

DOE 1600.6A
5-14-92

THIS PAGE MUST BE KEPT WITH DOE 1600.6A, CIVIL RIGHTS COMPLIANCE IN FEDERALLY ASSISTED PROGRAMS.

DOE 1600.6A, CIVIL RIGHTS COMPLIANCE IN FEDERALLY ASSISTED PROGRAMS HAS REVISED DOE 1600.6 TO REFLECT ORGANIZATIONAL TITLE, ROUTING SYMBOL, AND OTHER EDITORIAL REVISIONS TO INCORPORATE CHANGES REQUIRED BY SEN-6. NO SUBSTANTIVE CHANGES HAVE BEEN MADE. DUE TO THE NUMBER OF PAGES AFFECTED BY THE REVISIONS, THE ORDER HAS BEEN ISSUED AS A REVISION.

U.S. Department of Energy
Washington, D.C.

ORDER

DOE 1600. 6A
5-14-92

SUBJECT: CIVIL RIGHTS COMPLIANCE IN FEDERALLY ASSISTED PROGRAMS

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1. PURPOSE. To establish policy and procedures for implementing civil rights requirements for the Department of Energy (DOE) assistance awards.
 2. CANCELLATION. DOE 1600.6, CIVIL RIGHTS COMPLIANCE IN FEDERALLY ASSISTED PROGRAMS, of 5-11-83.
 3. REFERENCES.
 - a. Title 28, Code of Federal Regulations (CFR), Part 42.407, "Procedures to Determine Compliance," which authorizes agencies to conduct preaward and postaward reviews to determine if applicants and/or recipients are in compliance with Title VI of the Civil Rights Act.
 - b. Title 10 CFR Part 1040, "Nondiscrimination in Federally Assisted Programs," which provides policy and guidance for assuring that applicants and recipients of DOE assistance are in compliance with applicable civil rights laws.
 - c. DOE 3300. 1A, ASSIGNMENT OF DEPARTMENTAL PERSONNEL OUTSIDE THE DEPARTMENT, of 4-23-84, which provides general policy and guidance for assignment of Department of Energy employees outside the Department.
 4. DEFINITIONS.
 - a. Applicant. One who submits an application, request, or plan required to be approved by a Departmental official or by a primary recipient as a condition to becoming eligible for DOE assistance.
 - b. Assurance of Compliance. In accordance with the above references, recipients of assistance agree to assure that no person in the United States shall, on the ground of race, color, national origin, sex, age, or handicap, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity in which the recipient receives DOE assistance.
 - c. Compliance Review. An analysis of a recipient's selected employment practices and/or delivery of services for adherence to provisions of 10 CFR Part 1040.

DISTRIBUTION:

All Departmental Elements

INITIATED BY:

Office of Civil Rights

- d. Facility. All or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property or interest in such property; and the provision of facilities which includes the construction, renovation, remodeling, alteration, or acquisitions of facilities.
- e. Department of Energy Assistance includes:
 - (1) Grants and loans of Federal funds;
 - (2) The grant or donation of Federal property and interest in property;
 - (3) The sale, lease of, and the permission to use Federal property or the furnishing of services with or without reduced consideration; and
 - (4) Any Federal agreement, arrangement, or other contract which has, as one of its purposes, the provision of assistance.
- f. Noncompliance. The failure of a recipient or subrecipient to comply with 10 CFR Part 1040.
- g. Primary Recipient. Any person, group, organization, state, or local unit of government that extends DOE assistance to another recipient for the purpose of carrying out a project, program, or activity.

5. POLICY AND OBJECTIVES.

- a. It is the policy of DOE to assure that applicants and recipients of DOE assistance are aware of, and in compliance with, civil rights laws which prohibit discrimination in programs, projects, and activities which receive DOE assistance.
- b. The objectives of the civil rights compliance and enforcement review process are to assure that:
 - (1) Each application for DOE assistance contains a civil rights assurance of compliance statement which incorporates the requirements of all applicable civil rights laws;
 - (2) Preaward reviews of all applicants and postaward compliance reviews of selected recipients of DOE assistance are conducted;
 - (3) Guidance is provided to DOE organizations, applicants, recipients, and program beneficiaries;

- (4) Compliance negotiations are undertaken immediately when a recipient is not in compliance with applicable civil rights laws; and
- (5) Allegations of discrimination in DOE-assisted programs are investigated promptly and thoroughly.

6. RESPONSIBILITIES.

- a. Director of Administration and Human Resource Management is responsible for establishing policies designed to promote equal opportunity in, and equal access to, DOE assistance programs.
- b. Director of Civil Rights.
 - (1) Establishes procedures for the overall management and administration of civil rights compliance and enforcement in DOE assistance programs.
 - (2) Provides advice, guidance, and technical assistance to Departmental Elements concerning the civil rights requirements pertaining to DOE assistance.
 - (3) Reviews for concurrence all proposed DOE directives and similar Departmentwide issuances applicable to DOE assistance program matters to assure their consistency with the objectives of this Order.
 - (4) In accordance with 10 CFR Part 1040, makes formal determinations of noncompliance and initiates negotiations with the recipients to achieve voluntary compliance with civil rights requirements.
 - (5) Maintains liaison with the national staffs of Federal departments and agencies which have lead role responsibilities in the area of civil rights compliance and enforcement in federally assisted programs, and provides reports to the Assistant Attorney General as required by 28 CFR Part 42.401, et seq.
 - (6) Establishes standard procedures for conducting civil rights compliance reviews and discrimination complaint processing.
 - (7) Conducts formal investigation of discrimination complaints in DOE-assisted programs.
 - (8) Conducts management reviews of field elements' civil rights activities, and provides training for both Headquarters and field civil rights staffs, as required.

- (9) Establishes and maintains a standard reporting procedure for field civil rights staffs. Consolidates field and Headquarters staff reports for submission to lead civil rights departments and agencies.
 - (10) Serves as a clearinghouse for the field elements and provides appropriate civil rights posters, pamphlets, regulations; and other information required to assist them in meeting requirements of applicable civil rights laws.
- c. General Counsel. Reviews and provides legal advice on policies affecting administration of the Department's civil rights program in regard to DOE assistance.
- d. Heads of Field Elements.
- (1) Direct and supervise the operation of field civil rights program activities in regard to DOE assistance.
 - (2) Provide for preliminary (informal) inquiry into complaints of discrimination in DOE-assisted programs and supervise informal complaint resolution negotiations.
 - (3) Conduct preaward and appropriate postaward compliance reviews of applicants and recipients, respectively, of DOE-assisted programs.
 - (4) Provide guidance and assistance on civil rights requirements to their organizations, and applicants recipients, and beneficiaries of DOE-assisted programs and activities.
 - (5) Maintain liaison with other Federal, State, and local field civil rights officials, particularly with regard to coordinating preparations for onsite compliance reviews of recipients of DOE assistance.
 - (6) Submit reports on external civil rights program activities to the Director of Civil Rights.

7. PROCEDURES AND REQUIREMENTS.

a. Preaward and Postaward Compliance Reviews.

- (1) Heads of Field Elements shall initiate preaward compliance review procedures by reviewing applications for DOE assistance to assure that the civil rights DOE Form 1600.5, "Assurance of Compliance," is included in all applications. This assurance, required by Department of Justice

guidelines, 28 CFR Parts 42.406 and 407, "Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs," incorporates the applicable statutes and general requirements with which applicants must comply.

- (2) When a determination of compliance cannot be made from the civil rights "Assurance of Compliance" form, a routine desk audit shall be conducted to verify or gather such information as necessary under the circumstances to assure compliance.
- (3) A postaward compliance review shall be conducted on selected recipients of DOE assistance. Such reviews usually are completed onsite at the recipient's facility.

b. Discrimination Complaint Processing.

- (1) Heads of Departmental Elements shall refer all written complaints which allege discrimination because of race, color, national origin, sex, age, or handicap in DOE-assisted programs to the Director of Civil Rights. The Director will log all complaints and forward them to the appropriate field element.
- (2) Heads of Field Elements all conduct a preliminary inquiry into complaints and will attempt to resolve all complaints informally. A full report of activities carried out during the preliminary inquiry will be forwarded to the Director of Civil Rights. Additionally, 10 CFR Part 1040 sets out remaining Departmental procedures for processing complaints of discrimination in DOE-assisted programs.

BY ORDER OF THE SECRETARY OF ENERGY:



DONALD W. PEARMAN, JR.
Acting Director
Administration and Human
Resource Management

