

DEPARTMENT OF THE ARMY
Office of the Chief of Engineers
Washington, D. C., 20315

ER 1130-2- 314

ENG CW-OM
ENG RE-MI

Regulation
No. 1130-2-314

26 May 1967

PROJECT OPERATIONS

Nondiscrimination in Federally Assisted Programs

1. Purpose and Scope. This regulation prescribes procedures for implementing the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 241) as it pertains to Civil Works projects and activities, and provides guidance for conducting compliance reviews and reporting thereon. The regulation is applicable to all Division and District Engineers responsible for the Civil Works program activities listed in the referenced Army Regulation.

2. Reference. AR 600-23, including Appendix I (Department of Defense Directive 5500.11), and Appendix II (Form of Assurance of Compliance, as amended).

3. Assurances of Compliance. The responsible District Engineer shall take appropriate action to secure assurances of compliance with DOD Directive 5500.11. Appendix II of AR 600-23 will be used as a guide in formulating the assurances to be given by recipients under the Civil Works program activities numbered 17 thru 25 in that Directive. In requesting the assurances of compliance, the recipient will be furnished a copy of AR 600-23 (which may be requisitioned through TAG publication channels) or in lieu thereof the specific discriminatory actions prohibited and the compliance information as set forth in Sections IV and VII in Appendix I, AR 600-23. A signed copy of the assurance will be retained in the District Engineer's compliance records. Reproduced copies, indicating thereon the involved project and the date and number of any contract in which it may be incorporated, will be distributed to The Judge Advocate General, Attention: JAG-A, and to the Chief of Engineers, Attention: ENG RE-MI. If the assurance is to be incorporated as a condition of a contractual instrument such as a lease or easement, the following provision will be included therein unless otherwise stated in paragraph 4 below:

"The grantee furnishes as part of this contract an assurance (Exhibit _____) that he will comply with Title VI of the Civil Rights Act of 1964 (78 Stat. 241) and Department of Defense Directive 5500.11 issued pursuant thereto and published in Part 300 of Title 32, Code of Federal Regulations."

4. Guidance. In addition to the guidance provided in AR 600-23, the following is furnished with respect to each of the nine civil works program activities as numbered in the Directive. As a general rule, local interests will be informed early in the planning stages of the required assurances of compliance with DOD Directive 5500.11:

This regulation rescinds EC 1130-2-32, 27 Jun 66; EC 1130-2-33, 10 Aug 66
; EC 1130-2-34, 17 Oct 66; and EC 405-2-7, 27 Jul 66

- No. 17 Army Corps of Engineers participation in cooperative investigations and studies concerning erosion of shores of coastal and lake waters (33 United States Code 426).

The cooperating agency shall provide the compliance assurance prior to initiating the studies.

- No. 18 Army Corps of Engineers assistance in the construction of works for the restoration and protection of shores and beaches (33 United States Code 426e-h).

The cooperating agency should provide the compliance assurance concurrently with execution of the cooperating agreement. For projects completed which provide for periodic nourishment of the beach, the previously executed agreements will be supplemented by compliance assurances prior to obligation of Federal funds for any additional work.

- No. 19 Public Park and recreational facilities at water resource development projects under the administrative jurisdiction of the Department of the Army (16 United States Code 460d and Federal Water Project Recreation Act, Public Law 89-72, 79 Stat. 218, July 9, 1965).

Leases (or licenses in the nature of leases) which are granted without consideration, or at a nominal or reduced consideration, will incorporate the assurance of compliance as part thereof.

- No. 20 Payment to States of proceeds of lands acquired by the United States for flood control, navigation, and allied purposes (33 United States Code 701-c-3).

Pending further instructions after the necessary inter-departmental coordination of Title VI procedures, no assurances will be sought from recipients of such payments.

- No. 21 Grants of easements without consideration, or at a nominal or reduced consideration, on lands under the control of the Department of the Army at water resource development projects. (33 United States Code 558c and 702d-1; 10 United States Code 2668 and 2669; 43 United States Code 961; 40 United States Code 319.

Such easements will incorporate the assurance of compliance as part thereof.

- No. 22 Army Corps of Engineers assistance in the construction of small boat harbor projects (33 United States Code 540 and 577, and 47 Stat. 42, February 10, 1932).

Compliance assurances should be obtained at the time the project assurances of local cooperation are furnished.

- No. 23 Emergency bank protection works constructed by the Army Corps of Engineers for protection of highways, bridge approaches, and public works (33 United States Code 701r).

Compliance assurances will be obtained prior to initiating construction.

- No. 24 Assistance to States and local interests in the development of water supplies for municipal and industrial purposes in connection with Army Corps of Engineers reservoir projects (Water Supply Act of 1958, 43 United States Code 390b).

Compliance assurances should be obtained at the time assurances on use and repayment of water supply storage are furnished.

- No. 25 Army Corps of Engineers contracts for remedial works under authority of Section 111 of Act of July 3, 1958 (33 United States Code 633).

Compliance assurances will be obtained prior to submitting a report recommending the requisite finding.

5. Responsibility. District Engineers are responsible for the conduct of inspections and other actions prescribed for effecting compliance with the referenced regulations and Directive. This must be a positive and not merely a reactive responsibility. The ultimate success of nondiscrimination efforts will in large measure depend on how effectively the District Engineers actually monitor compliance in the field in accordance with the guidance and procedures set forth in AR 600-23, and Appendix B. Division Engineers shall exercise close supervision over the District's compliance reviews.

6. Compliance Reviews. Compliance reviews, investigations, reporting and other actions necessary for effective compliance will be carried out as directed in AR 600-23. It is emphasized that the responsible District Engineers shall seek voluntary compliance to the fullest extent practicable. As a normal part of the administration of this program, the District Engineers shall review periodically, at least once annually, the practices of recipients to determine whether they are complying with the referenced directive. They should obtain each year from the agency or organization furnishing the assurance a report on compliance. As circumstances dictate more frequent reporting by recipients and field reviews by District Engineers should be required.

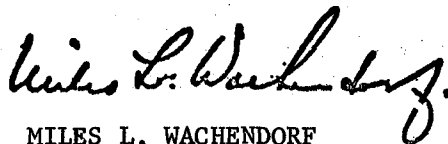
7. Compliance Check List. District Engineers should develop check lists for their compliance reviews and questionnaires for recipients. Include in each list and questionnaire all items pertinent to the individual program activity numbered 17 thru 25 in the referenced Directive. A sample list, comprehensive in scope but not necessarily complete, is contained in Appendix A.

8. Justice Department Guidance. There are set forth in Appendix B Guidelines for the Enforcement of Title VI, prepared by the Department of Justice. The Attorney General in furnishing these Guidelines stated they are designed to insure that the nondiscrimination requirements of Title VI are effectively, fairly, and firmly enforced by all Federal agencies administering such programs. He emphasized that the object of Title VI is to insure compliance with the national policy of nondiscriminatory treatment of all recipients. The Guidelines, therefore, suggest, in addition to cutting off Federal assistance, alternative methods of enforcement which in many instances can be more effectively used to secure compliance.

9. Reporting. The responsible District Engineers will submit quarterly Title VI Status Reports to reach the Chief of Engineers no later than three days prior to the close of each calendar quarter (Report Control Symbol DD-M(Q)756)). The report, in triplicate, with copy to the Division Engineer, will be transmitted for the attention of ENG CW-OM. It will be prepared in accordance with instructions and in the form set forth in Appendix C. This report will provide the basic information for the Chief of Engineers' review of field compliance actions and his quarterly report to higher authority within three days after the end of the quarter. It is important, therefore, that the District Engineers' submissions be timely, complete, accurate and in sufficient detail. If failure to receive the required compliance assurances will delay the work scheduled, this will be reported promptly with all pertinent information to the Chief of Engineers, ENG CW-OM.

10. Actions prescribed to implement Title VI of the Civil Rights Act of 1964 do not supersede procedures to be followed as set forth in ER 1130-2-313 in cases of racial demonstrations on Civil Works projects.

FOR THE CHIEF OF ENGINEERS:



MILES L. WACHENDORF
Colonel, Corps of Engineers
Executive

3 Incls:
Appendices A,B,&C

APPENDIX A
COMPLIANCE CHECK LIST

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Program No. _____, Name (as listed in Directive 5500.11)

Type of Activity _____ Public or Private _____

Name and Address of Recipient _____

Assurance of Compliance Submitted: Yes _____ No _____

If no, give details:

Person(s) Interviewed:

I. Physical Facilities

1. In recreation areas check all facilities available to the public:

<u>Check</u> <u>If Any Is:</u>	<u>Not Available</u> <u>To All</u>	<u>Not Available</u> <u>In Some Manner</u>	<u>Segregated</u>	<u>Restricted</u>
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Picnic Areas
Reservoir Beaches
Shore Protection
Project Beaches
Camping Areas
Trailer Spaces
Guest Rental Units
Organized Camps
Boat Docks
Small Boat Harbor
Moorings
Boat Rentals
Boat Repairs and
Services
Water Fountains
Rest Rooms
Others (specify)

2. For utilities, buildings, etc., check the public services provided:
(Facilities under Programs No. 21, easements without consideration; No. 23,
bank protection; No. 24, M&I water supplies; No. 25, remedial works, Sec. 111).

<u>Check</u> <u>If Any Is:</u>	<u>Not Available</u> <u>To All</u>	<u>Not Available</u> <u>In Some Manner</u>	<u>Segregated</u>	<u>Restricted</u>
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Electric Power lines
Water distribution system
Sewer system
Roadways
Bridges

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(Cont'd)
School Buildings
Community Buildings
Firehouses
Others (specify)

Details on items checked:

II. Personnel

1. If a club or organization is administered by elected or appointed officials (as in the Boy and Girl Scouts, boat and yacht clubs, etc.), were members selected without discrimination? Yes _____ No _____

If no, give details:

a. Were persons selected to represent minority groups acceptable to sizeable segments of the minority community? Yes _____ No _____

If no, give details:

b. Do all officers, including minority groups representatives, meet together regularly? Yes _____ No _____

If no, give details:

c. If participation is through application for membership, determine by observation, testing, and interviews if:

Any applicants are excluded? Yes _____ No _____

If yes, give details:

Any applicants are segregated? Yes _____ No _____

If yes, give details:

Any applicants are restricted? Yes _____ No _____

If yes, give details:

Any applications are denied because of race, color, or national origin? Yes _____ No _____

If yes, give details:

Any applications are segregated for processing? Yes _____ No _____

If yes, give details:

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III. Services

1. For project facilities open to the general public, determine by observation, testing, and interviews if all parts, facilities, and services within it are available:

In the same manner? Yes _____ No _____

If no, give details:

Without segregation? Yes _____ No _____

If no, give details:

Without restrictions? Yes _____ No _____

If no, give details:

2. Wherever services to the public by a lessee are contracted out, were contractors selected without discrimination? (This may include concessionaires, marina operators, etc.) Yes _____ No _____

If no, give details:

Remarks

Pamphlet prepared by the Civil Rights Commission and other publications giving further guidance on implementation of Title VI of the Civil Rights Act of 1964 will be distributed to Division and District Engineers as they become available.

APPENDIX B



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

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APP. B

GUIDELINES FOR THE ENFORCEMENT OF
TITLE VI, CIVIL RIGHTS ACT OF 1964

Where the heads of agencies having responsibilities under Title VI of the Civil Rights Act of 1964 conclude there is noncompliance with regulations issued under that Title, several alternative courses of action are open. In each case, the objective should be to secure prompt and full compliance so that needed Federal assistance may commence or continue.

Primary responsibility for prompt and vigorous enforcement of Title VI rests with the head of each department and agency administering programs of Federal financial assistance. Title VI itself and relevant Presidential directives preserve in each agency the authority and the duty to select, from among the available sanctions, the methods best designed to secure compliance in individual cases. The decision to terminate or refuse assistance is to be made by the agency head or his designated representative.

This memorandum is intended to provide procedural guidance to the responsible department and agency officials in exercising their statutory discretion and in selecting, for each noncompliance situation, a course of action that fully conforms to the letter and spirit of Section 602 of the Act and to the implementing regulations promulgated thereunder.

I. ALTERNATIVE COURSES OF ACTION

A. ULTIMATE SANCTIONS

The ultimate sanctions under Title VI are the refusal to grant an application for assistance and the termination of assistance being rendered. Before these sanctions may be invoked, the Act requires completion of the procedures called for by Section 602. That section requires the department or agency concerned (1) to determine that compliance cannot be secured by voluntary means,

(2) to consider alternative courses of action consistent with achievement of the objectives of the statutes authorizing the particular financial assistance, (3) to afford the applicant an opportunity for a hearing, and (4) to complete the other procedural steps outlined in Section 602, including notification to the appropriate committees of the Congress.

In some instances, as outlined below, it is legally permissible temporarily to defer action on an application for assistance, pending initiation and completion of Section 602 procedures -- including attempts to secure voluntary compliance with Title VI. Normally, this course of action is appropriate only with respect to applications for noncontinuing assistance or initial applications for programs of continuing assistance. It is not available where Federal financial assistance is due and payable pursuant to a previously approved application.

Whenever action upon an application is deferred pending the outcome of a hearing and subsequent Section 602 procedures, the efforts to secure voluntary compliance and the hearing and such subsequent procedures, if found necessary, should be conducted without delay and completed as soon as possible.

B. AVAILABLE ALTERNATIVES

1. Court Enforcement

Compliance with the nondiscrimination mandate of Title VI may often be obtained more promptly by appropriate court action than by hearings and termination of assistance. Possibilities of judicial enforcement include (1) a suit to obtain specific enforcement of assurances, covenants running with Federally-provided property, statements of compliance or desegregation plans filed pursuant to agency regulations, (2) a suit to enforce compliance with other titles of the 1964 Act, other Civil Rights Acts, or constitutional or statutory provisions requiring nondiscrimination, and (3) initiation of, or intervention or other participation in, a suit for other relief designed to secure compliance.

The possibility of court enforcement should not be rejected without consulting the Department of Justice. Once litigation has been begun, the affected agency should consult with the Department of Justice before taking any further action with respect to the noncomplying party.

2. Administrative Action

A number of effective alternative courses not involving litigation may also be available in many cases. These possibilities include (1) consulting with or seeking assistance from other Federal agencies (such as the Contract Compliance Division of the Department of Labor) having authority to enforce nondiscrimination requirements; (2) consulting with or seeking assistance from State or local agencies having such authority; (3) bypassing a recalcitrant central agency applicant in order to obtain assurances from, or to grant assistance to complying local agencies; and (4) bypassing all recalcitrant non-federal agencies and providing assistance directly to the complying ultimate beneficiaries. The possibility of utilizing such administrative alternatives should be considered at all stages of enforcement and used as appropriate or feasible.

C. INDUCING VOLUNTARY COMPLIANCE

Title VI requires that a concerted effort be made to persuade any noncomplying applicant or recipient voluntarily to comply with Title VI. Efforts to secure voluntary compliance should be undertaken at the outset in every noncompliance situation and should be pursued through each stage of enforcement action. Similarly, where an applicant fails to file an adequate assurance or apparently breaches its terms, notice should be promptly given of the nature of the noncompliance problem and of the possible consequences thereof, and an immediate effort made to secure voluntary compliance.

II. PROCEDURES

A. NEW APPLICATIONS

The following procedures are designed to apply in cases of noncompliance involving applications for one-time or noncontinuing assistance and initial applications for new or existing programs of continuing assistance.

1. Where the requisite assurance has not been filed or is inadequate on its face.

Where the assurance, statement of compliance or plan of desegregation required by agency regulations has not been filed or where, in the judgment of the head of the agency in question, the filed assurance fails on its face to satisfy the regulations, the agency head should defer action on the application pending prompt initiation and completion of Section 602 procedures. The applicant should be notified immediately and attempts made to secure voluntary compliance. If such efforts fail, the applicant should promptly be offered a hearing for the purpose of determining whether an adequate assurance has in fact been filed.

If it is found that an adequate assurance has not been filed, and if administrative alternatives are ineffective or inappropriate, and court enforcement is not feasible, Section 602 procedures may be completed and assistance finally refused.

2. Where it appears that the filed assurance is untrue or is not being honored.

Where an otherwise adequate assurance, statement of compliance, or plan has been filed in connection with an application for assistance, but prior to completion of action on the application the head of the agency in question has reasonable grounds, based on a substantiated

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complaint, the agency's own investigation, or otherwise, to believe that the representations as to compliance are in some material respect untrue or are not being honored, the agency head may defer action on the application pending prompt initiation and completion of Section 602 procedures. The applicant should be notified immediately and attempts made to secure voluntary compliance. If such efforts fail and court enforcement is determined to be ineffective or inadequate, a hearing should be promptly initiated to determine whether, in fact, there is noncompliance.

If noncompliance is found, and if administrative alternatives are ineffective or inappropriate and court enforcement is still not feasible, Section 602 procedures may be completed and assistance finally refused.

The above described deferral and related compliance procedures would normally be appropriate in cases of an application for noncontinuing assistance. In the case of an initial application for a new or existing program of continuing assistance, deferral would often be less appropriate because of the opportunity to secure full compliance during the life of the assistance program. In those cases in which the agency does not defer action on the application, the applicant should be given prompt notice of the asserted noncompliance; funds should be paid out for short periods only, with no long-term commitment of assistance given; and the applicant advised that acceptance of the funds carries an enforceable obligation of nondiscrimination and the risk of invocation of severe sanctions, if noncompliance in fact is found.

B. REQUESTS FOR CONTINUATION OR RENEWAL OF ASSISTANCE

The following procedures are designed to apply in cases of noncompliance involving all submissions seeking continuation or renewal under programs of continuing assistance.

In cases in which commitments for Federal financial assistance have been made prior to the effective date of Title VI regulations and funds have not been fully

disbursed, or in which there is provision for future periodic payments to continue the program or activity for which a present recipient has previously applied and qualified, or in which assistance is given without formal application pursuant to statutory direction or authorization, the responsible agency may nonetheless require an assurance, statement of compliance, or plan in connection with disbursement of further funds. However, once a particular program grant or loan has been made or an application for a certain type of assistance for a specific or indefinite period has been approved, no funds due and payable pursuant to that grant, loan, or application, may normally be deferred or withheld without first completing the procedures prescribed in Section 602.

Accordingly, where the assurance, statement of compliance, or plan required by agency regulations has not been filed or where, in the judgment of the head of the agency in question, the filed assurance fails on its face to satisfy the regulations, or there is reasonable cause to believe it untrue or not being honored, the agency head should, if efforts to secure voluntary compliance are unsuccessful, promptly institute a hearing to determine whether an adequate assurance has in fact been filed, or whether, in fact, there is noncompliance, as the case may be. There should ordinarily be no deferral of action on the submission or withholding of funds in this class of cases, although the limitation of the payout of funds to short periods may appropriately be ordered. If noncompliance is found, and if administrative alternatives are ineffective or inappropriate and court enforcement is not feasible, Section 602 procedures may be completed and assistance terminated.

C. SHORT-TERM PROGRAMS

Special procedures may sometimes be required where there is noncompliance with Title VI regulations in connection with a program of such short total duration that all assistance funds will have to be paid out before the agency's usual administrative procedures can be completed and where deferral in accordance with these guidelines would be tantamount to a final refusal to grant assistance.

In such a case, the agency head may, although otherwise following these guidelines, suspend normal agency procedures and institute expedited administrative proceedings to determine whether the regulations have been violated. He should simultaneously refer the matter to the Department of Justice for consideration of possible court enforcement, including interim injunctive relief. Deferral of action on an application is appropriate, in accordance with these guidelines, for a reasonable period of time, provided such action is consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with the action taken. As in other cases, where noncompliance is found in the hearing proceeding, and if administrative alternatives are ineffective or inappropriate and court enforcement is not feasible, Section 602 procedures may be completed and assistance finally refused.

III. PROCEDURES IN CASES OF SUBGRANTEES

In situations in which applications for Federal assistance are approved by some agency other than the Federal granting agency, the same rules and procedures would apply. Thus, the Federal agency should instruct the approving agency -- typically a State agency -- to defer approval or refuse to grant funds, in individual cases in which such action would be taken by the original granting agency itself under the above procedures. Provision should be made for appropriate notice of such action to the Federal agency which retains responsibility for compliance with Section 602 procedures.

IV. EXCEPTIONAL CIRCUMSTANCES

The Attorney General should be consulted in individual cases in which the head of an agency believes that the objectives of Title VI will be best achieved by proceeding other than as provided in these guidelines.

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V. COORDINATION

While primary responsibility for enforcement of Title VI rests directly with the head of each agency, in order to assure coordination of Title VI enforcement and consistency among agencies, the Department of Justice should be notified in advance of applications on which action is to be deferred, hearings to be scheduled, and refusals and terminations of assistance or other enforcement actions or procedures to be undertaken. The Department also should be kept advised of the progress and results of hearings and other enforcement actions.

APPENDIX C

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Instructions for Completing
Department of Justice Form CVR-40

A. GENERAL

This report should include data on activities occurring during the quarterly period reported on.

- (1) Specific and brief explanations of each noncompliance situation, covering name and type of recipient, location, amount of funds involved, a brief description of the noncompliance uncovered, administrative action taken (such as deferral of funds), status of negotiations, and any other noncompliance action should be included. When there are too many incidents of noncompliance to describe each case individually, a general description should be given. If additional space is required, a separate sheet should be used.
- (2) The totals for the entire Military Department in each category should be entered in the first column of the reporting form.
- (3) Enter any changes in the programs covered or in the codes used to designate them, under "Explanatory Notes."

B. TITLE VI STATUS REPORT FORM

- (1) The Department of Justice Form CVR-40 covers seven (7) phases of the Title VI implementation process, as listed below:

Page 1	-	A. Assurances B. Statements of Compliance
Page 2	-	C. Compliance Reports D. Compliance Field Reviews
Page 3	-	E. Complaints
Page 4	-	F. Noncompliance Action
Page 5	-	G. Hearings

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- (2) The information requested will be reported by individual program. The letter codes preceding each program description on the Program List are intended for use in the "PROGRAM" row at the top of the Title VI Status Report form to identify each program.
- (3) The Department of Justice recognizes that it may be difficult to fit every program into the framework provided. In an attempt to overcome this problem, ample space has been left on each page of the form for clarification of the numerical data requested. In this way, differences between individual programs can be highlighted without necessitating an overly cumbersome report form.
- (4) A detailed explanation of each entry on the Form CVR-40, by pages, follows:
 - a. Page 1 - "Total Number of Recipients:" Enter the number of recipients currently enrolled in the program and thus subject to Title VI. Also include any applicant which has been requested to file an assurance, even though the application may not have been formally approved. Enter the total number of recipients for the entire Military Department in the "Totals" column. (If this total is not the sum of the recipients for each program because, for example, the Military Departments internal reporting system eliminates recounting of recipients who receive assistance under more than one program, a brief explanation will be included under "Explanatory Notes.")
 - "A. ASSURANCES:" In programs which require or accept plans for eliminating discrimination instead of (or along with) assurances from recipients which are not state agencies, the plans or statements will be counted as assurances, not statements of compliance. Enter the number of such plans and the type of recipient submitting them (including general geographical location, where available) in the "Explanatory Notes."

Continuation of B(4). a.

Total Number

1. Due - Enter the number of assurances requested in each program but not received by the end of this reporting period. (Enter in "Explanatory Notes" why these have not been received.)
2. Received - Enter the number of assurances actually received.
3. Accepted - Enter the number of assurances which have been reviewed, found satisfactory, and accepted.
4. Unacceptable - Enter the number of assurances currently (i. e. , as of the end of the reporting period) judged not acceptable as submitted, including assurances rejected and returned to the applicant, and/or currently in process of review or negotiation, as well as those in which the applicant has indicated no further desire to negotiate, barring any unusual cases (to be explained in the "Explanatory Notes"), this entry (A.4.), added to the total number of assurances accepted (A. 3.) should equal the total number of assurances received (A.2.).
5. Refusals - Enter the number of recipients refusing to submit assurances, including those cases in which there is still a possibility of settlement through negotiation. As indicated on the first page of these instructions, a brief explanation of the circumstances of each refusal to submit an assurance (category A.5.) and each unacceptable assurance (Category A.4.) will be entered in the "Explanatory Notes.")
6. Sub-recipients - Enter the number (or estimated number) of assurances which may have been received by recipients (including State agencies)

Continuation of B(4)A. (6)

from sub-recipients or vendors of services in addition to those received. Data on sub-recipients should be included with data on recipients for all categories.

"B. STATEMENTS OF COMPLIANCE"

Total Number

1. Due - Enter the number of statements of compliance requested but not received. The only recipients (applicants) which will be included in this category are States and State agencies. Plans for eliminating discrimination by all other types of recipients will be counted in the "Assurance" column with an appropriate explanation.
2. Received - Enter the number of statements of compliance received.
3. Accepted - Enter the number of statements of compliance reviewed, found satisfactory and accepted.
4. Currently Unacceptable - Enter the number of statements of compliance judged not acceptable as submitted. Include in this category any statements of compliance, rejected and returned to the applicant, those currently in process of review or negotiation, and those in which the application has indicated no further desire to negotiate. Barring any unusual cases (which will be explained in "Explanatory Notes"), this entry added to the total number of statements of compliance accepted (B. 3.) should equal the total number of statements of compliance received (B. 2.)
5. Refusals - Enter the number of recipients refusing to submit statements of compliance, including those cases of refusal which are still under negotiation. (Briefly describe incidents of noncompliance (i. e., refusals to submit statements (category B. 5.) and unacceptable statements (category B. 4.) in "Explanatory Notes.")

Continuation of B(4)

b. Page 2

"C. COMPLIANCE REPORTS"

Total Number

1. Due - Enter the number of compliance reports requested but not received. (Indicate briefly in "Explanatory Notes" why these have not yet been received).
2. Received - Enter the number of compliance reports received. (If this number differs from the number of recipients submitting reports, explain under "Explanatory Notes".)
3. In process of review - Enter the number of compliance reports still under review.
4. Indicating compliance - Enter the number of compliance reports on which review has been completed, and in which the recipient has been judged to be in compliance with Title VI.
5. Indicating noncompliance - Enter the number of compliance reports on which review has been completed, and in which the recipient has been judged to be in noncompliance with Title VI. (Briefly describe the noncompliance cases in "Explanatory Notes".)

"D. COMPLIANCE FIELD REVIEWS"

Total Number

1. Initiated - Enter the number of field reviews begun. (NB: Complaint investigations should NOT be included under the totals for compliance field reviews.) In the "Explanatory Notes", give, where available, a brief description of the type of recipient

Continuation of B. (4)b.

and the geographical area to be covered. Under all categories, field reviews conducted by State agencies should not be included in the statistical data. However, enter the number of such reviews and other information in "Explanatory Notes."

2. In process - Enter the number of compliance field review reports which have been received but are still under review.
3. Completed - Enter the number of compliance field reviews concluded and for which an outcome has been determined.
4. Indicating compliance - Enter the number of compliance field reviews from which the agency has determined that the recipient is in compliance with Title VI.
5. Indicating noncompliance - Enter the number of compliance reviews from which the agency has determined that the recipient is not in compliance with Title VI. Briefly describe each case of non-compliance in "Explanatory Notes."
6. Scheduled (for the next reporting period) - Enter the number of field reviews scheduled for the next reporting period. Briefly describe the type of recipient and the geographical area to be covered in "Explanatory Notes."

c. Page 3

"E. COMPLAINTS"

Total Number

1. Received - Enter the number of complaints which the agency has received.

Continuation of B. (4) c.

2. Awaiting investigation - Enter the number of complaints received, but not investigated. All complaints awaiting investigation should be reported even if they were not originally received in the reporting period. (Under "Explanatory Notes," indicate the number of complaints awaiting investigation which are more than thirty (30) days old; sixty (60) days old; and ninety (90) days old.
3. Being investigated - Enter the number of complaints received and in the process of investigation. (NB: Complaint investigations should not be included under the totals for compliance field reviews.)
4. Investigated and found invalid - Enter the number of complaints on which investigation was completed which were found to be invalid.
5. Found valid - Enter the number of complaints on which investigation was completed and which were found to be valid. (Briefly describe valid complaints in "Explanatory Notes.")

d. Page 4

"F. NONCOMPLIANCE ACTION"

Total Number

1. Incidents of noncompliance - Enter the totals of categories A. 4. (assurances unacceptable); A. 5. (refusals to submit assurances); B. 4. (statements of compliance not accepted); B. 5. (refusals to submit statements of compliance); C. 5. (compliance reports indicating noncompliance); D. 5. (field reviews indicating noncompliance); E. 5. (complaints found valid). The figure may not be the exact sum of all these, as a recipient may have been found to

Continuation of B. (4)d.

be in noncompliance through more than one method.
(This entry will include all active noncompliance cases, not just those discovered during the reporting period.)

2. Voluntary compliance achieved - Enter the number of cases in which the recipient has agreed voluntarily to remedy an original noncompliance. (Cases included in this category would not normally be included in category F. 1.)
3. Still Negotiating - Enter the number of cases in which efforts are still being made to bring the recipient/applicant into voluntary compliance. This entry will include all cases currently under negotiation, not just those discovered during the reporting period.
4. Other action - Enter the number of cases where a decision has been made to use administrative action, such as deferral of funds or "other means authorized by the law" to bring the recipient/applicant into compliance as it is assumed that the individual cases of noncompliance have already been explained under the earlier headings, there is no need to explain each case under this section.

e. Page 5

"G. HEARINGS" With the exceptions of G. 2., G. 3., and G. 6, this category will include only those changes in the status of a given hearing which have taken place during this reporting period. For example, G. 1., "Noticed", will reflect only those recipients noticed for hearing; G. 2., G. 3. and G. 6. will include all cases which are still in one of these three (3) categories as of the last day of the reporting period. (In all categories, if any hearings have been or are being held which concern discriminatory practices rather than failure to submit an assurance, enter the number held

Continuation of B. (4)d.

because of discriminatory practices and the number held because of failure to submit an assurance or statement of compliance under "Explanatory Notes.")

Total Number

1. Noticed- Enter the number of cases in which a notice of hearing, or of opportunity for hearing has been sent. (Hearings which have been dismissed should be included, but their number separately indicated in "Explanatory Notes.")
2. In process - Enter the number of active hearing cases, i. e., all hearings for which notices have been sent and which have not been dismissed, but which have not yet reached the stage described in category G. 3. below.
3. Awaiting examiner recommendation - Enter the number of hearings conducted which are currently awaiting only the examiner's decision, i. e., those in which all testimony, arguments, and briefs have been submitted, but in which no decision has yet been entered by the hearing examiner.
4. Recommendation: in compliance - Enter the number of cases in which the hearing examiner has found compliance.
5. Recommendation: noncompliance - Enter the number of cases in which the hearing examiner has found noncompliance.
6. Awaiting agency decision - Enter the number of cases in which the hearing examiner has made a recommendation but in which the Secretary of Defense has not yet made a final decision.
7. Decision: in compliance - Enter the number of cases in which the Secretary of Defense has made a decision that the applicant/recipient is in compliance.

Continuation of B. (4)d.

8. Decision: noncompliance - Enter the number of cases in which the Secretary of Defense has made the final decision that the applicant/recipient is not in compliance with Title VI.
9. Notice to Congress - Enter the number of cases in which noncompliance has been found and notice has been sent to the Congress, as required by Title VI, but on which the statutory 30-day waiting period has not expired as of the end of the reporting period.
10. Final termination - Enter the number of cases in which all Title VI procedures (including hearing, notice to the Congress, and expiration of 30-day waiting period) have been completed and assistance finally terminated,

Supplemental Instructions
by OCE

In preparing the report, leave blank where otherwise a zero number would be inserted.

Any Form CVR-40 which is entirely negative should not be submitted. In lieu thereof report by letter if all forms are negative for the quarterly period, and state on Form CVR-40(a) if Form CVR-40(b) and others are negative for the quarter reported.

Under Program 19, include as recipients those lessees and licensees who are obligated not to discriminate either by assurances furnished, provisions in the granting instrument, or by Departmental regulation as published in the Federal Register.

Compliance reviews of prior easements (Program No. 21) which required no nondiscrimination assurances should be discontinued and no longer reported.

Referring to categories A and B, add under "Explanatory Notes," the number received, accepted etc., since inception of the programs.

TITLE VI STATUS REPORT:

TITLE VI STATUS REPORT:

AGENCY } Total

PROGRAM

A. Assurances

B. Statements of Compliance

AGENCY DATE

Total Number of Recipients:

A. ASSURANCES

Total number:

1. Due

2. Received

3. Accepted

4. Unacceptable

5. Refusals

6. Sub-recipients

B. STATEMENTS OF COMPLIANCE

Total number:

1. Due

2. Received

3. Accepted

4. Currently unacceptable

5. Refusals

EXPLANATORY NOTES

APP C

C. Compliance Reports
D. Compliance Field Reviews

AGENCY _____ DATE _____

TITLE VI STATUS REPORT:	AGENCY	Total
C. Compliance Reports	PROGRAM	
D. Compliance Field Reviews		
AGENCY _____ DATE _____		
C. COMPLIANCE REPORTS		
Total number:		
<u>1.</u> Due		
<u>2.</u> Received		
<u>3.</u> In process of review		
<u>4.</u> Indicating compliance		
<u>5.</u> Indicating noncompliance		
D. COMPLIANCE FIELD REVIEWS		
Total number:		
<u>1.</u> Initiated		
<u>2.</u> In process		
<u>3.</u> Completed		
<u>4.</u> Indicating compliance		
<u>5.</u> Indicating noncompliance		
<u>6.</u> Scheduled (for next 90 days)		

EXPLANATORY NOTES

Report 18-15

TITLE VI STATUS REPORT: AGENCY

PROGRAM

Total

E. Complaints

AGENCY DATE

E. COMPLAINTS

Total number:

1. Received
2. Awaiting investigation
3. Being investigated
4. Investigated and found invalid
5. Found valid

EXPLANATORY NOTES

Report 18-15

ER 1130-2-314
26 May 1967
APF C

ER 1130-2-314
26 May 1967
APP C

TITLE VI STATUS REPORT:		AGENCY	Total										
F. Noncompliance Action		PROGRAM											
AGENCY	DATE												
F. NONCOMPLIANCE ACTION													
Total number:													
1. Incidents of noncompliance													
2. Voluntary compliance achieved													
3. Still negotiating													
4. Other action													

EXPLANATORY NOTES

TITLE VI STATUS REPORT:

AGENCY		PROGRAM	Total																
G. Hearings																			
AGENCY	DATE																		
G. HEARINGS																			
Total number:																			
1. Noticed																			
2. In process																			
3. Awaiting examiner recommendation																			
4. Recommendation: in compliance																			
5. Recommendation: noncompliance																			
6. Awaiting agency decision																			
7. Decision: in compliance																			
8. Decision: noncompliance																			
9. Notice to Congress																			
10. Final termination																			

EXPLANATORY NOTES