

Instructions for Completing
Department of Justice Form CVR-40

A. GENERAL

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

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

B. TITLE VI STATUS REPORT FORM

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

Page 1 - A. Assurances
 B. Statements of Compliance

Page 2 - C. Compliance Reports
 D. Compliance Field Reviews

Page 3 - E. Complaints

Page 4 - F. Noncompliance Action

Page 5 - G. Hearings

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

Continuation of B(4). a.

Total Number

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

Continuation of B(4)A. (6)

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

"B. STATEMENTS OF COMPLIANCE"

Total Number

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

Continuation of B(4)

b. Page 2

"C. COMPLIANCE REPORTS"

Total Number

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

"D. COMPLIANCE FIELD REVIEWS"

Total Number

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

Continuation of B. (4)b.

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

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

c. Page 3

"E. COMPLAINTS"

Total Number

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

Continuation of B. (4) c.

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

d. Page 4

"F. NONCOMPLIANCE ACTION"

Total Number

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

Continuation of B. (4)d.

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

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

e. Page 5

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

Continuation of B. (4)d.

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

Total Number

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

Continuation of B. (4)d.

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

Supplemental Instructions
by OCE

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

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

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

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

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

UNITED STATES DEPARTMENT OF JUSTICE

TITLE VI STATUS REPORT:

- A. Assurances
- B. Statements of Compliance

AGENCY	DATE	AGENCY PROGRAM										Total
Total Number of Recipients:												
A. ASSURANCES												
Total number:												
1. Due												
2. Received												
3. Accepted												
4. Unacceptable												
5. Refusals												
6. Sub-recipients												
B. STATEMENTS OF COMPLIANCE												
Total number:												
1. Due												
2. Received												
3. Accepted												
4. Currently unacceptable												
5. Refusals												

EXPLANATORY NOTES

(Local reproduction is authorized)

Form 1130-2-314

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

EXPLANATORY NOTES

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TITLE VI STATUS REPORT:		AGENCY	Total
E. Complaints		PROGRAM	
AGENCY	DATE		
E. COMPLAINTS			
Total number:			
1. Received			
2. Awaiting investigation			
3. Being investigated			
4. Investigated and found invalid			
5. Found valid			

EXPLANATORY NOTES

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

EXPLANATORY NOTES

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

EXPLANATORY NOTES