

THE WHITE HOUSE
WASHINGTON

Date 10/22

To: Jan Klein
From: The Staff Secretary

I believe you're
collecting these, right?

76M

ID # 207859

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD)

9, 19, 97

Name of Correspondent:

Angelia Richardson

☐ MI Mail Report

User Codes: (A)

(B)

(C)

Subject:

National Endowment for the Arts response to
the President's June 17 Memo on Title IX Enforcement

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)

Action
CodeTracking
Date
YY/MM/DDType
of
Response

Code

Completion
Date
YY/MM/DD

Tim Saunders - Exec. Clerk

ORIGINATOR

97/09/19

C 97/10/23

Maria Echaveste

Referral Note:

A

97/10/27

B

1 1

✓ Jennifer Klein

Referral Note:

A

97/10/27

B

1 1

Elena Kagan

Referral Note:

A

97/10/27

B

1 1

Referral Note:

Referral Note:

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Refer questions about the correspondence tracking system to Central Reference, ext. 2590.



NATIONAL ENDOWMENT FOR THE ARTS

The Nancy Hanks Center
1100 Pennsylvania Avenue NW
Washington DC 20506-0001
202/682-5400

September 19, 1997

Bruce Reed
Assistant to the President for Domestic Policy
c/o Timothy Saunders
White House Executive Clerk
Old Executive Office Building 5 NW
Washington, D.C. 20503

RE: National Endowment for the Arts Title IX Enforcement

Dear Mr. Reed:

Pursuant to President Clinton's Memorandum of June 17, 1997 on Strengthening Title IX Enforcement, the National Endowment for the Arts hereby reports on the measures that it plans to undertake to ensure effective enforcement of Title IX.

The Endowment's plan is to continue to include Title IX enforcement in the agency's coordinated civil rights enforcement program, which also covers Title VI, Section 504, the ADA, and age discrimination. Enforcement is coordinated through our Office of Civil Rights. Specific enforcement of Title IX will fall within these general parameters:

Participation in Common Rule

The Endowment will join in the joint publication of a common rule on Title IX enforcement, being coordinated by the Department of Justice. We believe that a coordinated, government-wide approach is the most effective means of Title IX enforcement, particularly since many educational programs receive assistance from multiple agencies. Specific details of our enforcement of Title IX will depend on the formulation of that common rule.

Grantee Education Regarding Nondiscrimination Obligations

The Endowment uses multiple means to assure that the recipients of federal assistance are aware of their obligations not to discriminate.

- Contact information for the Office of Civil Rights is present on the Endowment's Web Page, <http://arts.endow.gov>. We plan to expand information on the webpage regarding civil rights and Title IX obligations and enforcement. Following the installation of the Endowment's Local Area Network this winter, the Office will be accessible by email as well as telephone.

- The grant application guidelines contain substantial information on nondiscrimination requirements.
- Each applicant signs a certification of compliance with civil rights requirements, including Title IX.
- Following each grant award, the Office of Civil Rights writes to each grantee. The Endowment is considering expansion of this mailing to include more comprehensive materials on all-nondiscrimination requirements, including Title IX.
- The Office of Civil Rights continues to examine its methods of grantee education. Options under consideration include requiring each grantee to designate a specific civil rights contact (in addition to the project manager, authorizing official, and Section 504 program coordinator), distribution to grantees of an "Equal Opportunity in the Arts" poster, and preparation and dissemination of a booklet providing further information on nondiscrimination requirements.

Compliance Reviews and Priorities for Enforcement

The Endowment has not established formal priorities for civil rights enforcement. All applicants and grantees receive the same basic information, and all complaints are generally handled on a first-in, first-out basis. However, the Office of Civil Rights is in the process of establishing a "desk audit" civil rights compliance review of grantees, which will cover Title IX compliance issues. The Office is developing grantee compliance checklists that we anticipate will be used in the field following OMB approval under the Paperwork Reduction Act. Formal compliance reviews will initially be targeted at larger organizations and organizations receiving more substantial grants. After the initial round of compliance reviews, we hope to be able to conduct both a random sampling and, eventually, a systematic survey of all new grantees.

Grievance Procedures

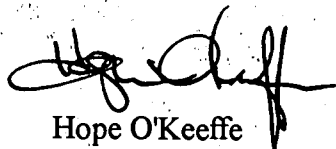
All investigations and complaints are handled by the Office of Civil Rights, often in coordination with other federal agencies providing assistance to the recipients in question. Historically, the Endowment has received very, very few Title IX complaints (none in the last several years), and pursuant to a delegation agreement has referred any such complaints to the Department of Education for processing. We understand that this may remain an option under the common rule, and because we do not anticipate any substantial increase in Title IX complaints, we believe it would continue to be the most appropriate allocation of resources. We anticipate that, in any Title IX complaints handled in-house, we will continue to apply parallel investigation and grievance procedures to those used in other civil rights cases.

If you have any questions or require further information, please contact Angelia Richardson, Director, Office of Civil Rights, at 682-5454, or Hope O'Keeffe, Deputy General Counsel, at 682-5418.

Sincerely yours,

A handwritten signature in cursive script that reads "Angelia Richardson".

Angelia Richardson
Director, Office of Civil Rights

A handwritten signature in cursive script that reads "Hope O'Keeffe".

Hope O'Keeffe
Deputy General Counsel

cc: Department of Justice Civil Rights Division, Coordination and Review Section

ID # 207859

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97/09/19

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Referral Note:

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97/10/27

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NATIONAL ENDOWMENT FOR THE ARTS

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September 19, 1997

Bruce Reed
Assistant to the President for Domestic Policy
c/o Timothy Saunders
White House Executive Clerk
Old Executive Office Building 5 NW
Washington, D.C. 20503

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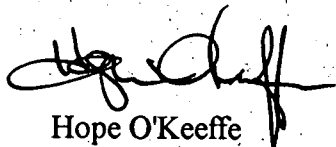
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Sincerely yours,

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Angelia Richardson
Director, Office of Civil Rights

A handwritten signature in cursive script that reads "Hope O'Keeffe".

Hope O'Keeffe
Deputy General Counsel

cc: Department of Justice Civil Rights Division, Coordination and Review Section

ID # 207838

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☒ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 97/09/16

'97 SEP 17 PM 1:25

Name of Correspondent: PATRICIA G. NORRY☐ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: NUCLEAR REGULATORY COMMISSION'S RESPONSE TO PRESIDENT
CLINTON'S JUNE 17 MEMO ON TITLE IX ENFORCEMENT

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>TIM SAUNDERS EXEC. CLERK</u>	ORIGINATOR	<u>97/09/16</u>		<u>C</u>	<u>97/09/16</u>
<u>TOFF STERN - STAFF SECRETARY</u>	Referral Note: <u>A</u>	<u>97/09/16</u>		<u>C</u>	<u>97/09/25</u>
<u>MARIA ECHAVESTE</u>	Referral Note: <u>A</u>	<u>97/10/25</u>			<u>1/1</u>
☒ <u>JENNIFER KLEIN</u>	Referral Note: <u>A</u>	<u>97/10/25</u>			<u>1/1</u>
<u>ELENA KAGAN</u>	Referral Note: <u>A</u>	<u>97/10/25</u>			<u>1/1</u>

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U.S. NUCLEAR REGULATORY COMMISSION
OFFICE OF SMALL BUSINESS AND CIVIL RIGHTS
MAIL STOP T-2F18
WASHINGTON, DC 20555

FACSIMILE TRANSMITTAL SHEET

DATE:

9/15/97

TO:

G. Timothy Saunders, Whitehouse
Executive Clerk

ORGANIZATION:

Domestic Policy

PHONE NUMBER:

FAX NUMBER:

202 456-2461

FROM:

Irene P. Little

OFFICE:

Office of Small Business and Civil Rights

PHONE NUMBER:

(301) 415-7380

FAX NUMBER:

(301) 415-5953

COMMENTS:



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

September 15, 1997

Mr. Bruce Reed
Assistant to the President
for Domestic Policy
Old Executive Office Building
Room 5 N.W.
Washington, D.C. 20503

Dear Mr. Reed:

This responds to President Clinton's June 17, 1997 memorandum directing agencies to identify and describe the measures they have taken to ensure the effective enforcement of Title IX of the Education Amendment Act of 1972 (Title IX).

Currently, the NRC does not have regulations that are specifically and exclusively designed to enforce Title IX. For this reason, by letter dated August 13, 1997, NRC notified the Department of Justice (DOJ) that it wishes to participate in DOJ's planned Government-wide notice of proposed rulemaking by which a number of agencies will be specifically implementing Title IX. Moreover, in the case of the NRC, currently in place in 10 C.F.R. Part 4 are regulations that implement Title IV of the Energy Reorganization Act of 1974 (Title IV). This statute prohibits discrimination on the basis of sex in, among other things, any program or activity receiving financial assistance from NRC. In this way, NRC already has enforcement mechanisms in its regulations that apply to the activities prohibited by Title IX. These regulations require: (a) assurances by recipients of NRC assistance that the subject programs will be carried out in a manner that is consistent with the Agency's regulations regarding discrimination on the basis of sex; (b) recipients of NRC financial assistance must keep records and submit to NRC compliance reports, as required by the responsible NRC official. The regulations provide that NRC will perform an investigation of the practices and policies of a recipient when there is some indication that the recipient is not in compliance with NRC's regulations. The regulations also provide for means of effecting compliance, opportunity for a hearing and final decisions on continuing, suspending or terminating NRC financial assistance to a recipient who is found to be in non-compliance with the regulations.

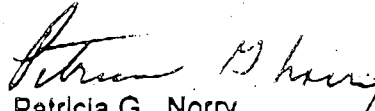
For your information, the dollar amount of the financial assistance provided by the NRC is relatively small and is decreasing. Allocation for these programs in FY 1997 is \$800,000; the proposed allocation for FY 1998 is \$100,000. NRC does not anticipate any increase in these programs in the near term.

B. Reed

2

We look forward to working with the Department of Justice on the promulgation of regulations specifically designed to implement Title IX. If you have questions on this matter, please contact Irene P. Little, Director, Office of Small Business and Civil Rights, at 301-415-7380.

Sincerely,

A handwritten signature in cursive script, appearing to read "Patricia G. Norry".

Patricia G. Norry
Deputy Executive Director
for Management Services



Federal Emergency Management Agency

Washington, D.C. 20472

September 25, 1997

Mr. Bruce Reed
Special Assistant to the President for Domestic Policy
c/o G. Timothy Saunders
White House Executive Clerk
Old Executive Office Building, Room 5SW
Washington DC 20503

Dear Mr. Reed:

This transmits to you the Implementation Plan of the Federal Emergency Management Agency (FEMA) for Title IX of the Education Amendments of 1972. FEMA has joined the common-rule publication of the Title IX regulation, and is planning for training of both Agency staff and our recipients in Title IX requirements.

If you have any questions please call Alan Clive, Civil Rights Program Manager, at (202) 646-3957.

Sincerely,

Pauline C. Campbell
Director
Office of Equal Rights

Enclosure

FEDERAL EMERGENCY MANAGEMENT AGENCY

OFFICE OF EQUAL RIGHTS

Implementation Plan for Title IX

PROGRAMS COVERED

The Federal Emergency Management Agency (FEMA) provides Federal financial assistance to state governments for instruction in emergency management. The audience for such courses is composed of state and local officials and employees, and representatives of the business and social-service sectors. The U.S. Fire Administration, a component of FEMA, offers a similar funding program for instruction in fire service topics. Public educational institutions, including local school systems, colleges, and universities, can receive aid to repair or replace damaged or destroyed facilities under the Agency's Infrastructure funding program.

This assistance becomes available after the President declares a disaster to have occurred in the affected area.

REGULATORY IMPLEMENTATION

The Agency has joined the common-rule publication of the Title IX regulation, being coordinated by the Department of Justice.

Notice

Following the adoption of the regulation, the Agency will inform recipients both of their rights and responsibilities under Title IX, and of the requirement that they provide similar notification to subrecipients and beneficiaries. The notification will be part of Agency guidance for the FY 99 Cooperative Agreement, the funding mechanism for all FEMA financial assistance to State governments.

GRIEVANCE PROCEDURE

The Office of Equal Rights will process all Title IX complaints under procedures prescribed by 44 CFR, Part 7, and spelled out in FEMA Manual 1440.2, "Civil Rights Enforcement and Monitoring Program." Recipients will be made aware of the requirement to establish a Title IX grievance procedure as part of the FY 99 guidance for the Cooperative Agreement.

ENFORCEMENT AND PRIORITIES

1. After publication of the common regulation, and before the end of FY 99, we wish to train Office of Equal Rights staff on Title IX requirements.
2. We will work with the Emergency Management Institute and National Fire Academy to develop appropriate Title IX training materials for States and localities.



Jim Klein

**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
WASHINGTON, D.C. 20555-0001

September 15, 1997

Mr. Bruce Reed
Assistant to the President
for Domestic Policy
Old Executive Office Building
Room 5 N.W.
Washington, D.C. 20503

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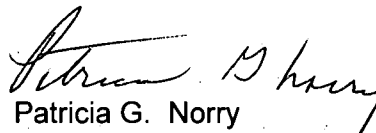
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B. Reed

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We look forward to working with the Department of Justice on the promulgation of regulations specifically designed to implement Title IX. If you have questions on this matter, please contact Irene P. Little, Director, Office of Small Business and Civil Rights, at 301-415-7380.

Sincerely,


Patricia G. Norry
Deputy Executive Director
for Management Services



U. S. Department of Housing and Urban Development
Washington, D.C. 20410-2000

OFFICE OF THE ASSISTANT SECRETARY
FOR FAIR HOUSING AND EQUAL OPPORTUNITY

SEP 22 1997

Mr. Bruce Reed
Assistant to the President for
Domestic Policy
c/o Timothy Saunders
White House Executive Clerk
Room 5, NW
Old Executive Office Building
Washington, DC 20503

Dear Mr. Reed:

SUBJECT: Proposed Enforcement Plan
Title IX of the Education Amendments Act of 1972

Pursuant to instructions from Ms. Jennifer Levin and Ms. Linda King of the Department of Justice (Civil Rights Division, Office of Coordination and Review), please find enclosed HUD's proposed Enforcement Plan for Title IX of the Education Amendments Act of 1972. HUD is participating in the joint publication of a proposed Title IX regulation with 23 other Federal agencies.

Please contact me at (202) 708-0288 with any questions or concerns you may have regarding this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "L. D. Pearl", is written over the typed name.

Laurence D. Pearl
Acting Deputy Assistant Secretary
for Program Operations and
Compliance

Enclosure

cc:
Jennifer Levin, Civil Rights Division, Office of Coordination and Review, Department of Justice
Linda King, Civil Rights Division, Office of Coordination and Review, Department of Justice

U. S. Department of Housing and Urban Development
ENFORCEMENT PLAN
TITLE IX

Background

Title IX of the Educational Amendments Act of 1972 (Title IX), as amended, 20 U.S.C. § 1681 et seq., prohibits discrimination on the basis of sex in all educational programs and activities receiving Federal financial assistance.

On June 17, 1997, the 25th anniversary of Title IX, President Clinton directed all executive departments and agencies to develop enforcement plans to highlight the applicability of Title IX prohibitions to all Federally-assisted education and training programs and to provide specific notification and grievance procedures. In coordination with the Department of Justice, HUD is participating in the joint publication of a proposed Title IX regulation along with 23 other federal agencies.

In response to President Clinton's directive, HUD proposes the following Title IX enforcement plan:

Priorities for Enforcement

HUD's initial priority is to ensure that Title IX prohibitions are routinely addressed in all types of compliance activities (reviews, complaints, and technical assistance) involving all HUD programs containing educational and occupational training components. For example, because housing authorities that provide an educational or occupational program under "welfare-to-work," or CDBG recipients that provide enrichment programs are subject to Title IX, HUD will accept complaints against such recipients brought under Title IX, conduct compliance reviews that address Title IX prohibitions, and provide technical assistance to these recipients to ensure that Title IX is enforced.

HUD also proposes a Memorandum of Understanding (MOU) with the U.S. Department of Education (Education). HUD currently awards, through its Office of University Partnership, a number of grants (i.e., Doctoral Dissertation Research Grant Program, Community Development Work Study Program) that are administered and awarded to students by postsecondary institutions. In order to properly enforce Title IX, HUD proposes that an MOU would be the most appropriate procedure to ensure compliance. Most, if not all,

colleges and universities are recipients of Federal financial assistance from Education and are therefore subject to Title IX. This includes publicizing a nondiscrimination statement in their publications (i.e., catalog, student handbook etc.) and adopting internal grievance procedures (e.g., sexual harassment). Additionally, the Office for Civil Rights (OCR), Education, has a history of enforcing Title IX in educational programs. This includes complaints against postsecondary institutions, compliance reviews and technical assistance. Therefore, a MOU would preclude any duplication of effort, and it would facilitate enforcement of Title IX. Specifically, HUD could refer complaints to OCR, or if filed directly with OCR, OCR could invoke the MOU and inform HUD of its handling and disposition of any complaints that specifically address HUD's scholarship and/or fellowship programs. It should also be noted that in all likelihood a student at a postsecondary institution will complain to OCR before complaining to HUD.

Methods of Notification

In notifying recipients of Federal financial assistance of the obligation not to discriminate, HUD proposes a two-prong approach. First, through its WEB site, HUD will inform all recipients about the applicability of Title IX and of their Title IX obligations. The WEB site will also be used as an outreach tool to the public at large regarding Title IX rights and obligations.

Second, written notification detailing Title IX applicability, rights, and obligations will be provided to all recipients that have or may have an educational and/or occupational training program. This could be done in the form of a generic letter.

In addition to the above, Title IX issues will be routinely addressed in Fair Housing and Equal Opportunity (FHEO) training and technical assistance which is provided to recipients by HUD. HUD will also offer technical assistance in response to any inquiries and/or concerns raised by recipients with respect to their obligations under Title IX.

Grievance Procedures

HUD proposes the adoption of grievance procedures that are "prompt and equitable" as required under Title IX. The procedures can either be similar to already existing Section 504 grievance procedures, or DOJ, as the lead coordinator in this effort, can develop, with the assistance of HUD and other agencies, grievance procedures that can be universally adopted by recipients. Ideally, these procedures should also include standards which address the issue of sexual harassment. In this

regard, review of policy and guidance used by Education and the Equal Employment Opportunity Commission should be considered. Specifically, for example, policy and guidance developed by these two agencies regarding "severe, pervasive or persistent" acts which may constitute sexual harassment or a "hostile environment" could be very useful in developing Title IX grievance procedures addressing this issue.

Summary

In summary, HUD proposes the following:

- o HUD will ensure compliance of Title IX within the course of conducting all compliance activities, including reviews, complaints and technical assistance.
- o HUD proposes a MOU with the U.S. Department of Education.
- o HUD proposes a two-prong approach in notifying its recipients of Federal financial assistance of their obligation not to discriminate under Title IX. Specifically, through the HUD WEB site and through written notification to all recipients that have or may have an educational and/or occupational training program. Title IX issues will also be addressed in both routine FHEO training/technical assistance and in response to specific inquiries.
- o HUD proposes the adoption of grievance procedures that are "prompt and equitable" as required under Title IX. The procedures can either be similar to already existing Section 504 grievance procedures or as an alternative, HUD can jointly develop universal grievance procedures with DOJ that can be adopted by recipients.



Tennessee Valley Authority, 1101 Market Street, Chattanooga, Tennessee 37402-2801

September 23, 1997

Mr. Bruce Reed
Assistance To The President
For Domestic Policy
c/o Mr. G. Timothy Sanders
White House Executive Clerk
Old Executive Office Building, RM 5 NW
Washington, DC 20503

Dear Mr. Reed:

In line with President Clinton's memo on Strengthening Title IX Enforcement, and Federally Conducted Education Programs and activities, I have enclosed TVA's Title IX Enforcement Plan.

If I can provide you with any additional information, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Alford", written over a faint circular stamp.

Franklin E. Alford
Manager, Supplier and Diverse
Business Relations

GHP:DDM

cc (Enclosure):

Mr. Merrily Friedlander, Chief
Coordinator and Review Section
Civil Rights Division
P.O. Box 66560
Washington, DC 20035-6560

cc (Enclosure):

cc (Enclosure):

cc (Enclosure):

TENNESSEE VALLEY AUTHORITY

TITLE IX ENFORCEMENT PLAN

The Title IX Compliance Program is a part of the Tennessee Valley Authority's (TVA) Federally Assisted Programs (FAP). A majority of TVA federally assisted educational programs and activities are conducted with colleges and universities. The FAP is managed by Supplier & Diverse Business Relations in the Procurement organization.

While TVA currently includes Title IX in the Compliance Program, the agency plans to take additional actions to enforce Title IX more vigorously. The development and implementation of the Title IX Enforcement Plan is included as a business plan objective for fiscal year 1998. This objective will address priorities for enforcement, notification to recipients of Title IX obligations, and establishment of complaint and grievance procedures as follows:

Priorities for Title IX Enforcement

- Cooperate in joint rule-making with other federal agencies in issuing Title IX regulations
- Develop compliance procedures to be included in FAP manual revisions
- Provide training and technical assistance to compliance coordinators and program project managers
- Utilize TVA's information technology systems to provide Compliance Coordinators and Project Managers access to preaward compliance reviews for colleges and universities where TVA has multiple contracts
- Allocate necessary resources to achieve goals and priorities. Presently, 3.1 FTEs are allocated for the compliance program

Notification to Recipients of Title IX Obligations

- TVA is currently taking the following actions to comply with Title IX obligations:
 - ◆ Notifying recipients of their compliance responsibilities prior to preaward review

- ◆ Referencing Title IX in contract assurance language for educationally assisted contracts
- ◆ Citing Title IX on the Equal Opportunity Poster and Summary Card of Responsibilities sent to recipients
- Additional efforts will be made in the following areas:
 - ◆ Develop and implement an addendum to preaward and postaward reviews to include applicable inquiries to document Title IX compliance
 - ◆ Develop fact sheet regarding Title IX requirements to be provided to recipients
 - ◆ Disseminate Title IX statute, regulations, and other Title IX information electronically on the Internet for recipients and beneficiaries

Establishment of Complaint and Grievance Procedures for Title IX

- TVA plans to notify recipients of requirements to develop internal grievance procedures and assist them in selecting and developing a procedure through:
 - ◆ Providing information to recipients about different types of grievance procedures
 - ◆ Providing samples of written procedures to recipients which may be modified to fit the needs of the recipient
 - ◆ Consulting as needed with recipients on the grievance procedure chosen
- TVA regulations which will be issued to enforce Title IX will include TVA's complaint processing procedures to handle beneficiaries' complaints

September 29, 1997

Bruce Reed
Assistant to the President for Domestic Policy
c/o Timothy Saunders
White House Executive Clerk
Old Executive Office Building 5 NW
Washington D.C. 20503

**Re: National Endowment for the Humanities
Institute for Museum and Library Services
Title IX Enforcement**

Dear Mr. Reed:

Pursuant to President Clinton's Memorandum of June 17, 1997 on Strengthening Title IX Enforcement, the National Endowment for the Humanities ("NEH") and the Institute for Museum and Library Services ("IMLS") hereby report on measures the agencies have taken and will take to enforce this title of the Educational Amendments of 1972.

Description of Agency Priorities. The NEH and IMLS are committed to ensuring equal opportunity and have written policies prohibiting sex discrimination in the programs the agencies fund. Enforcement of Title IX is coordinated by the NEH through its Civil Rights Enforcement Program. The NEH provides civil rights counseling and enforcement support to IMLS, as well.

In addition to maintaining their current enforcement efforts, which are described below, both agencies intend to participate in the joint publication of a common rule on Title IX enforcement, which the Department of Justice is currently coordinating. We believe a coordinated, government-wide approach would be the most effective means of Title IX enforcement, particularly since most of our grantees receive assistance from multiple agencies.

Methods to Make Recipients of Federal Financial Assistance Aware of their Obligation Not to Discriminate. Both NEH and IMLS use a range of methods to ensure that the recipients of federal assistance are aware of their obligations not to discriminate.

- * NEH and IMLS publications notify the public that the agencies do not discriminate on the basis of sex. These publications also provide the necessary information for persons wishing to file a complaint.
- * The NEH and IMLS grant application guidelines contain substantial information on nondiscrimination requirements.
- * Each applicant is required to sign a certification of compliance with civil rights requirements, including Title IX.
- * Grantees offering summer seminars and institutions for other constituents must display posters that provide information about the agencies' civil rights programs.
- * Both agencies maintain websites that provide information on civil rights compliance. Equal Employment Officers are accessible by e-mail as well as by telephone.
- * The agencies also conduct outreach programs to educate grantees about federal grant requirements. For example, in the Fall of 1996, the NEH Division of Public Programs conducted four regional workshops on the division's funding guidelines.
- * The NEH works with the State Humanities Councils (which are organized as separate non-profit entities) to ensure equal opportunity to humanities programming at the state level. The State/Federal Partnership Program is currently conducting site visits with the State Humanities Councils in all 50 states, Puerto Rico, American Samoa, the Marianas, and Guam.
- * The agencies reach out to women through conferences with professional associations and cultural institutions.

In addition, women play a significant role in reviewing grant proposals and as grantees. For example, in the NEH's Preservation and Access Division during FY 1997, 32 out of a total 45 application review panelists were women; the project directors for 100 out of 227 grant applications were women; and, of 73 awards made, 34 were for projects directed by women.

Grievance Procedures. All Title IX investigations and complaints are handled by the National Endowment for the Humanities Civil Rights Compliance Program, which consists of the Office of Equal Opportunity, the Office of the General Counsel, and the Office of the Inspector General. Procedures for handling civil rights complaints are set forth at 45 C.F.R Part 1100. This has proven to be an effective method of handling grievances.

Federally-Funded Programs. In addition to maintaining active civil rights compliance programs and reaching out to women in the field, the NEH and IMLS support grants in scholarship, education, and public programming relevant to understanding the lives and history of women.

For example, this year the NEH Public Programs Division supported the following exhibitions: "Traditional Arts of Native American Women," "Seafaring Women," "Southern Women," "Jewish Women's Experiences in the Upper Midwest," and "I Claudia: Women in Ancient Rome." The Division also supported television and radio broadcasts, such as: "One Woman, One Vote," "Beyond the Vote: Equality," "Voice of Egypt: The Life and Times of Umm Kulthum (a central figure in modern Arabic culture)," "Margaret Sanger," and "A Midwife's Tale: Discovering the World of Martha Ballard." The Preservation and Access Division supported a textbase of pre-Victorian women's writing, a catalog of 20th-century women's manuscript collections, and a historical encyclopedia of Chicago women. Our research fellows studied topics such as: "Homeless Women in the Great Depression," "Women's History and the Web," "The Jane Addams Papers," and "Women and the Law in the Roman Empire."

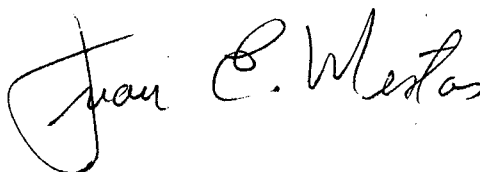
In addition, the 1996 NEH challenge grant program provided funding to the Lower East Side Tenement Museum to support renovation of rare 19th-century tenement apartments, study of which reveals a great deal about the lives of women in that time. The University of Scranton received a grant to endow library acquisitions in various fields, including Women's Studies. While these grants did not "focus" on women's studies or issues as such, they exemplify how these topics can benefit from institutional resources. IMLS's programs provide a similar benefit.

Finally, each year the State Humanities Councils fund a variety of programs focusing on women. This year's projects included: "Women in Action: Rebels and Reformers, 1920-1980" (Arizona); "Crossing the Lines, A Conference on Contemporary Southern Women's Literature" (Arkansas); "First Vote (to celebrate the 75th anniversary of the 19th amendment, which gave women the vote)" (Delaware); "Telling Her Story: Expanding the Past of Georgia's Women Through Historic Places" (Georgia); "Into the Market Place: Working Women in the Twentieth Century" (Hawai'i); "Complexities and Diversities for the Modern Woman" (Iowa); "Lincoln County Women" (New Mexico); "Raising Our Sites: Women's History in Pennsylvania" (Pennsylvania); "Women at the Forefront of Latin American Cinema" (Rhode Island); "Women, Music and Creativity" (South Carolina); "Teen Mothers' Reading Program" (Vermont); "Female Refugees in Washington" (Washington); "West Virginia Women in History" (West Virginia); and "Contemplating Women's Issues" (Wisconsin). Thus, federal funding supports a range of women's scholarship and education about women's history throughout the country.

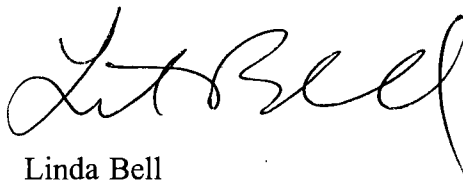
The foregoing examples are not exhaustive, but rather representative of the agencies' support of projects which directly and indirectly benefit women. As part of an ongoing process, the NEH and IMLS staff have taken steps to ensure that women are included, not only in audiences of federally-funded projects, but also as project directors, project personnel, and consultants. We believe that such efforts further promote the goals of Title IX.

If you have any questions or require additional information, please contact Nancy Weiss, Assistant General Counsel, at (202) 606-8322.

Sincerely yours,

A handwritten signature in cursive script that reads "Juan C. Mestas".

Juan Mestas, Deputy Chairman
National Endowment for the Humanities

A handwritten signature in cursive script that reads "Linda Bell".

Linda Bell
Director of Policy, Planning and Budget
Institute for Museum and Library Services

cc: Department of Justice Civil Rights Division
Coordination and Review Section

**United States
Information
Agency**

Office of Civil Rights



WASHINGTON DC 20547-0001

September 8, 1997

Isabelle Katz Pinzler
Acting Assistant Attorney General
U.S. Department of Justice
Coordination and Review Section
Civil Rights Division
P.O. Box 66560
Washington, D.C. 20035-6560

Dear Ms. Pinzler:

This responds to your letter dated July 25, 1997 in which you requested information from our Agency concerning a notice of proposed rulemaking for a common rule to enforce Title IX of the Education Amendments of 1972. Specifically, you requested us to identify the location for our Title IX regulation along with "words of issuance" which are to be included in the notice. The Office of Civil Rights has been requested to respond to your letter.

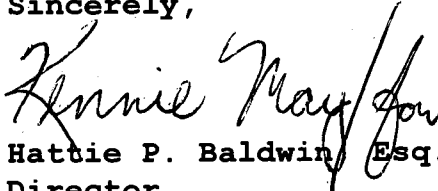
By notice published at 43 Fed Reg 15371 (April 12, 1978), Reorganization Plan No. 2 of 1977 provides for the transfer of all functions of the Bureau of Educational and Cultural Affairs of the Department of State to the U.S. Information Agency (USIA). In addition, all regulations, rules, orders, etc. associated with the Bureau of Educational and Cultural Affairs remain in effect until modified, amended, or superseded (see Tab A). The provisions of Title VI of the Civil Rights Act of 1964 are effectuated by 22 CFR Part 141. Appendix A states that this part applies to grants and activities under the Mutual Educational and Cultural Exchange Act of 1961 (see Tab B).

Inasmuch as USIA, subject to pending legislation, will merge with the Department of State, it is prudent for us to continue to utilize State's Title VI regulations. Moreover, we will reference that portion of these regulations to address our Title IX procedures for enforcement, processing complaints, conducting investigations and compliance reviews, notice of findings, etc. (see Tab C, 22 CFR Part 141.3 - 141.11).

-2-

We have enclosed a completed copy of the questionnaire which you suggested that we use as a guide to prepare our Title IX regulations (see Tab D). If you have any questions about this information, please contact me at: U.S. Information Agency, Office of Civil Rights, Room 858, 301 4th Street, S.W., Washington, D.C. 20547. You may also call me on (202) 619-5151.

Sincerely,


Hattie P. Baldwin, Esq.
Director

cc:

Les Jin, GC

Bruce Reed✓

Assistant to the President for
Domestic Policy

Merrily A. Friedlander, Chief
Coordination and Review Section

TAB A

December 19, 1986

MEMORANDUM TO: M/E Helen Murphy
FROM : GC Merry Lynn *ML*
SUBJECT : CONTINUANCE OF CIVIL RIGHTS REGULATIONS

By notice published at 43 Fed Reg 15371 (April 12, 1978) (attached) the United States Information Agency (then the International Communication Agency) provided for continuance of operations and authorities.

As explained in the notice, under Reorganization Plan No. 2, all functions of the Bureau of Educational and Cultural Affairs of the Department of State were transferred to this Agency. By that notice all regulations, rules, orders, etc, associated with the transferred functions remain in effect until modified, amended or superseded. 22 CFR 141, Appendix A, specifically states that the regulations regarding nondiscrimination in Federally-assisted programs of the Department of State (Title VI of the Civil Rights Act of 1961) apply to grants and activities under the Mutual Educational and Cultural Exchange Act of 1961.

22 CFR 143 Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance, Appendix B states specifically that Programs administered by the International Communication Agency (now USIA) under the Mutual Educational and Cultural Exchange Act of 1961 are subject to the regulations.

2. The authority to redelegate any authority granted hereunder to the extent permitted by law, Executive Order, regulation or this Order. In the absence of a specific delegation of authority from the Director or re delegation of authority from the Agency Contracting Officer, no officer or employee of the Agency shall be authorized, on behalf of the Agency, to solicit bids or offers; to negotiate contracts; to enter into contracts; to make findings and determinations; to amend or to administer any contract, grant or cooperative agreement or to make commitments with respect thereto.

3. The authority to issue regulations, procedures and directives in the Manual of Operations and Administration regulating contracts, grants and cooperative agreements. To the extent necessary, this authority shall extend to the development, in cooperation with the Department of State and with the Agency for International Development (or any successor to the latter Agency), of uniform or joint regulations governing overseas contracts, grants and cooperative agreements.

4. The authority to determine sources, to solicit and to evaluate bids and offers, and to conduct all negotiations for the acquisition of personal property, services (including construction) and real property on behalf of the Agency, together with the authority to designate other Agency representatives to participate in specific negotiations of Agency contracts. The Agency Contracting Officer shall assume the responsibility of insuring in all negotiation full and proper participation of representatives of the affected offices and elements, including representatives of the Office of the General Counsel. In general, the assistance and participation of representatives of the requisitioning elements and of the Office of the General Counsel shall be considered necessary in all negotiations of consequence, unless it is obvious to all concerned that such assistance and participation are not needed.

5. The authority to determine recipients of grants, to conduct discussions with proposed recipients of grants, and to designate the Agency participants in such discussions. This authority shall not operate to limit the existing power of the Board of Foreign Scholarships to select recipients of grants.

6. The responsibility for designating and defining the authority of such Agency personnel as may be necessary to administer a contract, cooperative agreement, or grant. Any officer so designated shall be required to maintain appropriate records and to submit reports required by the Agency Contracting Officer. Inter alia, the Agency Contracting Officer shall define the authority of the "Authorized Repre-

sentative of the Contracting Officer" and designate the officer who will serve in that capacity and who will be responsible for supervising the prosecution of work by an Agency contractor.

7. The authority to prescribe records and reports which must be maintained as documentation of contract, cooperative agreement, or grant activities.

8. In exercising authority hereunder the Agency Contracting Officer shall obtain advice from the Office of General Counsel with respect to the form and legal sufficiency of documents pertaining to contracts, cooperative agreements or grants in accordance with applicable regulations, including regulations set forth in the Manual of Operations and Administration.

9. No authority is delegated to make determinations or decisions specified in paragraphs (12) and (13) of section 302(c) of the Act.

10. The following authorities are delegated only to the Agency Contracting Officer without power of re delegation:

a. Authority to authorize a cost or cost-plus-a-fixed-fee contract or an incentive-type contract, either within or outside the United States, its territories and possessions.

b. Authority to make determinations or decisions specified in paragraph (11) of section 302(c) of the Act, but only with respect to contracts which will not require the expenditure of more than \$25,000.

c. Authority to make the determinations and decisions specified in sections 304(b) and 305(c) of the Act.

d. Authority to make determinations with respect to mistakes in bids alleged or disclosed before or after award of contract as specified in section 1-2.406-3 and 1-2.406-4 of the Federal Procurement Regulations.

e. Authority to authorize deviations in contract clauses, forms, policies, procedures, or limitations prescribed in the Federal Procurement Regulations when, in the judgment of the Agency Contracting Officer, such deviations are necessary for the effective performance of Agency operations, provided that:

(1) Proposed deviations are coordinated with the Office of the General Counsel;

(2) In individual cases, a record is maintained of each deviation, disclosing the nature of the deviation and the reason therefor; and

(3) In classes of cases, deviations will be considered on an expedited basis jointly by the Agency Contracting Officer and the General Services Administration unless, in the considered judgment of the Agency Contracting Officer and with due regard to the objective of uniformity, circumstances preclude such joint effort, in which case the Agency Contracting Officer will notify the General Services Administration of the deviation.

11. The authority hereby delegated shall be exercised in accordance with all applicable provisions of law and subject to all applicable regulations, directives or instructions which are now in effect or may hereafter be issued by the International Communication Agency, or by any other Government agency of competent jurisdiction, governing the acquisition of personal property, services (including construction) and real property, cooperative agreements, or grants.

12. Nothing contained herein shall affect the validity of any contract or grant, executed on or before March 31, 1978 by duly authorized officials of the Department of State or of the United States Information Agency, and transferred to the International Communication Agency.

13. This delegation of authority supersedes all delegations of authority of the Department of State or of the United States Information Agency made on or before March 31, 1978, to the extent that they might relate to contracts or grants of the International Communication Agency.

14. Copies of any re delegation made by the Agency Contracting Officer will be sent to the Office of Comptroller.

15. Notwithstanding any other provision of this Order, the Director may at any time exercise any function or authority delegated herein.

16. All actions pursuant to any authority delegated prior to this Order or pursuant to any authority delegated by this Order taken prior to and in effect on the date of this Order, are hereby confirmed and ratified, and shall remain in full force and effect as if taken under this Order, unless or until rescinded, amended or suspended.

This Order is effective as of April 1 1978.

Dated: April 3, 1978.

JOHN E. REINHARDT,
Director, International
Communication Agency.

(FR Doc. 78-9608 Filed 4-11-78; 8:45 am)

[8230-01]

CONTINUITY OF OPERATIONS

Transfer of Functions

Reorganization Plan No. 2 of 1977 provides for the transfer of all functions, components, officers, and employees of the United States Information Agency, together with the functions and the majority of officers and employees of the Bureau of Educational and Cultural Affairs of the Department of State to the International Communication Agency. Foreign Service personnel of the Department of State temporarily assigned to the Bureau of Educational and Cultural

Affairs have been reassigned to the International Communication Agency but have not been permanently transferred. All officers and employees of the United States Information Agency have been transferred to the new Agency. Reorganization Plan No. 2 of 1977 was made effective as of April 1, 1978, by Executive Order 12048 of March 27, 1978.

CONTINUATION OF AUTHORITIES

Unless otherwise directed, after March 31, 1978, all officers and employees of the International Communication Agency will continue performing the functions previously performed by them. Except as may be inconsistent with Reorganization Plan No. 2 of 1977, Executive Orders 12047 and 12048, and Delegation Orders Nos. 78-1, 78-2, 78-3, 78-4, and 78-5, all regulations, rules, orders, policies, determinations, directions, authorizations, and other actions, associated with these functions shall remain in full force and effect, until modified, amended or superseded. In instances where any supervisory position is abolished or vacant, any matters to be referred should be referred to the officer succeeding to the responsibility, to the supervisor next above the officer which is vacant or to the Director, as may be appropriate, unless otherwise directed in any applicable directive or regulation.

All matters to be referred to the Director as noted above should be addressed to the Director through the appropriate Associate Director or office head.

This directive is effective as of April 1, 1978.

JOHN E. REINHARDT,
Director, International
Communication Agency.

(FR Doc. 78-9603 Filed 4-11-78; 8:45 am)

[6820-35]

LEGAL SERVICES CORPORATION

GRANTS AND CONTRACTS

APRIL 6, 1978.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996f, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Legal Aid Society of Ventura County in Oxnard, Calif., to serve Southern Santa Barbara county.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, San Francisco Regional Office, American Savings Building, Suite 700, 690 Market Street, San Francisco, Calif. 94104.

THOMAS EHRLICH,
Director.

(FR Doc. 78-9635 Filed 4-11-78; 8:45 am)

[4510-30]

NATIONAL COMMISSION ON UNEMPLOYMENT COMPENSATION

MEETING

The second meeting of the National Commission on Unemployment Compensation will be held in Room N4437a-d, U.S. Department of Labor Building, Second and Constitution Avenue NW., Washington, D.C. 20210, beginning at 10 a.m., Wednesday, April 26, 1978. This session will conclude at 5:15 p.m. and resume at 8:30 a.m., on Thursday, April 27, 1978. The tentative agenda follows:

AGENDA

WEDNESDAY, APRIL 26, 10 A.M.

1. Approval of minutes of previous meeting.
2. Announcements—10:30 a.m. A. Chairman. B. Commission members.
3. Arrangements for May meeting—10:45 a.m.
4. Plans for future meetings—11:30 a.m. A. 1978. B. 1979.
5. Lunch—Department of Labor Cafeteria—12:30 p.m.
6. Visit to District of Columbia Unemployment Compensation Office—1:30 p.m.
7. Discussion on original objectives of Unemployment Compensation Program—2:45 p.m.
- Dr. Ewan Clague, former Director, Bureau of Employment Security and Commissioner, Bureau of Labor Statistics.
- Mr. Saul Blaustein, Upjohn Foundation.
- Mr. Curtis Harding, former Executive Director, Utah Employment Security Agency.

ADJOURNMENT—5:15 P.M.

THURSDAY, APRIL 27, 8:30 A.M.

8. Discussion of past and present financing of unemployment insurance.
- Dr. James Van Erden, Supervisory Actuary, Division of Actuarial Services, UIS.
- Mr. James Manning, Chief, Division of Actuarial Services, UIS.
- Dr. Robert Crosslin, Economist, ASPER, DOL.
9. Discussion of work of National Commission on Employment and Unemployment Statistics—11 a.m.
- Deputy Assistant Secretary, Peter Henle, ASPER.
- Commissioner Julius Shiskin, BLS.
- Dr. Sar Levitan, Chairman, NCEUS.
10. Lunch—Department of Labor Cafeteria—12:30 p.m.

11. Dates and places of meetings of committees—1:30 p.m. A. Women and families. B. Minorities. C. Other committees.
12. Old business—further consideration of General Rules—2:00 p.m.
13. New business—2:30 p.m.
14. Discussion of past, present and future costs of unemployment insurance—3:00 p.m.
- Research staff: California, Michigan, New York.

Adjournment—5 p.m.

Telephone inquiries and communications concerning this meeting should be directed to:

Mr. James M. Rosbrow, Interior Executive Director, National Commission on Unemployment Compensation, Room 7000, Patrick Henry Building, 601 D Street NW., Washington, D.C. 20212, phone: area code 202-376-7034.

Signed at Washington, D.C., this 5th day of April 1978.

JAMES M. ROSBROW,
Interim Executive Director, National
Commission on Unemployment Compensation.

(FR Doc. 78-9590 Filed 4-11-78; 8:45 am)

[7590-01]

NUCLEAR REGULATORY COMMISSION

ABNORMAL OCCURRENCE REPORT

Eleventh Report Submitted to the Congress

Notice is hereby given that pursuant to the requirements of Section 208 of the Energy Reorganization Act of 1974, as amended, the Nuclear Regulatory Commission has published and issued the eleventh periodic report to Congress on abnormal occurrences (NUREG-0090-10). The release date is April 5, 1978.

Under the Energy Reorganization Act of 1974, which created the NRC, an abnormal occurrence is defined as "an unscheduled incident or event which the Commission (NRC) determines is significant from the standpoint of public health or safety." The NRC has made a determination, based on criteria published in the FEDERAL REGISTER (42 FR 10950) on February 24, 1977, that events involving an actual loss or significant reduction in the degree of protection against radioactive properties of source, special nuclear, and byproduct materials are abnormal occurrences.

The eleventh report to Congress is for the fourth quarter of 1977. The report is based upon occurrences or events that the Commission determined were significant. The report indicates that the following incidents or events were determined by the Commission to be significant and reportable:

- (a) There were three abnormal occurrences at the 66 nuclear power

TAB B

Secretary) which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this part or the Act, shall promptly be transmitted to the Secretary who may approve such decision, may vacate it, or remit or mitigate any sanction imposed.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this part, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the responsible Department official that it will fully comply with this part.

(g) *Post-termination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this regulation and provides reasonable assurance that it will fully comply with this regulation.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the responsible Departmental official to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information establishing that the applicant or recipient has met the requirements of paragraph (g)(1) of this section. If the responsible Departmental official determines that those requirements have been satisfied, he shall restore such eligibility, but such determination shall be in writing and shall be supported by

evidence and findings of fact which shall be retained by the Department.

(3) If the responsible Departmental official denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure issued by the responsible Departmental official. The burden of substantiating compliance with the requirements of paragraph (g)(1) of this section shall be on the applicant or recipient. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

[30 FR 314, Jan. 9, 1965, as amended at 38 FR 17947, July 5, 1973]

§141.10 Judicial review.

Action taken pursuant to section 603 of the Act is subject to judicial review as provided in section 603 of the Act.

§141.11 Effect on other regulations, forms and instructions.

Nothing in this part shall be deemed to supersede: Executive Orders 11811 and 11114 and regulations issued thereunder, or any other regulations or instructions, insofar as such regulations or instructions prohibit discrimination on the ground of race, color, or national origin in any program or situation to which this regulation is inapplicable, or prohibit discrimination on any other ground.

(a) *Forms and instructions.* Each responsible Department official shall issue, and promptly make available to interested persons, forms and detailed instructions and procedures for effectuating this part as applied to programs to which this part applies for which he is responsible.

(b) *Supervision and coordination.* The Secretary may, from time to time, assign to officials of the Department, to officials of other departments or agencies of the Government with the consent of such department or agency, responsibilities in connection with the effectuation of the purposes of title VI of the Act and this part in the achievement of effect

coordination and maximum uniformity within the Department and within the executive branch of the Government in the application of title VI and this part to similar programs and in similar situations. Any action taken, determination made, or requirement imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this subsection shall have the same effect as though such action had been taken by the responsible official of this Department.

[30 FR 10882, Dec. 27, 1965, as amended at 38 FR 17948, July 5, 1973]

§141.12 Definitions.

As used in this part—

(a) The term *Department* means the Department of State and includes each of its operating agencies and other organizational units except the Agency for International Development.

(b) The term *Secretary* means the Secretary of State.

(c) The term *responsible Department official* with respect to any program receiving Federal financial assistance means the official of the Department having responsibility within the Department for the program extending such assistance or such official of the Department as the Secretary designates.

(d) The term *United States* means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Wake Island, the Canal Zone, the territories and possessions of the United States, and the term *State* means any one of the foregoing.

(e) The term *Federal financial assistance* includes (1) grants and loans of Federal funds, (2) the grant or donation of Federal property and interests in property, (3) the detail of Federal personnel, and (4) any Federal agreement, contract, or other contract which is one of its purposes the provision of assistance or other benefits to individuals whether provided through employment of the recipient of Federal financial assistance or provided by other means through contracts or other arrangements with the recipient.

(f) The term *program* includes any project, or activity for the

provision of services, financial aid, other benefits to individuals whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient. Services, financial aid, and other benefits shall include those provided with the aid of or through any facility provided for by the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions in order to receive Federal assistance.

(g) The term *recipient* means an State, political subdivision of an State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in any State to whom Federal financial assistance is extended directly or through another recipient, for an program, including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(h) The term *primary recipient* means any recipient which is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(i) The term *applicant* means one who submits an application, request, or plan required to be approved by a responsible Department official, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and the term *application* means such an application, request, or plan.

(j) The term *facility* includes all or any portion of structures, equipment or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration, or acquisition of facilities.

[30 FR 314, Jan. 9, 1965, as amended at 38 FR 17948, July 5, 1973]

APPENDIX A TO PART 141—GRANTS AND ACTIVITIES TO WHICH THIS PART APPLIES

1. Mutual understanding between people of the United States and the people of other countries by educational and cultural exchange—studies, research, instruction and

other educational activities—cultural exchanges (Mutual Educational and Cultural Exchange Act of 1961—76 Stat. 527-538).

2. Center for Cultural and Technical Interchange Between East and West—grant to State of Hawaii (Pub. L. 88-472, 74 Stat. 141).

3. Assistance to or in behalf of refugees designated by the President (Migration and Refugee Assistance Act of 1962—76 Stat. 121-124).

4. Donations of certain foreign language tapes and other training material to public and private institutions (Regulations of Administrator of General Services relating to surplus property—41 CFR 101-8.2).

[30 FR 314, Jan. 9, 1965, as amended at 38 FR 17948, July 5, 1973]

PART 142—NONDISCRIMINATING ON THE BASIS OF HANDICAP IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Subpart A—General Provisions

- Sec.
- 142.1 Purpose.
 - 142.2 Application.
 - 142.3 Definitions.
 - 142.4 Discrimination prohibited.
 - 142.5 Assurances required.
 - 142.6 Remedial action, voluntary action, and self-evaluation.
 - 142.7 Designation of responsible employee and adoption of grievance procedures.
 - 142.8 Notice.
 - 142.9 Administrative requirements for small recipients.
 - 142.10 Effect of state and local law or other requirements and effect of employment opportunities.

Subpart B—Employment Practices

- 142.11 Discrimination prohibited.
- 142.12 Reasonable accommodation.
- 142.13 Employment criteria.
- 142.14 Preemployment inquiries.

Subpart C—Program Accessibility

- 142.15 Discrimination prohibited.
- 142.16 Existing facilities.
- 142.17 New construction.
- 142.18—142.40 [Reserved]

Subpart D—Postsecondary Education

- 142.41 Application of this subpart.
- 142.42 Admissions and recruitment.
- 142.43 Treatment of students; general.
- 142.44 Academic adjustments.
- 142.45 Housing.
- 142.46 Financial and employment assistance to students.

- 142.47 Nonacademic services.
- 142.48—142.60 [Reserved]

Subpart E—Health, Welfare, Social, and Other Services

- 142.61 Application of this subpart.
- 142.62 Health, welfare, social, and other services.
- 142.63 Drug and alcohol addicts.

Subpart F—Procedures

- 142.70 Procedures.
- APPENDIX A TO PART 142—GRANTS AND ACTIVITIES TO WHICH THIS PART APPLIES
- AUTHORITY: 29 U.S.C. 794.
- SOURCE: 45 FR 69438, Oct. 21, 1980, unless otherwise noted.

Subpart A—General Provisions

§ 142.1 Purpose.

The purpose of this part is to effectuate section 504 of the Rehabilitation Act of 1973, which is designed to eliminate discrimination on the basis of handicap in any program or activity receiving Federal financial assistance.

§ 142.2 Application.

This part applies to all programs directly affecting handicapped individuals in the United States carried on by recipients of Federal financial assistance pursuant to any authority held or delegated by the Secretary of State, including the federally-assisted programs and activities listed in appendix A of this part. (appendix A may be revised from time-to-time by notice in the FEDERAL REGISTER.) It applies to money paid, property transferred, or other Federal financial assistance extended under any such program after the effective date of this regulation, even if the application for such assistance is approved prior to such effective date. This part does not apply to:

- (a) Any Federal financial assistance by way of insurance or guaranty contracts;
- (b) Money paid, property transferred or other assistance extended under any such program before the effective date of this part;
- (c) Any assistance to any individual who is the ultimate beneficiary under any such program; and

(d) Any procurement of goods or services, including the procurement of training. This part does not bar selection and treatment reasonably related to the foreign affairs objective or such other authorized purpose as the Federal assistance may have. It does not bar selections which are limited to particular groups where the purpose of the program calls for such a limitation, nor does it bar special treatment including special courses of training, orientation or counseling consistent with such purpose.

§ 142.3 Definitions.

As used in this part, the term:

(a) *Executive order* means Executive Order 11914, entitled "Nondiscrimination with Respect to the Handicapped in Federally-Assisted Programs," issued April 28, 1976.

(b) *The Act* means the Rehabilitation Act of 1973, Pub. L. 93-112, as amended by the Rehabilitation Act Amendments of 1974, Pub. L. 93-516, and the Rehabilitation Act of Amendments of 1978, Pub. L. 95-602.

(c) *Section 504* means section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112, as amended by the Rehabilitation Act Amendments of 1974, Pub. L. 93-516, 29 U.S.C. 794; amendments of 1978, Pub. L. 95-602.

(d) *Department* means the Department of State and includes each of its organizational units. It does not include the Agency for International Development.

(e) *Secretary* means the Secretary of State or any officer or employee of the Department to whom the Secretary has heretofore delegated, or to whom the Secretary may hereafter delegate, the authority to act under the regulations in this part.

(f) *Recipient* means any State or its political subdivision, any instrumentality of a state or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance and any sovereign foreign government.

(g) *Applicant for Assistance* means who submits an application, request plan required to be approved by a department official or by a recipient in condition or becoming a recipient.

(h) *Federal financial assistance* means any grant, loan, contract (other than procurement contract or a contract insurance or guaranty), cooperative agreement, or any other arrangement by which the Department provides otherwise makes available assistance in the form of:

- (1) Funds;
- (2) Services of Federal personnel;
- (3) Real and personal property or an interest in or use of such property, including:
- (i) Transfers or leases of such property for less than fair market value for reduced consideration; and
- (ii) Proceeds from a subsequent transfer or lease of such property if the Federal share of its fair market value is not returned to the Federal Government.

(i) *Facility* means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property or interest in such property.

(j) *Handicapped person*. (1) means a person who: (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.

(2) As used in paragraph (j)(1) of this section, the phrase:

(i) *Physical or mental impairment* means (A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or (B) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes but is not limited to, such diseases and conditions as orthopedic, visual,

TAB C

**DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET**

Approved by OMB
0146-0046

Reporting Entity: _____

Page _____ of _____

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Standard Form - 111-A

SUBCHAPTER O—CIVIL RIGHTS

PART 141—NONDISCRIMINATION IN FEDERALLY-ASSISTED PRO- GRAMS OF THE DEPARTMENT OF STATE—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Sec.

- 141.1 Purpose.
- 141.2 Application of this part.
- 141.3 Discrimination prohibited.
- 141.4 Assurances required.
- 141.5 Compliance information.
- 141.6 Conduct of investigation.
- 141.7 Procedure for effecting compliance.
- 141.8 Hearings.
- 141.9 Decisions and notices.
- 141.10 Judicial review.
- 141.11 Effect on other regulations; forms and instructions.
- 141.12 Definitions.

APPENDIX A TO PART 141—GRANTS AND AC- TIVITIES TO WHICH THIS PART APPLIES

AUTHORITY: Sec. 602, 78 Stat. 252, sec. 4, 63 Stat. 111, as amended; 42 U.S.C. 2000d-1, 22 U.S.C. 2658.

SOURCE: 30 FR 314, Jan. 9, 1965, unless otherwise noted.

§ 141.1 Purpose.

The purpose of this part is to effectuate the provisions of title VI of the Civil Rights Act of 1964 (hereafter referred to as the "Act") to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of State.

§ 141.2 Application of this part.

This part applies to any program for which Federal financial assistance, as defined in this part, is authorized under a law administered by the Department including, but not limited to, the federally-assisted programs and activities listed in appendix A of this part. It applies to Federal financial assistance of any form, including property which may be acquired as a result of and in connection with such assistance, extended under any such program

after the effective date of this regulation, even if the application is approved prior to such effective date. This part does not apply to (a) any Federal financial assistance by way of insurance of guaranty contracts; (b) money paid, property transferred, or other assistance extended under any such program before the effective date of this regulation; (c) any assistance to any individual who is the ultimate beneficiary under any such program; or (d) any employment practice, under any such program, of any employer, employment agency, or labor organization, except to the extent described in § 141.3 (d), or (e) any assistance to an activity carried on outside the United States by a person, institution, or other entity not located in the United States. The fact that a program or activity is not listed in appendix A of this part shall not mean, if title VI of the Act is otherwise applicable, that such program is not covered. Transfers of surplus property in the United States are subject to regulations issued by the Administrator of General Services (41 CFR 101-6.2).

[39 FR 17945, July 5, 1973]

§ 141.3 Discrimination prohibited.

(a) *General.* No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this part applies.

(b) *Specific discriminatory actions prohibited.* (1) A recipient under any program to which this part applies may not, directly or through contractual or other arrangements on ground of race, color or national origin:

(i) Deny an individual any service, financial aid, or other benefits provided under the program;

(ii) Provide any service, financial aid, or other benefits to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program;

(vi) Deny an individual an opportunity to participate in the program through the provision of services or otherwise afford him an opportunity to do so which is different from that afforded others under the program, including the opportunity to participate in the program as an employee in accordance with paragraph (d) of this section.

(vii) Deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program.

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the location or site of any facilities, or services, or the class of individuals to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program or the class of individuals to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration or select locations or sites for any facilities or services, which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color, or national origin.

(3) As used in this section the services, financial aid, or other benefits

provided under a program receiving Federal financial assistance shall be deemed to include any service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(4) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

(b)(i) In administering a program regarding which the recipient has previously discriminated against persons on the ground of race, color, or national origin, the recipient must take affirmative action to overcome the effects of prior discrimination.

(ii) Even in the absence of such prior discrimination, a recipient in administering a program may take affirmative action to overcome the effects of conditions which resulted in limiting participation by persons of a particular race, color, or national origin.

(c) *Special programs.* An individual shall not be deemed subjected to discrimination by reason of his exclusion from the benefits of a program limited by Federal law to individuals of a particular race, color, or national origin different from his.

(d) *Employment practices.* (1) Where a primary objective of the Federal financial assistance to a program to which this part applies is to provide employment, a recipient may not (directly or through contractual or other arrangements) subject an individual to discrimination on the ground of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, employment layoff or termination, upgrading, demotion, or transfer, rates of pay or other forms of compensation, and use of facilities), including programs where a primary objective of the Federal financial assistance is: (i) To reduce the unemployment of such individuals or to help them through employment to meet subsistence needs; (ii) to assist such individuals through employment to meet expenses incident to the commencement or continuation of their education or training; (iii) to provide work experience which contributes to the education or training of such individuals;

or (iv) to provide remunerative activity to such individuals who because of severe handicaps cannot be readily absorbed in the competitive labor market.

(2) Where a primary objective of the Federal financial assistance is not to provide employment, but discrimination on the grounds of race, color, or national origin in the employment practices of the recipient or other persons subject to the regulation tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program to which this regulation applies, the provisions of paragraph (d)(1) of this section shall apply to the employment practices of the recipient or other persons subject to the regulation, to the extent necessary to assure equality of opportunity to, and nondiscriminatory treatment of, beneficiaries.

[30 FR 314, Jan. 9, 1965, as amended at 38 FR 17946, July 5, 1973]

§ 141.4 Assurances required.

(a) *General.* (1) Every application for Federal financial assistance to carry out a program to which this part applies, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, shall contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. The assurance shall obligate the recipient for the period during which Federal financial assistance is extended pursuant to the application.

(2) In any case where the Federal assistance is to provide, or is in the form of personal property, or real property or structures or any interest therein, or such property is acquired as a result of and in connection with such assistance, the assurance shall obligate the recipient, or, in case of subsequent transfers, the transferees, for the period during which the property is used for a purpose for which the Federal assistance was, or is extended, or for any other purpose involving the provision of similar services and benefits, or for as long as the recipient retains owner-

ship or possession of the property, whichever is longer. Any assurance relating to property provided under or acquired as a result of or in connection with such assistance shall as appropriate require any instrument effecting or recording transfer, title or other evidence of ownership or right to possession, to include a covenant or condition assuring nondiscrimination for the period of obligation of the recipient or any transferee, which may contain a right to be reserved to the Department to revert title or right to possession. Where no transfer of property is involved, but property is improved or any interest of the recipient or transferee therein is increased as a result of a program of Federal financial assistance, the recipient or transferee shall agree to include such covenant or condition in any subsequent transfer of such property. Failure to comply with any such conditions or requirements contained in such assurances shall render the recipient and the transferees, where appropriate, presumptively in noncompliance.

(3) The responsible Departmental official shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(b) *Assurances from institutions.* (1) In the case of any application for Federal financial assistance to an institution of higher education, including assistance for construction, for research, for a special training project, for a student loan program, or for any other purpose, the assurance required by this section shall extend to admission practices and to all other practices relating to the treatment of students.

(2) The assurance required with respect to an institution of higher education, or any other institution, insofar as the assurance relates to the institution's practices with respect to admission or other treatment of individuals as students, or clients of the institution or to the opportunity to participate in the provision of services or

other benefits to such individuals, shall be applicable to the entire institution unless the applicant establishes, to the satisfaction of the responsible Departmental official, that the institution's practices in designated parts or programs of the institution will in no way affect its practices in the program of the institution for which Federal financial assistance is sought, or the beneficiaries of or participants in such program.

(c) *Elementary and secondary schools.* The requirements of paragraph (a)(1) of this section, with respect to any elementary or secondary school or school system shall be deemed to be satisfied if such school or school system (1) is subject to a final order of a court of the United States for the desegregation of such school or school system, and provides an assurance that it will comply with such order, or (2) submits a plan the desegregation of such school or school system which the responsible official of the Department of Health, Education, and Welfare determines is adequate to accomplish the purposes of the Act and this part within the earliest practicable time, and provides reasonable assurance that it will carry out such plan; in any case of continuing Federal financial assistance the responsible official of the Department of Health, Education and Welfare may reserve the right to redetermine, after such period as may be specified by him the adequacy of the plan to accomplish the purposes of the Act and this part. In any case in which a final order of a court of the United States for the desegregation of such school or school system is entered after submission of such a plan, such plan shall be revised to conform to such final order, including any future modification of such order.

[30 FR 314, Jan. 9, 1965, as amended at 38 FR 17946, July 5, 1973]

§ 141.5 Compliance information.

(a) *Cooperation and assistance.* Each responsible Department official shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this regulation and shall provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the responsible Departmental official or his designee timely, complete and accurate compliance reports at such times, and in such form and containing such information, as a responsible Departmental official or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. In general, recipients should have available for the Department racial and ethnic data showing the extent to which members of minority groups are beneficiaries of Federally assisted programs. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out his obligations under this part.

(c) *Access to sources of information.* Each recipient shall permit access by the responsible Department official or his designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution, person and this agency, institution, person shall fail or refuse to furnish this information, the recipient shall certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Information to beneficiaries or participants.* Each recipient shall make available to participants, beneficiaries and other interested persons such information regarding the provisions of this part and its applicability to the program under which the recipient receives Federal financial assistance, make such information available to them in such manner, as the responsible Department official finds necessary to apprise such persons of the protections against discrimination secured them by the Act and this part.

[30 FR 314, Jan. 9, 1965, as amended at 38 FR 17947, July 5, 1973]

§ 141.6 Conduct of investigation.

(a) *Periodic compliance reviews.* The responsible Department official or his designee shall from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.* Any person who believes himself or any specific class of individual to be subjected to discrimination prohibited by this part may by himself or by a representative file with the responsible Departmental official a written complaint. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible Departmental official or his designee.

(c) *Investigations.* The responsible Department official or his designee will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation should include, where appropriate, a review of pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.

(d) *Resolution of matters:* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, the responsible Department official or his designee will inform the recipient and the matter shall be resolved by informal means wherever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 141.7.

(2) If an investigation does not warrant action pursuant to paragraph (1) of this section the responsible Department official or his designee will inform the recipient and the complainant, if any, in writing.

(e) *Retaliatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part, or because he has filed a complaint, testified, as-

sisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

[30 FR 314, Jan. 9, 1965, as amended at 38 FR 17947, July 5, 1973]

§ 141.7 Procedure for effecting compliance.

(a) *General.* If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law. Such other means may include, but are not limited to, (1) a reference to Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

(b) *Noncompliance with § 141.4.* If an applicant fails or refused to furnish an assurance required under § 141.4 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The Department shall not be required to provide assistance in such a case during the pendency of the administrative proceedings under such paragraph except that the Department shall continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to an application therefor approved prior to the effective date of this part.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating or refusing to grant or continue Federal

financial assistance shall become effective until (1) the responsible Department official has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part, (3) the action has been approved by the Secretary pursuant to § 141.9(e), and (4) the expiration of 30 days after the Secretary has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance by any other means authorized by law shall be taken until (1) the responsible Department official has determined that compliance cannot be secured by voluntary means, (2) the action has been approved by the Deputy Under Secretary for Administration, (3) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance, and (4) the expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days additional efforts shall be made to persuade the recipient or other person to comply with this part and to take such corrective action as may be appropriate.

[30 FR 314, Jan. 9, 1965, as amended at 38 FR 17947 July 5, 1973]

§ 141.8 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 141.7(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the

affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the responsible Department official that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and § 141.7(c) of this part and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall normally be held at the offices of the Department in Washington, DC, at a time fixed by the responsible Department official. Hearings shall be held before an official designated by the Secretary other than the responsible Department official, in accordance with 5 U.S.C. 3105 and 3344 (formerly Section 11 of the Administrative Procedure Act).

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Department shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted with as much conformity as is practicable with 5 U.S.C. 554-557 (formerly sections 5-8 of the Administrative Procedure Act) and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a)

Department of State

of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The officer presiding at the hearing may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings; hearings before other agencies.* In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more programs to which this part applies, or noncompliance with this part and regulations of one or more other Federal departments or agencies issued under title VI of the Act, the Secretary may, by agreement with such other departments or agencies where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedures not inconsistent with this part, except that procedural requirements of the hearing agency if other than this Department may be adopted insofar as it is determined by the Secretary that variations from the procedures described in this section or elsewhere as may be required under this part do not impair the rights of the parties. The Secretary may also transfer the hearing of any complaint to any

other department or agency, with the consent of that Department or Agency (1) where Federal financial assistance to the applicant or recipient of the other Department or Agency is substantially greater than that of the Department of State, or (2) upon determination by the Secretary that such transfer would be in the best interests of the Government of effectuating this part. Final decisions in all such cases, insofar as this part is concerned, shall be made in accordance with § 141.9.

[30 FR 314, Jan. 9, 1965, as amended at 38 FR 17947, July 5, 1973]

§ 141.9 Decisions and notices.

(a) *Decisions on record or review by the responsible Department official.* The applicant or recipient shall be given reasonable opportunity to file with the officer presiding at the hearing briefs or other written statements of its contentions, and a copy of the final decision shall be given in writing to the applicant or recipient and to the complainant, if any. The officer presiding at the hearing shall render a decision on the matter.

(b) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 141.8(a) a decision shall be made by the responsible Departmental official on the record and a copy of such decision shall be given in writing to the applicant or recipient, and to the complainant, if any.

(c) *Rulings required.* Each decision of an officer presiding at the hearing shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(d) *Appeal.* Either party may appeal from a decision of the officer presiding at the hearing to the responsible Department official within 30 days of the mailing of the officer's decision. In the absence of such an appeal the decision of the officer presiding at the hearings shall constitute the final decision of the Department subject to paragraph (e) of this section.

(e) *Approval by Secretary.* Any final decision by an officer (other than the

Secretary) which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this part or the Act, shall promptly be transmitted to the Secretary who may approve such decision, may vacate it, or remit or mitigate any sanction imposed.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this part, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the responsible Department official that it will fully comply with this part.

(g) *Post-termination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this regulation and provides reasonable assurance that it will fully comply with this regulation.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the responsible Departmental official to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information establishing that the applicant or recipient has met the requirements of paragraph (g)(1) of this section. If the responsible Departmental official determines that those requirements have been satisfied, he shall restore such eligibility, but such determination shall be in writing and shall be supported by

evidence and findings of fact which shall be retained by the Department.

(3) If the responsible Departmental official denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure issued by the responsible Departmental official. The burden of substantiating compliance with the requirements of paragraph (g)(1) of this section shall be on the applicant or recipient. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

[30 FR 314, Jan. 9, 1965, as amended at 38 FR 17947, July 5, 1973]

§ 141.10 Judicial review.

Action taken pursuant to section 603 of the Act is subject to judicial review as provided in section 603 of the Act.

§ 141.11 Effect on other regulations, forms and instructions.

Nothing in this part shall be deemed to supersede: Executive Orders 10450 and 11114 and regulations issued thereunder, or any other regulations or instructions, insofar as such regulations or instructions prohibit discrimination on the ground of race, color, or national origin in any program or activity to which this regulation is applicable, or prohibit discrimination on any other ground.

(a) *Forms and instructions.* Each responsible Department official shall issue, and promptly make available to interested persons, forms and detailed instructions and procedures for effectuating this part as applied to programs to which this part applies, for which he is responsible.

(b) *Supervision and coordination.* The Secretary may, from time to time, assign to officials of the Department, to officials of other departments or agencies of the Government with the consent of such department or agency, responsibilities in connection with the effectuation of the purpose of title VI of the Act and this part for achieving the achievement of effective

coordination and maximum uniformity within the Department and within the executive branch of the Government in the application of title VI and this part to similar programs and in similar situations. Any action taken, determination made, or requirement imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this subsection shall have the same effect as though such action had been taken by the responsible official of this Department.

[30 FR 10882, Dec. 27, 1965, as amended at 38 FR 17948, July 5, 1973]

§ 141.12 Definitions.

As used in this part—

(a) The term *Department* means the Department of State and includes each of its operating agencies and other organizational units except the Agency for International Development.

(b) The term *Secretary* means the Secretary of State.

(c) The term *responsible Department official* with respect to any program receiving Federal financial assistance means the official of the Department having responsibility within the Department for the program extending such assistance or such official of the Department as the Secretary designates.

(d) The term *United States* means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and the territories and possessions of the United States, and the term *State* means any one of the foregoing.

(e) The term *Federal financial assistance* includes (1) grants and loans of Federal funds, (2) the grant or donation of Federal property and interests in property, (3) the detail of Federal personnel, and (4) any Federal agreement, contract, or other contract which involves of its purposes the provision of assistance or other benefits to individuals whether provided through employment of the recipient of Federal financial assistance or provided by other means through contracts or other arrangements with the recipient.

(f) The term *program* includes any project, or activity for the

provision of services, financial aid, or other benefits to individuals whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient. Services, financial aid, or other benefits shall include those provided with the aid of or through any facility provided for by the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions in order to receive Federal assistance.

(g) The term *recipient* means an individual, State, political subdivision of any State, or instrumentality of any State, or political subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in any State to whom Federal financial assistance is extended directly or through another recipient, for any program, including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(h) The term *primary recipient* means any recipient which is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(i) The term *applicant* means one who submits an application, request, or plan required to be approved by a responsible Department official, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and the term *application* means such an application, request, or plan.

(j) The term *facility* includes all or any portion of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration, or acquisition of facilities.

[30 FR 314, Jan. 9, 1965, as amended at 38 FR 17948, July 5, 1973]

APPENDIX A TO PART 141—GRANTS AND ACTIVITIES TO WHICH THIS PART APPLIES

1. Mutual understanding between people of the United States and the people of other countries by educational and cultural exchange—studies, research, instruction and

TAB D

AGENCY: United States Information Agency

BILLING CODE FOR FEDERAL REGISTER: 8230-01

AGENCY DOCKET NUMBER (Optional): _____

REGULATION IDENTIFIER NUMBER (RIN) (Optional): _____

DID YOUR AGENCY EVER PUBLISH A NOTICE OF PROPOSED RULEMAKING FOR
TITLE IX IN THE FEDERAL REGISTER? NO

PLEASE IDENTIFY THE PROJECTED CITATION IN THE CODE OF FEDERAL
REGULATIONS (CFR) FOR THE FUTURE TITLE IX REGULATION.

22 CFR PART 508

PLEASE SET FORTH THE WORDS OF ISSUANCE FOR THE REGULATION.

This proposed regulation implements Title IX of the Education
Amendments of 1972, which prohibits discrimination based on sex
in education programs or activities which receive Federal
financial assistance.

CONTACT PERSON FOR FURTHER AGENCY-SPECIFIC INFORMATION:

Hattie P. Baldwin, Esq.
Director, Office of Civil Rights
U.S. Information Agency
301 4th Street, S.W.
Washington, D.C. 20547
(202) 619-5151

LIST OF SUBJECTS

Administrative Law Judge, Administrative Practice and Procedure,
Agency, Applicant, Attorney General, Buildings and Facilities,
Civil Rights, Colleges and Universities, Complaint, Designated
Official, Director, Educational Facilities, Educational Research,
Educational Study Programs, Elementary and Secondary Education,
Federal Financial Assistance, Program, Recipient, Title IX,
United States

IDENTIFY THE "DESIGNATED AGENCY OFFICIAL" (By title):

Director, Office of Civil Rights

NAME OF PERSON SIGNING THE REGULATION:

Joseph Duffey

Director, U.S. Information Agency

LIST OF PROGRAMS WITH CITATION OF AUTHORITY THAT ARE COVERED BY THIS REGULATION AND TO BE INCLUDED AS APPENDIX:

Programs covered by Title IX include, but are not limited to, the following:

1. Grants to individuals, public or private nonprofit organizations, state and local governmental institutions in the United States and in other countries for interchanges of books, periodicals and government publications, and preparation, distribution and interchange of other educational materials (Section 202 of the United States Information and Educational Exchange Act of 1948, as amended, 22 U.S.C. 1447).
2. Grants to individuals, public or private nonprofit organizations, state and local governmental institutions in the United States and in other countries to assist libraries and community centers abroad, founded or sponsored by citizens of the United States, and serving as demonstration centers for methods and practices employed in the United States (Section 203 of the United States Information and Educational Exchange Act of 1948, as amended, 22 U.S.C. 1448).
3. Grants to private agencies, including existing American press, publishing, radio, motion picture, and other agencies in disseminating abroad information about the United States, its people, and policies (Section 1005 of the United States Information and Educational Exchange Act, 22 U.S.C. 1437).

4. Grants to public or private nonprofit foundations, institutions, or organizations for educational and cultural exchanges, visits, and interchanges (Section 102 of the Mutual Educational and Cultural Exchange Act of 1961, as amended, 22 U.S.C. 2452).