of 1996. Also, program-specific statutes often contain provisions that prohibit discrimination in federally funded or operated programs and activities.

FDA and OCR have signed a formal Memorandum of Understanding (MOU) that describes our respective roles in implementing these civil rights responsibilities. It also takes us one step closer to implementing the Department's policy to make civil rights an essential and integral part of every program. I encourage you to become familiar with the provisions of that MOU. If you need more information, call FDA's Office of Equal Employment Opportunity and Diversity Management on 301-827-4840. Promoting nondiscrimination and equal access in all our programs and services is an integral part of leadership. It also is essential to accomplishing FDA's goal of promoting and protecting the health of all Americans.

This memorandum supersedes the memorandum from the Acting Commissioner of Food and Drugs dated October 6, 2005 to all FDA employees.

Andrew C. von Eschenbach, M.D.