

Civil Rights Restoration Act of 1985

Background

The Civil Rights Restoration Act of 1985 (H.R. 700 and S. 431) reaffirms congressional intent that federal funds will not be used to discriminate on the basis of race, color, national origin, sex, handicap, or age. It requires that any agency or institution which receives federal funds must have comprehensive nondiscrimination policies, in all areas of operation.

This bill makes clear that federal civil rights laws apply to the entire agency or institution receiving federal funds—whether it be a state or local government agency; university or system of higher education; corporation or private organization; or any other entity.

The Civil Rights Restoration Act of 1985 amends existing civil rights laws which recently have been narrowly interpreted by the courts and officials within the Reagan administration. The Supreme Court ruled last year that a federal grant recipient must ensure nondiscrimination only in the program which actually receives the federal funds, rather than in all of its operations. This interpretation dramatically narrows the coverage of federal civil rights laws and counters over 20 years of previous enforcement practices by both Republican and Democratic administrations.

The restoration act would reaffirm the broad coverage of federal civil rights laws by amending Title VI of the Civil Rights Act of 1964, which protects racial, ethnic, and other minorities; Title IX of the Education Amendments of 1972, which protects women in education institutions; Section 504 of the Rehabilitation Act of 1973, which protects the handicapped; and the Age Discrimination Act of 1975. It would do this by adding language to each of these four civil rights laws which makes clear that if an agency or institution receives federal funds, then it must abide by federal civil rights laws in all of its operations.

The Civil Rights Restoration Act of 1985 is similar to a bill which was narrowly defeated by Congress last year. That bill, the Civil Rights Act of 1984, passed the House of Representatives by the overwhelming vote of 375 to 32, and had 63 cosponsors in the Senate. It was supported by almost all major civil rights organizations, as well as leading civil rights officials from the Johnson, Nixon, Ford and Carter Administrations. Only the Reagan Administration and a few Radical Right members of Congress opposed the bill, yet they succeeded in filibustering the bill to death during the final days of the congressional session.

Congressional cosponsors of this year's Civil Rights Restoration Act believe the bill will be passed this year, despite expected opposition from the same Radical Right Congress members who killed last year's bill. However, an additional obstacle to the swift passage of the bill is also present this year, since another bill has been introduced on behalf of the Reagan Administration by Senator Robert Dole (R-KN). The Administration/Dole/Hatch bill claims to have the same effect as the restoration act; however, it is much narrower in scope and will do nothing to reinstitute broad civil rights protection.

Currently, the Civil Rights Restoration Act has been recommended to the floor of the House of Representatives for a vote in mid to late June. Extremely controversial amendments were added in the version approved by the Education and Labor Committee, which will compete with the clean version approved by the Judiciary Committee for the approval of the full House. The amendments, one on abortion and a second which allows religiously affiliated colleges to claim exemption from the requirement of nondiscrimination, have the potential of

destroying the effectiveness of the Civil Rights Restoration Act. The Civil Rights Restoration Act is in danger of being defeated by the divisive nature of these amendments.

Statement

In order to restore the original intent of the civil rights statutes and to rectify the overly restrictive interpretation by the Supreme Court in recent decisions impacting on: Title VI of the Civil Rights Act of 1964; Title IX of the 1972 Amendments; Section 504 of the Rehabilitation Act of 1973; and the Age Discrimination Act of 1975, the Executive Committee of the National Federation of Temple Sisterhoods urges swift passage of the Civil Rights Restoration Act of 1985 without any amendments.