

§ 14.7

(2) External or extrinsic conditions refer to the complex of natural conditions or circumstances, including but not limited to those affecting public health and safety, in which people reside or otherwise carry out their lives.

(d) *Restoring the environment.* (1) Payments shall be considered to be made primarily for the purpose of restoring the environment if they are intended to finance actions, measures, or practices undertaken to reestablish, return, or enhance the quantity or quality of the natural external or extrinsic conditions directly or indirectly affecting people that existed before the man-caused or man-induced degradation.

(2) External or extrinsic conditions have the same meaning with respect to restoring the environment as they do for protecting the environment.

(e) *Improving forests.* (1) Payments shall be considered to be made primarily for the purpose of improving forests if they are intended to finance actions, measures, or practices undertaken for the direct or indirect conservation or enhancement of the quantity or quality of timber resources.

(2) Improving forests includes the generation and regeneration of timber stands as well as the silvicultural improvement of such timber stands but excludes harvest cuttings not undertaken primarily for silvicultural improvement.

(f) *Providing habitat for wildlife.* (1) Payments shall be considered to be made primarily for the purpose of providing habitat for wildlife if they are intended to finance actions, measures, or practices leading directly to the establishment of those physical and biological conditions or resources that can be expected to support primarily non-cultivated and nondomesticated animal and plant life. The animal and plant life must be of value to the public in their natural state apart from any value that may be realized from them as private economic gain.

(2) Wildlife includes but is not limited to species of terrestrial or aquatic animals and plants.

(3) Habitat includes, but is not limited to, the food supply, water supply, and nesting and escape cover necessary to support populations of wildlife species. Included in the definition of wild-

7 CFR Subtitle A (1-1-03 Edition)

life habitat are domestic crops raised for the primary purpose of providing food supply or cover for specific wildlife species.

§ 14.7 Non-Federal programs and payments.

(a) *Definition of non-Federal programs.* Non-Federal program means any program of a State, a possession of the United States, a political subdivision of any State or possession of the United States, the District of Columbia, or a combination of any of the foregoing.

(b) *Applicability.* Payments received through non-Federal programs under which payments are made primarily for the purpose of conserving soil and water resources, protecting or restoring the environment, improving forests, or providing a habitat for wildlife may be considered for exclusion from gross income under part 14.

(c) *Determining the primary purpose of non-Federal payments.* The determination of the primary purpose for which non-Federal payments are made with respect to their potential for exclusion from gross income shall be made by using the criteria set forth in part 14 for determining the primary purpose of Federal payments.

(d) *Procedure for determining the primary purpose of payments made under non-Federal programs.* (1) To initiate the process of determining the applicability of this part to payments received through non-Federal programs and the primary purpose of the payments for potential exclusion from gross income, the non-Federal official responsible for the program through which the payments are made should provide six copies of the following materials relating to the program to the Secretary of Agriculture—

- (i) Authorizing legislation;
- (ii) Rules or regulations;
- (iii) Current policies and procedures under which payments are made and used;
- (iv) A description of all practices or measures for which payments are made and used; and
- (v) Any other information that may be helpful in determining the purpose for which payments, or portions thereof, are made and used.

Office of the Secretary, USDA

§ 15.1

(2) Any changes in the supporting documentation listed in paragraphs (d)(1)(i) through (d)(1)(iv) of this section, should be reported to the Secretary within 30 days of the date they become final.

PART 15—NONDISCRIMINATION

Subpart A—Nondiscrimination in Federally-Assisted Programs of the Department of Agriculture—Effectuation of Title VI of the Civil Rights Act of 1964

- Sec.
- 15.1 Purpose and application of part.
- 15.2 Definitions.
- 15.3 Discrimination prohibited.
- 15.4 Assurances required.
- 15.5 Compliance.
- 15.6 Complaints.
- 15.7 Intimidatory or retaliatory acts prohibited.
- 15.8 Procedure for effecting compliance.
- 15.9 Hearings.
- 15.10 Decisions and notices.
- 15.11 Judicial review.
- 15.12 Effect on other regulations; forms and instructions.

APPENDIX TO SUBPART A—LIST OF USDA-ASSISTED PROGRAMS

Subpart C—Rules of Practice and Procedure for Hearings, Decisions and Administrative Review Under the Civil Rights Act of 1964

GENERAL INFORMATION

- 15.60 Scope of rules.
- 15.61 Records to be public.
- 15.62 Definitions.
- 15.63 Computation of time.
- 15.64 Parties.
- 15.65 Appearance.
- 15.66 Complainants not parties.
- 15.67 Intervener.
- 15.68 Ex parte communications.

FORM, EXECUTION, FILING AND SERVICE OF DOCUMENTS

- 15.71 Form of documents to be filed.
- 15.72 Filing.
- 15.73 Service.
- 15.74 Date of service.

INITIAL NOTICE AND RESPONSE

- 15.81 How proceedings are commenced.
- 15.82 Notice of hearing and response thereto.
- 15.83 Notice of opportunity to request a hearing and response thereto.
- 15.84 Answer.
- 15.85 Amendment of notice or answer.
- 15.86 Consolidated or joint hearings.

HEARING OFFICER

- 15.91 Who presides.
- 15.92 Designation of hearing officer.
- 15.93 Time and place of hearing.
- 15.94 Disability of hearing officer.
- 15.95 Responsibilities and duties of hearing officer.

MOTIONS

- 15.101 Form and content.
- 15.102 Responses to motions.
- 15.103 Disposition of motions.

HEARING PROCEDURES

- 15.110 Prehearing conferences.
- 15.111 Purpose of hearing.
- 15.112 Statement of position and brief.
- 15.113 Testimony.
- 15.115 Affidavits.
- 15.116 Depositions.
- 15.117 Evidence.
- 15.118 Cross-examination.
- 15.119 Objections.
- 15.120 Exceptions to rulings of hearing officer unnecessary.
- 15.121 Official notice.
- 15.122 Offer of proof.
- 15.123 Appeals from ruling of hearing officer.
- 15.124 Admissions as to facts and documents.

THE RECORD

- 15.131 Official transcript.
- 15.132 Record for decision.

POSTHEARING PROCEDURES

- 15.135 Posthearing briefs.
- 15.136 Decisions and notices.
- 15.137 Exceptions to initial or proposed decision.
- 15.138 Review of initial decision.
- 15.139 Oral argument.
- 15.140 Service of decisions.
- 15.141 Contents of decision.
- 15.142 Content of orders.
- 15.143 Decision where financial assistance affected.

AUTHORITY: 5 U.S.C. 301; 29 U.S.C. 794.

Subpart A—Nondiscrimination in Federally-Assisted Programs of the Department of Agriculture—Effectuation of Title VI of the Civil Rights Act of 1964

SOURCE: 29 FR 16274, Dec. 4, 1964; 29 FR 16966, Dec. 11, 1964, unless otherwise noted.

§ 15.1 Purpose and application of part.

(a) The purpose of the regulations in this part is to effectuate the provisions