

ORDER

5100.30

**NONDISCRIMINATION IN FEDERALLY
ASSISTED PROGRAMS OF FAA**



October 27, 1976

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION**

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FOREWORD

1. PURPOSE. This order prescribes policy, delegates authority, assigns responsibility, and establishes procedures for assuring non-discrimination in FAA Federally assisted programs. This order also implements Title VI of the Civil Rights Act of 1964 and 49 CFR (Code of Federal Regulations, Part 21, of the DOT Regulations).
2. DISTRIBUTION. This order is distributed to the branch level in Washington, regions and centers with a minimum distribution to the airports district offices.
3. CANCELLATION. This order cancels all previous instructions emanating from the Office of Civil Rights concerning nondiscrimination in FAA Federally assisted programs. The order further cancels the following memorandums to regions and centers:
 - a. ACR-1 memo of November 15, 1973, subject: Federally assisted programs.
 - b. ACR-1 memo of January 18, 1974, subject: Federally assisted programs.
4. CHANGES TO THIS DIRECTIVE. Unless specifically reserved by the Administrator, the Director of Civil Rights may approve changes to this directive except those affecting policy, delegations of authority, and assignment of responsibilities.



J. W. Cochran
Acting Deputy Administrator

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CHAPTER 1. GENERAL

SECTION 1. INTRODUCTION

1. POLICY. A recipient under any program to which this order applies may not, directly or through contractual or other arrangements, on the grounds of race, color, or national origin exclude a person from participation in, deny the benefits of, or otherwise subject a person in the United States, to discrimination under any program to which this order applies.
2. BACKGROUND.
 - a. The Civil Rights Act of 1964 forbids discrimination on the grounds of race, color or national origin under any program to which this order applies.
 - b. The Department of Transportation Regulation 49 CFR Part 21 effectuates Title VI of the Civil Rights Act of 1964 to the end that no person in the United States shall, on the grounds 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 Transportation.
 - c. The Federal Aviation Administration administers various programs of Federal financial assistance subject to the provisions of Title VI of the Civil Rights Act of 1964 and 49 CFR Part 21, these programs include; but are not limited to:
 - (1) Use of grants made in connection with the Federal-Aid Airport Program (Section 1-15 and 17-20 of the Federal Airport Act, 49 U.S.C. 1101-1114, 1116-1120), and the Airport and Airway Development Act, as amended.
 - (2) Use of U.S. land acquired for public airports under:
 - 1 Section 16 of the Federal Airport Act, 49 U.S.C. 1115.
 - 2 Surplus Property Act (Section 13(g) of the Surplus Property Act of 1944, 50 U.S.C. app. 1622(g), and Section 3 of the Act of October 1, 1949, 50 U.S.C. app. 1622(b).
 - (3) Activities carried out in connection with the Aviation Education Program under Sections 305, 311, and 313(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C 1346, 1352 and 1354(a).

3. DEFINITIONS.

- a. Administrator, as referred to in this order, means the Administrator of the Federal Aviation Administration, U.S. Department of Transportation.
- b. Applicant means a person who submits an application, request, or plan required to be approved by the Secretary, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and application means such an application, request, or plan.
- c. Equal Opportunity Officer/Specialist means a FAA Civil Rights Staff employee under General Schedule Series 160.
- d. Facility includes all or any part 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, i.e., the total airport.
- e. 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; (4) the sale and lease of, and the permission to use (on other than casual or transient basis) federal property or any interest in such property.
- f. Part 21, Department of Transportation Regulation, Title 49 Code of Federal Regulations, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964.
- g. Primary recipient means any recipient that is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.
- h. Program includes any program, project, or activity for the provision of services, financial aid, or other benefits to individuals (including education or training, health, welfare, rehabilitation, housing, or other services, whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities), or for the provision of facilities for furnishing services, financial aid or other

benefits to individuals. The services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any services, financial aid, or other benefits provided with the aid of Federal financial assistance or with 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 which must be met in order to receive the Federal financial assistance, and to include any services, financial aid or other benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

- i. Recipient may mean any State, territory, possession, the District of Columbia, or Puerto Rico, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal financial assistance is extended, directly or through other recipients, for any program, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.
 - j. Secretary means the Secretary of Transportation or, except in Section 21.17(e), DOT Regulations, 49 CFR Part 21, by a person to whom he has delegated his authority in the matter concerned.
4. SPECIFIC DISCRIMINATION ACTIONS PROHIBITED. Title VI and Part 21 are concerned with discrimination in services to the public rather than to discrimination in employment. Employment is covered only when discrimination in services to the public results from discriminatory hiring practices. A list of specific discriminatory actions prohibited is contained in Section 21.5 of 49 CFR Part 21. In addition, examples illustrating the application of nondiscrimination provisions are listed in Appendix C of Part 21.

SECTION 2. DELEGATION OF AUTHORITY

- 5. ADMINISTRATOR. 49 CFR Part 1, Section 1.45, delegates authority from the Secretary of Transportation to the Administrator of FAA to enforce compliance under Title VI, Section 601, of the Civil Rights Act of 1964, and 49 CFR, Part 21.
- 6. DIRECTOR OF CIVIL RIGHTS. FAA Organization - FAA Headquarters Order 1100.2 (Chapter 20, Office of Civil Rights), further delegates this authority to the Director of Civil Rights in the capacity of Title VI Coordinator for FAA.

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SECTION 3. RESPONSIBILITIES

7. ADMINISTRATOR. The Administrator is responsible for establishing, maintaining and directing an effective on-going Title VI Program which assures non-discrimination in Federally assisted programs of FAA. He is responsible for the assignment of specific program responsibilities designed to assure Title VI compliance by recipients of Federal financial assistance. He requires support of the Title VI Program at all levels of FAA. He recommends to the Secretary of Transportation sanctions to be taken in accordance with Title VI of the Civil Rights Act of 1964.
8. DIRECTOR OF CIVIL RIGHTS. The Director of Civil Rights is designated the FAA Title VI Coordinator. In this capacity, he assists the Administrator in carrying out the provisions of the foregoing authorities and of this order. He is the principal staff advisor to the Administrator on Title VI matters. In this program area, he is delegated authority to act for, represent and speak for the Administrator. He is assigned the following responsibilities to assure agencywide execution of the Title VI Program:
- a. Develops and recommends to the Administrator implementing policies and programs; and develops and issues implementing standards, goals and objectives, orders, instructions, and procedures.
 - b. As the agency Title VI Coordinator, has primary responsibility for Title VI compliance reviews. Enforces compliance procedures of recipients of Federally assisted programs through compliance reviews as defined by this order, and by regulations emanating from the U.S. Department of Justice, and the Department of Transportation.
 - c. Assures that technical advice and guidance on Title VI compliance matters are provided to the appropriate FAA officials and to recipients of Federally assisted programs.
 - d. Develops and coordinates plans for formulation of Title VI compliance procedures.
 - e. Prepares and submits reports to the Secretary of Transportation on the Title VI Program in accordance with the policies established by the Secretary of Transportation and the U.S. Department of Justice.
 - f. Briefs the Administrator on the Title VI Program and makes appropriate recommendations for a more effective program.
 - g. Recommends sanction actions, as appropriate, to the Administrator.

9. OFFICE OF AIRPORTS PROGRAMS. Within overall policy guidance developed by the FAA Title VI Coordinator, the Assistant Administrator for Airports Programs is responsible for developing and recommending policies, programs, and procedures to promote equal opportunity in the operations of recipients and airports under the Office of Airports Programs' administered grants.
10. OFFICE OF GENERAL AVIATION. Within overall policy guidance developed by the FAA Title VI Coordinator, the Assistant Administrator for General Aviation is responsible for assuring equal opportunity in all services, uses, and benefits in activities carried out in connection with the Aviation Education Programs under the Federal Aviation Act of 1958, as amended.
11. OFFICE OF THE CHIEF COUNSEL. The Chief Counsel shall be responsible for developing and recommending policies and procedures to provide required legal counsel in Title VI compliance matters to all elements of the agency involved in this program. As necessary, will act as counsel for the agency and its officers in such matters as legal proceedings, before courts, legislative committees, government agencies, and administrative hearings. The Regional Counsel provides these services at the Regional level.
12. REGIONAL/CENTER CHIEFS OF CIVIL RIGHTS STAFF. The Chief of Civil Rights Staff in each Region and Center is designated Regional Title VI Coordinator.
13. REGIONS AND CENTERS. The Regional and Center Directors shall implement the Title VI Program through the Civil Rights Staff as prescribed by the Title VI Coordinators.
14. RELATIONS WITH OTHER ORGANIZATIONS AND AGENCIES.
 - a. The Director of Civil Rights as Title VI Coordinator shall be the principal agency representative in contacts on such matters with the Office of the Secretary and with other Government agencies, commissions, and committees.
 - b. The foregoing designation does not preclude other interested offices and services from contacts with such agencies, commissions and committees as required in the conduct of day-to-day activities. All contacts predicated on or resulting in significant civil rights or equal opportunity developments must be coordinated with the Director of Civil Rights.
15. - 19. RESERVED.

CHAPTER 2. OBLIGATIONS OF RECIPIENTS

20. HOW OBLIGATIONS ARE INCURRED. FAA has jurisdiction over the following Federally assisted programs. Recipients of these programs incur obligations upon receipt of benefits flowing from this Federal assistance. This list is not meant to be inclusive, and other programs or activities not listed are subject to Title VI if they involve Federal financial assistance.
- a. Federal financial assistance in the development of airports, whether by purchase of land, donation of surplus real estate, or grants for construction.
 - b. Federal financial assistance in the purchase of personal property, i.e., emergency vehicles.
 - c. Federal assistance incurred in activities carried out in connection with the Aviation Education Programs as follows:
 - (1) Providing FAA personnel as instructors or speakers.
 - (2) Use of FAA equipment, i.e., films.
21. DURATION OF OBLIGATIONS. The duration of recipient obligations are as follows, and are chronologically listed in the same order as 18 above.
- a. The recipient is obligated as specified in 49 CFR 21.7(a)(1) and (2).
 - b. The recipient is obligated for the normal life of the property. The exception to this occurs when the personal property ceases to be used for its intended purpose, or for a similar purpose.
 - c. Duration of time obligations incurred in Aviation Education Programs.
 - (1) The recipient is obligated for the duration of the time the personnel are provided.
 - (2) The recipient is obligated for the entire period that the equipment is removed from FAA.
22. DESCRIPTION OF RECIPIENT OBLIGATIONS.
- a. Grantee Obligations. For a detailed description of grantee obligations, see Appendix 1, Compliance Review Requirements of 49 CFR Part 21 Obligated Recipients.
23. - 25. RESERVED.



CHAPTER 3. PREAWARD DETERMINATION

26. PREASSISTANCE.

- a. Aviation Education Programs. Prior to the furnishing of any FAA assistance in activities carried out in connection with the Aviation Education Programs under the Federal Aviation Act of 1958, as amended, i.e., providing FAA personnel as speakers, instructors, etc., or the lending of FAA materials and equipment, the official approving the assistance will obtain from the prospective recipient an assurance that the recipient will comply with all of the provisions of Part 21. No assistance will be provided without the submission of such an assurance.
- b. Aviation Education Programs Assurance Format. The Office of General Aviation, Education Programs Division, will assure that all recipients of FAA assistance in activities carried out in connection with the Aviation Education Programs, will covenant in a form devised by the Office of General Aviation. In addition, to the General Aviation form requirements, the following assurance shall be contained in the format.

The recipient of FAA assistance in activities carried out in connection with the Aviation Education Programs under the Federal Aviation Act of 1958, as amended, agrees to comply with the provisions of 49 CFR Part 21, to the end that no person in the United States shall, on the grounds 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 for which this assistance is provided.

CHAPTER 4. POST AWARD MONITORING

27. COMPLIANCE REVIEWS REQUIRED. FAA is required to monitor the compliance of its recipients of Federal assistance to determine compliance with Title VI. Primarily, the monitoring is done by means of compliance reviews. These reviews are conducted as follows:
- a. Desk audit reviews when an on-site review is not required.
 - b. Both a desk audit review followed by an on-site review in those cases where on-site reviews are required.
28. DETERMINING OBLIGATED RECIPIENTS.
- a. The first step of a review of any kind is to determine whether the recipient expected to be reviewed is obligated to Part 21. A recipient must have received Federal financial assistance, in any amount on or after June 18, 1970. Once obligated to Part 21, a recipient remains obligated for the periods specified in 49 CFR 21.7(a)(1) and (2).
 - b. Airport recipients are notified of their Part 21 obligations by means of a standard provision prescribed by the Office of Airports Programs. Regional Airports Divisions administer grants and maintain records of recipients which have received grants. They also have copies of the individual grant agreements. Each agreement should be checked to assure that it contains the standard provision. If one does not, it must be immediately amended by the recipients.
29. SPECIFIC PORTION OF RECIPIENT ACTIVITIES TO BE REVIEWED.
- a. The coverage of Part 21 is limited to that portion of the recipient which is actually involved in the project for which the grant is made. It is necessary to determine what that portion is. To illustrate; a grant can be awarded to a State, a City, a County, a Regional Authority (such as the Port of New York Authority), a council of governments, an Indian tribe, etc. All of these governmental units are much broader in authority and control than merely overseeing airports. Each unit may be receiving grants from several Federal sources for such things as highways, crime, control, school assistance, etc. FAA's jurisdiction is limited to that portion of the governmental unit which is engaged in administering and operating airports.

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- b. In some instances determining what that portion is will be fairly simple. In Chicago, for instance, there is within the City government a Department of Aviation. There, the whole Department, but only the Department, is within FAA's jurisdiction. In other cities and areas the determination may be more difficult since there may not be a separate and distinct airport authority.
 - c. In those instances, a beginning point in the determination would be the position of the person who signed the grant on behalf of the governmental unit. If that person's position includes direct responsibility for the administration and operation of airports, most likely that portion of the unit which is equal to and superior to that position is not obligated while that portion subordinate to that position is obligated. There may be instances in which the person signing the grant does not have direct responsibility for airports. In those instances a beginning point should be the manager(s) of the airport(s) under the control of the pertinent governmental unit. By reviewing the chain of command above the manager(s) it should be possible to establish the highest level at which direct responsibility for administration and operation of the airport(s) begins. When that is established the obligation usually would be as discussed above.
 - d. It must be recognized that to determine the area of FAA's jurisdiction some obligated governmental units have centralized support activities, such as personnel and procurement, which are not within FAA's jurisdiction. For example, the Chicago Department of Aviation does not have its own purchasing authority or system. Instead it is supported by the City Purchasing Office. In this case, even though equal opportunity to compete for contracts at airports is a basis for FAA's review, the Purchasing Office itself is not under the coverage of the regulation that FAA is monitoring. This does not mean that the Department of Aviation is excused from complying with the requirement. It merely means that the department, in establishing the manner in which it will comply with the requirements must take into consideration the relationship of the Department and the City Purchasing Office.
30. RECORD REVIEW. The review process shall begin with a review of existing records to determine the type of obligation, the date of obligation, agreements executed, complaint records, etc. Sources for this preliminary study which also constitute an off-site review are:
- a. Pertinent Airports Division records, i.e., Title VI assurance of compliance and other records concerned with Title VI or Part 21.
 - b. Annual Civil Rights Data Reports, FAA Form 5190.10.
 - c. Previous Title VI and Part 21 reviews.

d. Complaints received.

31. RECIPIENT NOTIFICATION. Preparatory to performing an on-site review, in addition to completing the pertinent factors in paragraph 40, the reviewer must determine the identity of the highest official in the establishment which comprises the recipient. A letter shall be sent by the appropriate Title VI Coordinator to that primary official informing him of the scheduled review at least 20 days prior to the start of the review. The letter should specify what documentation should be made available, including an organization chart or diagram of the recipient establishment, and the identification of such other elements of the total recipient organization, the County or City, which serves the obligated facility(s).
32. ANALYSIS OF DOCUMENTATION. After the essential information and documentation is compiled, the reviewer shall conduct a thorough analysis to determine the recipient's apparent compliance posture required to make a determination for an off-site review, such information should be requested without delay, and in the case of an on-site review the recipient should have the information available at the time of the review.
33. - 44. RESERVED.

CHAPTER 5. COMPLIANCE REVIEW

SECTION 1. RECIPIENTS

35. COMPLIANCE REVIEW. The compliance review consists of a complete examination, analysis and evaluation of the practices of recipients.
- a. Grant Recipients. A compliance review of grant recipients is limited to that part of the recipient which is actually involved in the air transportation field. For example, the three major airports in Chicago, while a part of the City of Chicago government, are actually governed by the Department of Aviation. Therefore, the FAA's authority is limited to the Department of Aviation.
 - b. Reviews should be inclusive of all of the facilities and operations of the recipient. Using Chicago as the example again, a review there should include the Central Office of the Department of Aviation, and each of the airports under the Department's jurisdiction. Compliance reviews are conducted by Equal Opportunity Specialists. In order to be effective, reviews, and actions taken subsequent to reviews must be accomplished as expeditiously as possible. A limit of 90 days shall be allowed from the initial letter to the recipient to the resolution of the case, not including time where formal hearings for sanction action is involved. Exceptions to this rule shall be made only with the concurrence of ACR-1.

SECTION 2. REVIEW SCHEDULING

36. REVIEW PLAN.
- a. Each Title VI Coordinator will annually develop a plan of reviews which will include all recipients within its area of jurisdiction and will reflect the priority established in paragraph 37 (below). The plan will be developed on a fiscal year basis and will be specific as to projected review dates.
 - b. The first step in developing a review plan is to determine whether the local governmental units controlling the airports located in the SMSA's listed in paragraph 37 are in fact obligated by grants. If such a unit is not obligated by a grant, FAA has no jurisdiction and no review will be scheduled or conducted. In developing the schedule the priorities established in paragraph 37 are to be followed unless unusual circumstances dictate otherwise. Examples, of unusual circumstances would be a Category I recipient in continuing to exhibit such a degree of compliance as to make an annual on-site review unnecessary, and a Category IV recipient exhibiting such a degree of non-compliance as to make an on-site review necessary.

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37. REVIEW PRIORITIES.

- a. Reviews will be conducted in accordance with the priorities listed below. The list below is in four categories. Category I specifies target areas for annual on-site reviews. Category II specifies areas for biennial on-site reviews. Category III specifies areas for triennial on-site reviews. Category IV specifies areas of desk audit reviews on an annual basis.
- b. During the years that the Category II and Category III airports are not reviewed on-site, off-site reviews will be made:

<u>REGION</u>	<u>CATEGORY I</u>	<u>CATEGORY II</u>	<u>CATEGORY III</u>	<u>CATEGORY IV</u>
<u>ANE</u>	Boston	Hartford New Haven	Bridgeport Springfield Providence Worcester	All Other Obligated Areas
<u>AEA</u>	New York Philadelphia Baltimore Pittsburgh	Richmond Norfolk- Portsmouth Trenton Buffalo Rochester Wilmington	Trenton Syracuse Harrisburg Albany Allentown Utica York Lancaster Binghamton	All Other Obligated Areas
<u>ASO</u>	Atlanta Miami Memphis Jacksonville	Birmingham Greensboro- Winston - Salem Cincinnati	Charlotte, N.C. Charleston, S.C. Ft. Lauderdale	All Other Obligated Areas
<u>ACE</u>	St. Louis Kansas City	Omaha	Des Moines	All Other Obligated Areas

<u>AGL</u>	Chicago Detroit Cleveland Milwaukee	Indianapolis Columbus Dayton	Toledo Minneapolis- St. Paul Akron Youngstown Grand Rapids Lansing Canton Peoria	All Other Obligated Areas
<u>ASW</u>	Dallas/Ft. Worth Houston New Orleans	San Antonio El Paso Albuquerque Oklahoma City	Mc Allen-Pharr Corpus Christi Brownsville Beaumont Austin Tulsa Little Rock Laredo Lubbock	All Other Obligated Areas
<u>ARM</u>	Denver	Salt Lake City		All Other Obligated Areas
<u>AWE</u>	Los Angeles San Francisco Oakland San Diego	Las Vegas San Jose Phoenix	Fresno Tucson Oxnard Bakersfield	All Other Obligated Areas
		Sacramento Stockton San Bernadino Riverside Anaheim-Santa Ana Santa Barbara Salinas-Monterey		

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<u>ANW</u>	Seattle-Everett	Portland Tacoma		All Other Obligated Areas
<u>AAL</u>	Anchorage Fairbanks	Cold Bay Juneau Kenai Anchorage Merrill	Petersburg Nome Kotzebue King Salmon Gulkam Palmer Dillingham Deadhorse Bethel Barrow Aniak Lake Hood Soldotna Ketchikan Sitka Wrangell	All Other Obligated Areas
<u>APC</u>	Honolulu Hilo Kahului Lihue	None	None	Kailua Molokai Waimea Lanai Mana Upolu

SECTION 3. KINDS OF REVIEWS

38. INTRODUCTION.

- a. There are two kinds of reviews, off-site, and a combination of off-site and on-site. There is never an on-site review alone. An off-site review is essentially a desk audit review of documentation.
- b. Both kinds of reviews result in findings in regard to specific requirements. Either the recipient has met the requirements or it has not. In no case should a finding be made which does not relate to a specific requirement in Part 21. Allegations of non-compliance with other Federal, State or local civil rights regulations are not to be pursued by FAA reviewers and are not to be included in "findings".

39. OFF-SITE REVIEW. In accordance with the priority established in paragraph 37 the off-site review will be the only review of Category IV recipients and Categories II and III recipients during the years in which they are not reviewed on-site. Because in these instances the conclusion will be based on the off-site review only, the procedure for such reviews will differ from the procedure for off-site reviews of Category I sponsors, and Categories II and III recipients in the years in which they are reviewed.

a. Off-Site Reviews of Category IV Recipients and Categories II and III Recipients in the Years in Which They Will Not Be Reviewed On-Site.

- (1) Essentially, the review is an evaluation of the information furnished by the recipient by means of the Annual Civil Rights Data Report (FAA Form 5190.10).
- (2) The reviewer is looking for compliance with specific requirements of Part 21 as they are expressed in the grant agreement. These requirements are detailed in Appendix 1. (Note that these requirements do not include employment by either the sponsor, or tenants or concessionaires on the airport except under certain circumstances).
- (3) By comparing the current data report with previous data reports, previous reviews, and any previous commitments to corrective action, a sufficiently detailed view of the recipients compliance usually will be obtained. In those cases where additional information is needed, contact with the recipient should be made in the manner and to the extent necessary. Otherwise, if the recipient is determined to be in compliance, it is not necessary nor expected that contact will be established with the recipient. However, if the review of the report and other data, and contact with the recipient

clearly shows that the recipient is not in compliance, an on-site compliance review will be scheduled.

- b. Off-Site reviews of Category I Recipients and Categories II and III Recipients in the years in which they are reviewed on-site. The review is essentially the same as in paragraph 39a with the exceptions that no conclusions should be made, no report prepared and no contact made with the recipient since this review will be followed by an on-site review. Instead, a list of any items the reviewer thinks requires further inquiry or verification should be prepared to be included in the letter sent to the recipient prior to going on-site (see paragraph 32).

40. ON-SITE REVIEW. On-site reviews will always be preceded by off-site reviews and shall consist of the accomplishment of the above off-site review process in preparation for the on-site review. An on-site review shall begin with the following two steps: (1) determination of whether the recipient to be reviewed has a grant subjecting it to Part 21, (2) determination of the portion of the recipient's organization to be reviewed.

- a. The next step is a letter from the Chief, Civil Rights Staff to the recipient. The letter informs the recipient that an on-site review of Part 21 requirements will be performed, the date the review will be started, the officials who are required to be present, the identity of the specialist(s) who will be conducting the review, the approximate length of time it will take to conduct the review and specific documentation to be made available during the review. The letter should be sent sufficiently in advance of the beginning date of the review to permit the recipient to adequately prepare. The letter should request the recipient to have the requested materials and officials available on that date.
- b. The actual conduct of the review should consist of a meeting with top management immediately upon arriving on-site to explain the purpose of the review, and the procedure that will be followed; an analysis of pertinent documentation; interviews of selected persons as appropriate; and a close-out conference with the highest official in the organization to discuss any existing deficiencies and to make recommendations for resolution.

- c. A recipient is not required to take affirmative action to be in compliance with Part 21, unless discrimination has been found to exist. When affirmative action is required, it is not to be confused with the affirmative action plan required under Executive Order 11246. The reviewer can ask the recipient what actions the recipient intends to take to continue to assure compliance. That alone, of course, is not enough information on which to make a determination. The reviewer must also determine the actual state of compliance with each requirement specified in Part 21. Those requirements are listed and described in Appendix 1. The reviewer determines the recipient's compliance by utilizing the guidelines in Appendix 1. As the review proceeds, areas needing investigation beyond that listed in the guidelines may be uncovered.

SECTION 4. FINDINGS

41. LETTER OF FINDINGS.

- a. The recipient shall be notified formally, in writing, of the results of the on-site review. This letter shall limit itself to a citation of findings, which must be actual violations identified during the course of the review. For example, the mere absence of minorities as concessionaires at the airport is not a violation and, therefore, not a finding. The discovery that the recipient failed to notify OMBE would constitute a violation and a finding. The finding must further be a violation of a requirement which has been specifically spelled out in the appropriate regulations.
- b. Deficiencies cited must include a citation of the specific portion of the regulation which has been violated. The letter should state whether the recipient is found to be in compliance or non-compliance. The letter of findings shall not make reference to matters which were not a Part 21 review requirement. Prior to the letter being sent, it shall be coordinated with the Regional Counsel's Office.

42. REPLY DEADLINE. The letter of findings shall specify that the recipient must reply within a certain time period, normally fifteen (15) days, and that failure to satisfactorily refute the alleged violations or furnish a plan of corrective actions shall constitute non-compliance. The letter shall also contain a caveat that appropriate sanction action may be recommended if alleged deficiencies are not corrected.

43. OFFICE OF CIVIL RIGHTS COORDINATION (ACR-1). A copy of the letter of findings, with the Regional Counsel's concurrence indicated, shall be sent to ACR-1 at the same time it is sent to the recipient. A grid copy of the letter of findings will be acceptable if it shows Regional Counsel concurrence.
44. RESOLUTION. Part 21 requires an attempt to resolve violations or deficiencies by informal means. During the entire period of the review, negotiations and initial sanction action, the reviewer should be striving to obtain compliance rather than sanction. This does not mean that instances of non-compliance should be overlooked. It does mean that persuasion, mediation, and conciliation should be used throughout the process to the extent practicable.
- a. It is not necessary for a recipient to flatly refuse to resolve an issue before the case is moved to sanction as long as reasonable attempts have been made. Of course, resolution attempts should be carefully documented so that it is clear to all reviewing officials that positive attempts were made.
 - b. Resolution will normally result in a corrective plan of the affirmative action to be taken by the recipient to correct existing deficiencies. The plan should contain specific corrective actions, results to be obtained, and the timetables for their attainment. The exception to this is when a deficiency or violation results from the recipient's failure to follow a previously approved corrective plan of action designed to correct deficiencies or violations found during previous reviews. In that case, a second corrective plan of action to be taken will be accepted only if it is established that the recipient's second failure was caused by extremely unusual circumstances. In all other cases, a recipient is in non-compliance and sanction action should be instituted. Reasonable attempts at resolution should be completed as quickly as possible. Only in unusual circumstances should the resolution period extend beyond 30 days. If at the end of 30 days resolution cannot be accomplished, sanction action shall be instituted.

CHAPTER 6. PROCEDURES FOR EFFECTING COMPLIANCE

45. SANCTIONS. The procedures for sanctions, which are contained in Part 21.13-17 and which, must be followed before action to terminate or refuse FAA assistance are briefly:
- a. Recipient is advised that compliance cannot be secured by voluntary means.
 - b. 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.
 - c. The action has been approved by the Secretary of Transportation.
 - d. The expiration of 30 days after the full written report has been furnished the pertinent committees of the House and Senate by the Secretary of Transportation.
46. - 54. RESERVED.

CHAPTER 7. REPORTS

55. REVIEW REPORTS. A written report of each compliance review shall promptly be prepared by the Equal Opportunity Specialist responsible for the review, and a copy submitted to ACR-1 within 10 days after completion of the review. The following format shall be used for each review report and is sufficient in itself to identify the review and to meet the requirements of the written report.
- a. Off-Site Only (Part 21 Reviews). The format contained on page 1 of Appendix 1, review guidelines, subject: "Compliance Review of 49 CFR, Part 21 Obligated Recipients", shall be used for the written off-site report of Part 21 reviews.
 - b. Off-Site/On-Site Part 21 Reviews. The total format contained in the review guidelines, Appendix 1, shall be used for the written off-site/on-site report of Part 21 reviews.
56. CIVIL RIGHTS ANNUAL DATA REPORT.
- a. Each obligated recipient is required to submit a Civil Rights Annual Data Report to the Regional Title VI Coordinator by December 1 of each year. The report will cover the recipient's operations from October 1 through September 30 of the preceding year. The due date for submission of the report from the Regional Civil Rights Office to the Headquarters Civil Rights Office is December 31 of each year.
 - b. Regions will furnish three copies of the report form (FAA Form 5190-10) to each recipient obligated at the time this order becomes effective, and to each recipient that becomes obligated in the future. The recipient shall return two completed copies of the report form to the Regional Civil Rights Office. Regions shall obtain forms for subsequent reports directly from the FAA Aeronautical Center Supply Depot by Stock Number FSN 0052-00-843-2000 SE.
57. - 59. RESERVED.

CHAPTER 8. OFFICE OF MINORITY BUSINESS ENTERPRISE PROVISIONS

60. INTRODUCTION.

- a. Part 21 requires that grant recipients shall assure that the minority business community in the area is advised of the opportunities offered by airport concessions, and that bids are solicited from such qualified minority firms, and awards made without regard to race, color or national origin. In further definition of this requirement, there is a special provision which is popularly called the "OMBE Provision". The "OMBE Provision" is a result of a special agreement which was entered into by FAA and the Office of Minority Business Enterprise, U.S. Department of Commerce on October 31, 1972, to the end that grant recipients are required to use OMBE as a source for solicitation of bids from the minority business community for all airport contracting.
- b. An essential element of the OMBE Provision is that for each airport there is a specifically designated OMBE contact. That designation is made to the grant recipient by the Regional Chief of Civil Rights in his capacity as the Title VI Coordinator. This designation can only be made by and changed by the Title VI Coordinator.

61. OFFICE OF AIRPORTS PROGRAMS. The Office of Airports Programs will prescribe the wording of the "OMBE Provision".

62. REGIONAL AIRPORTS DIVISIONS

- a. Regional Airports Divisions shall put in each grant the "OMBE Provision" exactly as prescribed by the Office of Airports Programs.
- b. At the time of allocation of funds for planning and development grants, the Regional Airports Divisions shall notify the Regional Civil Rights Staff, by letter, or such action. As soon as project plans and specifications are approved, the Regional Airports Division shall notify the Civil Rights Staff that these have been approved.
- c. When project plans and specifications are reviewed and approved by the FAA, the approving office will require the recipient to send a copy of the invitation for bids to the OMBE representative who has been designated by the Regional Title VI Coordinator.

63. CIVIL RIGHTS. The Regional Chief of the Civil Rights Staff in his capacity as the Title VI Coordinator will take the following action:

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- a. Upon notification by the Regional Airports Division, of a grant allocation, obtain from the pertinent OMBE Regional Office the name and address of the OMBE contact designated to act on the receipt of solicitations from the recipient.
- b. Inform the recipient, via a letter, of the name and address of the designated OMBE contact. It is not necessary to so inform the recipient each time a grant allocation is made provided the designation remains unchanged.
- c. Upon notification by the Regional Airports Division of an approval, informs the recipient, via letter of its requirement to use OMBE as a source for solicitation of bids from the minority business community for all airport contracting. It is not necessary to so inform the recipient each time a grant is approved, provided the designation doesn't change.
- d. Upon notification by OMBE of a redesignation of the OMBE contact, so inform the recipient via a letter.
- e. The Regional Title VI Coordinator shall maintain continuous liaison with the OMBE designee.

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APPENDIX 1. COMPLIANCE REVIEW REQUIREMENTS OF 49 CFR PART 21 OBLIGATED RECIPIENTS

SECTION 1. OFF-SITE REVIEW REQUIREMENTS.

This format serves as both a guideline for the off-site review and the review report. Additional detailed, specific documentation to substantiate each conclusion of compliance and/or noncompliance must be gathered and maintained in the review file. The compliance review includes the recipient's central headquarters and each of the obligated airports operated by the recipient. The review is limited to that part of the recipient which is actually involved in the air transportation field.

1. Recipient name and address _____
2. Has the recipient received an ADAP grant _____
Award date of latest grant _____
Amount _____
FAA grant number _____
Description of the project funded _____
3. Name and address of each airport operated by the recipient _____

4. Date of the review _____
5. Reviewer's name _____
6. Is the recipient in compliance? _____ Yes _____ No
7. If no, what follow-up actions will be taken?

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SECTION 2. ON-SITE REVIEW REQUIREMENTS

1. In addition to the following requirements, this format serves as both a guideline for a review and the review report. Only the format is submitted as the report. Additional detailed, specific documentation to substantiate each conclusion of compliance and/or non-compliance must be gathered and maintained in the review file. A compliance review includes the recipient's central headquarters and each of the obligated airports operated by the recipient. The review is limited to that part of the recipient which is actually involved in the air transportation field. For on-site reviews, the information to complete the remainder of this format is obtained from the recipient's annual report and the on-site visit.
2. The items listed below describe the entire responsibility of a Part 21 obligated recipient. No inquiry should be made concerning the recipient's compliance with other obligations.
 - a. Part 21.9(b): "Each recipient shall keep such records and submit to the Secretary, timely, complete and accurate compliance reports at such times and in such form and containing such information, as the Secretary may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part."
 - b. Records.
 - (1) Does the recipient maintain the records necessary to permit accurate reporting of its compliance?
Yes _____ No _____
 - (2) If no, specify what records are maintained.
 - c. Reports. Two recurring reports have been determined by the FAA to be necessary. They are specified in Appendix C to Part 21, as follows:
 - (1) Appendix C. (b) (3): "Each airport owner recipient subject to this Part (21) shall, within 15 days after he receives it, forward to the Area Manager of the FAA area in which the airport is located a copy of each written complaint charging discrimination because of race, color, or national origin by any person subject to this Part (21) together with a statement describing all actions taken to resolve the matter, and the results thereof."

Because the FAA no longer has Area Managers, the complaints and statements are to be forwarded to the appropriate region. To comply with this requirement a recipient would have to have a system of obtaining from all persons subject to Part 21 copies of all written complaints they receive.

•Did the recipient forward within 15 days after receipt a copy of each written complaint charging discrimination because of race, color, or national origin by the recipient or any tenant, contractor, or concessionaire who provides any activity, service, or facility at the airport under lease, contract with, or franchise from the recipient?

Yes _____ No _____

(a) If no, is the reason acceptable? Yes _____ No _____

Give explanation.

(b) Did the recipient send with each forwarded complaint a statement describing all actions taken to resolve the matter, and the results thereof?

Yes _____ No _____

Give explanation.

(3) Appendix C, (b)(2): "Each airport recipient shall submit to the Area Manager of the FAA area in which the airport is located a report for the preceding year on the date and in a form prescribed by the Federal Aviation Administrator." The form that the Administrator has prescribed is FAA Form 5190-10. The due date for submission of the report to the regional Title VI Coordinator is December 1 of each year. The report will cover the recipient's operations from October 1 through September 30 of the preceding year. The due date for submission of the report from the Regional Civil Rights Office to the Headquarters Civil Rights Office is December 31 of each year.

(a) Did the recipient submit the annual report (FAA Form 5190-10) on time and was it completely and accurately completed? Yes _____ No _____

(b) If no, was the reason acceptable? Yes _____ No _____

Give explanation.

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The FAA may from time to time request other reports to determine compliance, such as reports connected with this review.

(c) Did the recipient reply in a timely, complete and accurate fashion to all other requests for information?

Yes _____ No _____

(d) If no, was the reason acceptable? Yes _____ No _____

Give explanation.

d. Part 21.9(c): "Each recipient shall permit access by the Secretary during normal business hours of such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part."

(1) Was access to books, records, accounts, and other sources of information, and facilities permitted as was necessary to ascertain compliance? Yes _____ No _____

(2) If no, was the reason acceptable? Yes _____ No _____

Give explanation.

e. Part 21.9(c): "Where any information required of a recipient is in the exclusive possession of any other agency, institution, or person and this agency, institution, or person fails or refuses to furnish this information, the recipient shall so certify (in its report) and shall set forth what efforts it has made to obtain the information."

An example of such failure or refusal would be a tenant refusing to divulge information about complaints of discriminatory service it has received.

(1) Did any agency, institution, or person having exclusive possession of information necessary for the recipient to show its compliance fail or refuse to furnish this information to the recipient. Yes _____ No _____

(2) If yes, identify the agency, institution, or person.

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(3) Identify the information they failed or refused to furnish. _____

(4) Did the recipient so certify in its compliance report?

Yes _____ No _____

(5) If no, was the reason acceptable?

Yes _____ No _____

Give explanation.

(6) Did the recipient set forth in its compliance report what efforts it has made to obtain the information?

Yes _____ No _____

(7) If no, was the reason acceptable? Yes _____ No _____

Give explanation.

f. Part 21.9(d): "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, and make such information available to them in such manner, as the Secretary finds necessary to apprise such persons of the protection against discrimination assured them by the Civil Rights Act and this Part (21)."

(1) Manner Prescribed. This requirement imposes upon the FAA the necessity to prescribe the manner by which the information should be made available. The DOT has done so in Appendix C to Part 21.

- g. Appendix C (b)(1): "Each airport operator recipient shall require each tenant, contractor, and concessionaire who provides any activity, service, or facility at the airport under lease, contract with, or franchise from the airport (recipient), to covenant in a form specified by the Administrator, Federal Aviation Administration, that he will comply with the nondiscrimination requirements of this part."

The form of the covenant the Administrator has specified is contained in FAA Order 5100.18A and is also contained in the grant agreement between the FAA and the recipient.

- (1) Is the specified covenant in each lease, contract or franchise between the recipient and each tenant, contractor, and concessionaire who provided any activity, service, or facility at the airport? Yes _____ No _____
- (2) If no, is the reason acceptable? Yes _____ No _____

Give explanation.

- h. Appendix C (b)(2): "The airport operator (Manager) shall; (1) make a copy of this part (21) available at his office for inspection during normal working hours by any person asking for it, and (2) conspicuously display a sign, or signs furnished by the FAA, in the main public area or areas of the airport, stating that discrimination based on race, color, or national origin is prohibited on the airport."

- (1) Does the airport operator (manager) have a copy of Part (21) available at his office for inspection?

Yes _____ No _____

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(2) If no, is the reason acceptable? Yes _____ No _____

Give explanation.

(3) The required sign is to be furnished by the region to the recipient. If signs have been furnished are they conspicuously displayed in the main public area or areas of the airport? Yes _____ No _____

(4) If no, is the reason acceptable? Yes _____ No _____

i. Part 21.5: "General - no person in the United States shall on the grounds of race, color, 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." Examples of how this applies to FAA projects are contained in Appendix C to Part 21, as follows:

(1) Appendix C (a)(1)(i) through (viii). "The airport recipient or any of his lessees, concessionaires, or contractors may not differentiate between members of the public because of race, color, or national origin in furnishing, or admitting to, waiting rooms, passenger holding areas, aircraft tiedown areas, restaurant facilities, restrooms, or facilities operated under the compatible land use concept."

(2) "The airport recipient and any of his lessees, concessionaires, or contractors must offer to all members of the public the same degree and type of service without regard to race, color or national origin. This rules applies to fixed base operators, restaurants, snack bars, gift shops, ticket counters, baggage handlers, car rental agencies, limousines and taxis franchised by the airport recipient, insurance underwriters, and other businesses catering to the public at the airport."

(3) "An aircraft operator may not be required to park his aircraft at a location that is less protected, or less accessible from the terminal facilities, than locations offered to others, because of his race, color, or national origin".

(4) The pilot of an aircraft may not be required to help more extensively in fueling operations, and may not be offered less incidental service (such as windshield wiping) than other pilots, because of his race, color or national origin."

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- (5) "No pilot or crewmember eligible for access to a pilot's lounge or to unofficial communication facilities such as a UNICOM frequency may be restricted in that access because of his race, color, or national origin."
- (6) "Access to facilities maintained at the airport by air carriers or commercial operators for holders of first-class transportation tickets or frequent users of the carrier's or operators' service may not be restricted on the basis of race, color, or national origin."
- (7) "Passengers and crewmembers seeking ground transportation from the airport may not be assigned to different vehicles, or delayed or embarrassed in assignment to vehicles by the airport recipient or his lessees, concessionaires, or contractors, because of race, color, or national origin."

3. DETERMINE COMPLIANCE. Compliance with the above should be determined by:

- a. Visiting the flight line, ground transportation stands, tenant, concessionaire, and contractor locations providing service to the public on the airport, and observing the manner in which the service is provided,
- b. Questioning employees, customers, passengers, flight crews and other users of the airport to obtain their evaluation of the compliance status of the recipient and its tenants, concessionaires and contractors on the airport,
- c. Observing the manner in which the security force treats the public,
- d. Looking at and discussing security force records of arrests and incidents at the airport, and,
- e. Visiting the FAA security representatives and other FAA offices located at the airport, (tower, etc) to obtain their evaluation.
- f. Determining through other means whether persons because of race, color, or national origin are excluded from participation, denied benefits, or otherwise subjected to discrimination by the recipient, or its tenants, concessionaires or contractors on the airport.

4. PREScribed METHOD REQUIRED. Compliance with this requirement necessitates that the recipient have a prescribed method of assuring non-discrimination. Such a method would include periodic reminders to the recipient employees, and to lessees, concessionaires, and contractors on the airport of their Part 21 responsibilities, continued monitoring of policies and practices of the recipient and its lesses, concessionaires, and contractors on the airport to assure that they are not discriminatory; and the initiation of corrective action as appropriate. The emphasis should be on preventing discrimination rather than reacting to it when it occurs.
- a. Part 21.5(b)(6)(7). "Even in the absence of prior discriminatory practice or usage, a recipient in administering a program or activity to which this Part applies, is expected to take affirmative action to assure that no person is excluded from participation in or denied the benefits of the program or activity on the grounds of race, color, or national origin."
- (1) Does the recipient have a prescribed method of assuring non-discrimination? Yes _____ No _____
- (2) If no, is the reason acceptable? Yes _____ No _____
- Give explanation.
- (3) Is the recipient taking adequate affirmative action to assure non-discrimination? Yes _____ No _____
- (4) If no, is the reason acceptable? Yes _____ No _____
- Give explanation.
5. COMPLIANCE TEST. The test of compliance with this requirement is whether the employment practice itself tends to discriminate on the grounds of race, color, or national origin.
- a. Part 21.5(c): "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 of subparagraph (1) of this paragraph 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 non-discriminatory treatment of, beneficiaries."

6. FAA APPLICATION. The application of this to FAA projects is described in Appendix C to Part 21 as follows:
- a. Appendix C, (a)(1)(viii): "Where there are two or more sites having equal potential to serve the aeronautical needs of the area, the airport recipient shall select the site least likely to adversely affect existing communities. Such site selection shall not be made on the basis of race, color, or national origin."
 - b. Part 21.5(d): A recipient may not make a selection of site or location of a facility if the purpose of that selection, or its effect when made, is to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this rule applies, on the grounds of race, color, or national origin; or if the purpose is to, or its effect when made will, substantially impair the accomplishment of the objectives of this part."
 - (1) Has the recipient selected a site for aeronautical needs on the basis of race, color, or national origin?
Yes _____ No _____
Give explanation.
 - (2) If yes, is the reason acceptable? Yes _____ No _____
Give explanation.
7. APPENDIX C, (a)(1)(ix): "The recipient shall coordinate his airport plan with his local transit authority and the Urban Mass Transportation Administration to assure public transportation, convenient to the disadvantaged areas of nearby communities to enhance employment opportunities for the disadvantaged and minority population:
- a. If the recipient has an airport plan has it been coordinated with the local transit authority and UMTA? Yes _____ No _____
 - b. If no, is the reason acceptable? Yes _____ No _____
8. GRANTS PRIOR TO APRIL 12, 1973. The above requirements, paragraph 7, applies only to recipients awarded ADAP grants prior to, but not after, April 12, 1973. In scope, it applies only to concession contracts. For each airport under the recipient's control the recipient should be asked to identify each contract awarded for a concession during the last 12 months. With regard to each contract identified, the recipient

should be asked to produce documentation showing its compliance with the requirements. If no documentation or only inadequate documentation can be produced the recipient should be asked to describe the manner in which it has complied with the requirement for each contract. Contact should then be made with minority businessmen and minority organizations in the area, particularly minority business organizations, to determine if the recipient activities did result in the requirement being met.

a. Appendix C, (a)(1)(x): "The recipient shall assure that the minority business community in his area is advised of the opportunities offered by airport concessions, and that bids are solicited from such qualified minority firms, and awards made without regard to race, color, or national origin."

(1) If the recipient was awarded an ADAP grant prior to, but not after, April 12, 1973, has the recipient advised the minority business community in its area of the opportunities offered by concessions at the airport? Yes _____ No _____

(2) If "no", is the reason acceptable? Yes _____ No _____

Give explanation.

(3) Did the recipient solicit bids from such qualified minority firms for each of its concession contracts awarded during the last 12 months? Yes _____ No _____

(4) If "no", is the reason acceptable? Yes _____ No _____

Give explanation.

(5) Did the recipient during the last 12 months award all concession contracts without regard to race, color, or national origin? Yes _____ No _____

(6) If no, is the reason acceptable? Yes _____ No _____

Give explanation.

b. Grants After April 12, 1973. All grants awarded after April 12, 1973, contain a special provision commonly referred to as the "OMBE Provision":

"The recipient will send a copy of all invitations for bids, advertised or negotiated, for concessions or other business at the airport to the appropriate Office of Minority Business Enterprise (OMBE), representative as identified by the FAA Regional Civil Rights Office. The provision differs from

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the one discussed in "a" above in that it applies only to recipients awarded grants since April 12, 1973, and it is broader in scope, obligating recipients to comply with regard to all types of business contracts, including construction. In addition, these grants contain wording to the effect that information regarding contracts, contracting procedures, and regulations will be made available or disclosed to OMBE and minority firms upon request on the same basis that such information is available or disclosed to other organizations or firms, and that minority response to invitations for bids will be treated in the same manner as all other responses.

- (1) If the recipient has been awarded a grant since April 12, 1973, has the recipient sent a copy of each invitation for bids, advertised or negotiated, for construction, concessions, or other businesses at the airport to OMBE? Yes _____ No _____
- (2) If no, is the reason acceptable? Yes _____ No _____
Give explanation.
- (3) Has the recipient made available or disclosed to OMBE and minority firms requesting it, information on the same basis that it is available to other organizations or firms? Yes _____ No _____
- (4) If no, is the reason acceptable? Yes _____ No _____
Give explanation.
- (5) Has the recipient treated minority responses to invitations for bids in the same manner it has treated all other responses? Yes _____ No _____
- (6) If no, give explanation.

