

CHAPTER 2-150

ANTI-DISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

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2-150-00 What is the purpose of this chapter?

This chapter describes our procedures to ensure that we, the Office of Surface Mining Reclamation and Enforcement (OSM), and you, recipients of Federal financial assistance, comply with Title VI of the Civil Rights Act of 1964 and other anti-discrimination laws. The requirements in this chapter apply to all applications and awards for OSM grants and cooperative agreements.

2-150-10 Where do these requirements come from?

Our civil rights program is authorized by the following laws, regulations, and executive orders.

- A. Civil Rights Act of 1964, Title VI (P.L. 88-352; 42 U.S.C. 2000d 2000d-4).
- B. Rehabilitation Act of 1973 (P.L. 93-112; 29 U.S.C. 794) as amended.
- C. Education Amendments of 1972, Title IX (P.L. 92-318; 86 Stat. 235; 373) as amended.
- D. Age Discrimination Act of 1975, as amended, (P.L. 94-135, Title III; 42 U.S.C. 6101 *et seq.*).
- E. Americans with Disabilities Act of 1990 (P.L. 101-336) with the Department of Justice (DOJ) regulations at 28 CFR 35, including the Americans with Disabilities Act, Title II.
- F. Executive Order (E.O.) 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*.
- G. E.O. 13166, *Improving Access to Services for Persons with Limited English Proficiency (LEP)*.

2-150-20 What does our Public Civil Rights Program do?

- A. Our Public Civil Rights program ensures that we comply with Title VI of the Civil Rights Act. Title VI prohibits discrimination in Federally funded programs based on race, color, or national origin. Title VI protects against a broad range of discrimination, including denial of services; differences in the quality, quantity, or manner of services; different standards for participation; and discrimination in an activity conducted in a facility built with Federal funds.
- B. Congress authorized Federal agencies to enforce Title VI to prevent recipients from using Federal funds to support discrimination. Our Public Civil rights program works with states and educational institutions which receive OSM financial assistance.

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- C. The Public Civil Rights program ensures that following objectives are met.
1. Members of the public who participate in programs and activities that we fund have equal access to those programs and activities, and the facilities where the programs take place.
 2. Recipients of Federal financial assistance, particularly states, do not exclude people from any program, activity or facility, or deny them benefits, or otherwise discriminate against them on the grounds of race, color, national origin, age, disability, or sex.

2-150-30 What must you do?

- A. You must comply with all Federal statutes and requirements relating to nondiscrimination.
- B. Your application for financial assistance must include assurances that you will comply with all nondiscrimination requirements. You must complete either the Assurances for Non-Construction Programs, Standard Form ([SF 424B](#)), or the Assurances for Construction Programs, [SF 424D](#).

2-150-40 What happens if we discover discrimination in your Federally assisted program?

- A. If OSM discovers discrimination, we will work with you to ensure that discriminatory policies or practices are changed in a timely manner.
- B. If you do not work voluntarily to eliminate the discrimination, we may refer the matter to the Departmental Office of Civil Rights for enforcement actions which may include the following sanctions.
1. Termination of your financial assistance agreements.
 2. Referral to the Department of Justice for civil enforcement through Federal courts.