



# Department of Energy

Washington, DC 20585

## OFFICE OF CIVIL RIGHTS AND EQUAL EMPLOYMENT OPPORTUNITY

### WORKSHOP AGENDA

for

June 23, 2022

Morning Session	Time Reserved (EDT)
<p><b>Welcome from ED Leadership</b></p> <ul style="list-style-type: none"> <li>▪ Sheri Bone, Acting Principal Deputy Director, Office of Economic Impact and Diversity</li> </ul> <p><b>Introductory Remarks</b></p> <ul style="list-style-type: none"> <li>▪ Patricia Zarate – Deputy Director, Office of Civil Rights and Equal Employment Opportunity (OCR-EEO)</li> <li>▪ Jody TallBear – Chief, Civil Rights Division (OCR)</li> </ul>	<p><b>10:00 am - 10:30 am</b></p>
<p><b>OCR Civil Rights Compliance and Enforcement Presentation</b></p> <ul style="list-style-type: none"> <li>▪ Overview: OCR Civil Rights Enforcement Authorities, Compliance Activities, and Fiscal Year 2022 Pilot Project.</li> <li>▪ Technical Assistance: DOE Responsibilities pursuant to Executive Order 13166, “<i>Improving Access to Services for Persons with Limited English Proficiency</i>” (LEP).</li> </ul>	<p><b>10:30 am - 11:15 am</b></p> <p><b>11:15 am - 12:00 pm</b></p>
<p><b>Break</b></p>	<p><b>12:00 pm - 1:00 pm</b></p>
Afternoon Session	Time Reserved (EDT)
<p><b>Roundtable Discussions</b></p> <p><u>Topics:</u></p> <ul style="list-style-type: none"> <li>▪ Civil Rights Compliance Basics</li> <li>▪ OCR Pre-Award Review Pilot</li> <li>▪ DOE LEP Access Obligations</li> <li>▪ Civil Rights Regulatory Updates</li> </ul>	<p><b>1:00 pm - 3:00 pm</b></p>
<p><b>Closing Remarks, Workshop Synthesis, and Next Steps</b></p> <ul style="list-style-type: none"> <li>▪ Jody TallBear – Chief, Civil Rights Division</li> </ul>	<p><b>3:00 pm - 3:30 pm</b></p>

**WELCOME FROM ED LEADERSHIP**

**Sheri Bone  
Acting Principal Deputy Director  
Office of Economic Impact and Diversity**

**10:00 am - 10:10 am Reserved**

**INTRODUCTORY REMARKS**

**Patricia Zarate  
Deputy Director  
Office of Civil Rights & Equal Employment Opportunity (OCR-EEO)**

**10:10 am - 10:20 am Reserved**

**Jody TallBear  
Chief – Civil Rights Division (OCR)**

**10:20 am - 10:30 am Reserved**

**OCR CIVIL RIGHTS COMPLIANCE AND ENFORCEMENT PRESENTATION**

**10:30 am - 12:00 pm**

**Presentation Overview – 10:30 am**

OCR will familiarize Workshop participants with the Federal civil rights laws that apply to programs and activities operated by recipients of DOE Federal financial assistance (FFA). Presentation topics include:

- a. OCR's law enforcement authorities and compliance activities pursuant to Federal civil rights statutes and DOE implementing regulations applicable to FFA.
- b. OCR's Pre-Award Review Pilot, which will be launched in Fiscal Year 2022, to review the civil rights assurances submitted by selected FFA applicants, in accordance with DOE regulations.

**Technical Assistance: Limited English Proficiency – 11:15 am**

OCR will familiarize Workshop participants with Executive Order (E.O.) 13166, "*Improving Access to Services for Persons with Limited English Proficiency.*" Presentation topics include:

- a. Part One - Introduction to E.O. 13166 and its applicability to Federally *conducted* and Federally *assisted* programs and activities.
- b. Part Two - Outline of a 4-factor analysis to determine LEP access needs and requirements when conducting DOE programs and activities.
- c. Part Three - Summary of the components that guide the development and implementation of a written LEP Access Plan for DOE conducted programs and activities.

**BREAK**

**12:00 pm - 1:00 pm**

**WORKSHOP ROUNDTABLE DISCUSSIONS**

**1:00 pm - 3:00 pm**

**Workshop Roundtable Discussions** will afford Workshop participants the opportunity to ask questions and provide comments regarding: 1) Civil Rights Compliance Basics and relevant Biden Administration Executive Orders advancing equity; 2) OCR’s Civil Rights Pre-Award Review Pilot; 3) DOE LEP Access Obligations; and 4) Planned OCR Regulatory Updates.

**Topic One: Civil Rights Compliance Basics (30 minutes reserved for discussion)**

**Description:** DOE regulations implementing Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975 prohibit discrimination based on race, color, national origin, sex, disability, and age in programs or activities operated by recipients of DOE FFA. Enforcement of civil rights statutes and related DOE implementing regulations intersect with goals set forth in a number of recent Executive Orders, including E.O. 13985, “*Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*,” which makes it the policy of the Biden Administration that the Federal Government pursue a comprehensive approach to advancing equity for all, including those who have been underserved, marginalized, and/or affected by persistent inequality.

**Goal:** OCR will invite questions and comments from Workshop participants regarding: 1) the extent to which concerns regarding civil rights enforcement have surfaced in their work with FFA recipients or other program stakeholders; and 2) the civil rights laws that may be of particular relevance to DOE Elements during the FFA program development cycle (*e.g.*, program conception, environmental impact evaluation, the issuance of Notices of Intent, Requests for Information, and Funding Opportunity Announcements, stakeholder engagement, applicant evaluation and selection, and merit reviews).

**Topic Two: OCR Pre-Award Review Pilot (30 minutes reserved for discussion)**

**Description:** Pursuant to DOE regulation at 10 C.F.R. §1040.4(h), prior to, and as a condition of FFA approval, OCR is to review FFA applicants and make a written determination of their compliance with Federal civil rights laws. Pursuant to this regulatory authority, in Fiscal Year 2022, OCR will launch a Pre-Award Review Pilot that examines the Assurance of Compliance submitted by selected FFA applicants in the following categories: 1) State and local governments; 2) institutions of higher education; or 3) industry partners, private corporations and public organizations. OCR’s Pre-Award Review Pilot will be initiated with the selection of FFA programs supported by the Bipartisan Infrastructure Law (BIL). For each BIL program selected, OCR will distribute Pre-Award Review Questionnaires to selected FFA awardees.

**Goal:** OCR will invite questions and comments from Workshop participants regarding: 1) the specific regulatory requirements that are the focus of OCR’s Pre-Award Review Pilot; 2) the stages of deployment for the Pilot Program and OCR’s plans for full-scale Pre-Award Review implementation beginning in Fiscal Year 2023; and 3) DOE program activities and forums during which OCR may provide technical assistance regarding the Federal civil rights obligations of FFA recipients.

**Topic Three: LEP Plan Assessments (45 minutes reserved for discussion)**

**Description:** To fulfill E.O. 13166, “*Improving Access to Services by Persons with Limited English Proficiency*” (LEP), DOE Elements must assess the nature, purpose, and consequences of their interactions with the general public, including LEP persons eligible to be served or likely to be encountered by their programs or activities. DOE Elements that have significant, predictable, or consequential interactions with LEP persons must develop LEP Access Plans.

**Goal:** OCR will answer questions and seek comments from Workshop participants regarding: 1) the challenges or concerns that DOE Elements anticipate as they initiate efforts to fulfill requirements of E.O. 13166 (e.g., Four-Factor LEP Needs Analysis, LEP Access Planning, etc.); 2) the optimal ways by which OCR can provide LEP planning guidance and technical assistance to DOE Elements, so that they can fulfill E.O. 13166; and 3) the optimal ways by which OCR can provide LEP technical assistance to FFA recipients, to ensure their compliance with Title VI prohibitions against national origin discrimination.

**Topic Four: Regulatory Updates (15 minutes reserved for discussion)**

**Description:** DOE’s civil rights regulations at 10 C.F.R. Part 1040 apply to any program or activity for which Federal financial assistance is authorized under laws administered by DOE. Types of Federal financial assistance to which DOE’s civil rights regulations at 10 C.F.R. Part 1040 and Part 1042 apply are listed in Appendix A to 10 C.F.R. Part 1040. Appendix A is to be revised from time to time by notice published in the Federal Register. Currently, Appendix A lists 30 types of FFA programs funded by DOE.

**Goal:** With the enactment of the Bipartisan Infrastructure Law, OCR plans to update the listing of the types of DOE Federal financial assistance to which 10 C.F.R. Part 1040 and Part 1042 apply. To assist that effort, OCR seeks input from DOE Elements that are involved in developing and authorizing BIL-funded DOE FFA programs in Fiscal Year 2022 and beyond.

**CLOSING REMARKS, WORKSHOP SYNTHESIS, AND NEXT STEPS**

**Jody TallBear**  
**Chief – Civil Rights Division**

**3:00 pm – 3:30 pm Reserved**