JORDAN

Congressional Black Caucus Reports to the People

Title VI of the Civil Rights Act of 1964 prohibits people and organizations which receive federal money from using the money to discriminate. The Act prohibits discrimination on account of race, color or national origin. The Act also contains provisions for its enforcement. After viewing the record, I am forced to conclude that Title VI enforcement has been characterized by affirmative neglect.

Fact from the record: In the past five years of Title VI enforcement, all Title VI agencies throughout the federal government have commenced nine administrative fund termination proceedings against recipients exclusive of those gains local school districts.

Fact from the record: In 13 years of enforcement five cases have been referred to the Attorney General for litigation.

Fact from the record: Federal agencies spent $37 million for civil rights enforcement and investigations in fiscal 1973. Twenty seven million dollars were spent in fiscal 1977. That is a reduction of nearly 30 percent.

Fact from the record: Between 1971-'76, the Civil Rights Commission continually found that the government's civil rights enforcement effort was "Beset with prolems that were directly attributable to, and exacerbated by, the absence of leadership from policy making officials."

To remedy these deficiencies, I have introduced legislation which mandates that there be enforcement. The bill would apply to all federal agencies which provide financial assistance the same stringent civil right enforcement procedures the Congress enacted for the Office of Revenue Sharing and the Law Enforcement Assistance Administration. The Bill has three main parts:

First, coverage. The Bill expands the basis of prohibited activities to include sex, aged and handicap discrimination. Second, coordination. The Bill assigns to the executive office of the President the power to coordinate the activities of Title VI agencies. This part of the Bill implements policy recommended by the United States Commission on Civil Rights.

Third, procedure. The Bill applies many of the mandatory procedures of the Jordan Amendments to all Title VI agnecies. Those procedures would require that when one of four things happens, notification must issue from the federal government to the recipient of federal funds. Notification would tell the recipient it is not in compliance with Title VI.

Those four things are: 1) A finding of discrimination by a state or federal court; 2) A finding of discrimination by a state or federal agency after a hearing; 3) A determination by a federal agency after an investigation that there is reasonable cause to believe one of its own grantees has discriminated; and 4) A referral through the executive office of the President of a reasonable cause determination from one federal agency to another.

If one of the four triggers occurs, notification must issue. There is no discretion. After notification, the recipient would have 30 days to sign a compliance agreement. Failure to sign a compliance agreement within 30 days would mean that further payment of federal money for the program or activity found to have been discriminatory would be suspended temporarily. There is no discretion.

Unless compliance is achieved within 60 days after suspendion, further payment of federal money would be terminated. There is no discretion. However, the Bill does provide that termination can be delayed pending the outcome of an administrative hearing or judicial appeal.

The Bill aslo mandates federal agencies to suspend payments to a recipient within 45 days after the Attorney General files a civil action alleging discrimination. There is no discretion. However, the court could grant relief and order that the money not be suspended pending the outcome of the litigation. There is a similar provision in leaa law now and we know it works.

This Bill sets up a procedure for simple, firm and effective enforcement of Title VI. It may be radical proposal to some. It is only radical because our past enforcement efforts have not been simple, firm and effective. They could have been. The current law does not prevent it. In fact, most of the mandatory procedures in the Bill could be instituted today without changing the law. So this is not a radical Bill.

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