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TITLE

A Bill to Establish Procedures and Standards for the Framing of Relief in Suits to Desegregate the Nation's Elementary and Secondary Public Schools... "School Desegregation Standards and Assistance Act of 1976" H.R. 14553, 94th Congress, Second Session.

INSTITUTION

Congress of the U.S., Washington, D.C. House Committee on Education and Labor.; Congress of the U.S., Washington, D.C. House Committee on the Judiciary.

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ABSTRACT

This document is the text of a House of Representatives bill to establish procedures and standards for the framing of relief in suits to desegregate the Nation's elementary and secondary public schools, to provide for assistance to voluntary desegregation efforts, to establish a National Community and Education Committee to provide assistance to encourage and facilitate constructive and comprehensive community involvement and planning in the desegregation of schools, and for other purposes. If it is enacted, this Act may be cited as the School Desegregation Standards and Assistance Act of 1976. It is organized in two titles. The purpose of Title I, Standards and Procedures in School Desegregation Suits, is to prescribe standards and procedures to govern the award of injunctive and other equitable relief in school desegregation cases brought under Federal law. The purpose of Title II, National Community and Education Committee, is to create a nonpartisan national committee composed of citizens from various occupations and backgrounds, particularly individuals who have had experience in school desegregation activities from within a community, in order to provide assistance to communities that are engaged or preparing to engage in the desegregation of their schools. (Author/JM)

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94TH CONGRESS
2D SESSION

H. R. 14553

IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 1976

Mr. RHODES (for himself, Mr. MICHEL, Mr. CONABLE, Mr. DEVINE, Mr. EDWARDS of Alabama, Mr. FREY, Mr. VANDER JAGT, Mr. QUILLEN, Mr. QUIE, and Mr. HUTCHINSON) introduced the following bill; which was referred jointly to the Committees on the Judiciary and Education and Labor

A BILL

To establish procedures and standards for the framing of relief in suits to desegregate the Nation's elementary and secondary public schools, to provide for assistance to voluntary desegregation efforts, to establish a National Community and Education Committee to provide assistance to encourage and facilitate constructive and comprehensive community involvement and planning in the desegregation of schools, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 *That this Act may be cited as the "School Desegregation*
- 4 *Standards and Assistance Act of 1976".*

STATEMENT OF FINDINGS

1

2 The Congress finds that:

3

4 (a) Discrimination against students, because of their
5 race, color, or national origin, in the operation of the
6 Nation's public schools violates the Constitution and laws of
7 the United States, denies such students equal educational
8 opportunities, and is contrary to the Nation's highest princi-
9 ples and goals.

10

11 (b) The Constitution and the national interest mandate
12 that the courts of the United States provide appropriate
13 relief to prevent such unlawful discrimination and to remove
14 the continuing deprivations, including the separation of stu-
15 dents, because of their race, color, or national origin, within
16 or among schools, that such discrimination has caused.

17

18 (c) Individuals may, in normal course, choose to reside
19 in certain areas for many reasons and, as the courts have
20 recognized, patterns of concentration, by race, color, or
21 national origin, in the schools that reflect such voluntary,
22 individual choices, rather than the results of unlawful dis-
23 crimination, neither necessarily render such schools inferior
24 in the quality of education they provide nor in themselves
25 deprive any person of equal protection of the laws.

26

27 (d) The purpose of relief directed to the effects of
28 unlawful discrimination in the operation of the schools is
29 not to compel a uniform balance by race, color, or national

1 origin that would not have existed in normal course from
2 individual voluntary acts, but is, rather, to restore the
3 victims of discriminatory conduct to the position they would
4 have occupied in the absence of such conduct, and so to
5 free society and our citizens from the conditions created by
6 unlawful acts.

7 (c) Although it has been found necessary in some cases,
8 in order to remedy the effects attributable to unlawful dis-
9 crimination, to require the assignment and transportation
10 of students to schools distant from their homes, and although
11 such a requirement may be appropriate, as a last resort, to
12 eliminate the effects of unlawful acts that were intended to
13 foster segregation in the schools, such a requirement can, if
14 unduly extensive in scope and duration, impose serious
15 burdens on the children affected and on the resources of
16 school systems and impair the quality of education for all
17 students that is essential to overcome past discrimination,
18 to achieve true equality of opportunity and equal protection
19 of the laws, and to maintain a free and open society.

20 (f) Because of its detrimental effects, judicially required
21 student assignment and transportation should be employed
22 only when necessary as an interim and transitional remedy,
23 and not as a permanent, judicially mandated feature of any
24 school system.

25 (g) In view of these conflicting values and conse-

1 quences, Congress, being responsible for defining by law the
2 jurisdiction of the inferior Federal courts and the remedies
3 they may award in the exercise of the jurisdiction thus con-
4 ferred and for enacting appropriate legislation to enforce the
5 commands of the fourteenth amendment, may prescribe
6 standards and procedures for accommodating the competing
7 human interests involved.

8 (h) Throughout the history of our Nation, the educa-
9 tion of our children, especially at the elementary and sec-
10 ondary level, has been a community endeavor. The concept
11 of public education began in the community and continuous
12 support for public schools has been provided by the com-
13 munity.

14 (i) Although the States, and to some extent the Federal
15 Government, have been providing increased financial assist-
16 ance for education, it has become clear that the solution
17 to many of the most pressing problems facing our schools lies
18 within the community which supports those schools.

19 (j) Too often required changes in the assignment of
20 students to schools has been accomplished without the in-
21 volvement of the community or with its involvement only
22 after confrontations have occurred and community positions
23 have been hardened.

24 (k) In other cases individuals from within the com-
25 munity have anticipated the problems associated with de-

1 segregation and have organized to face and resolve those
 2 problems. Rather than reacting negatively to the circum-
 3 stances in which the community found itself, these individ-
 4 uals have found constructive means to contribute to
 5 improving strained community relations, to adjust to chang-
 6 ing conditions, and in other ways to assure the continued
 7 successful operation of the public schools.

8 (b) These individuals, who have experienced the trials
 9 a community may face when the schools must be desegre-
 10 gated and who have found ways to overcome those prob-
 11 lems, are a unique national resource that can be of assistance
 12 to other communities that are now facing or have yet to
 13 face these trials.

14 TITLE I.—STANDARDS AND PROCEDURES IN
 15 SCHOOL DESEGREGATION SUITS

16 PURPOSE: APPLICATION

17 SEC. 101. (a) The purpose of this title is to prescribe
 18 standards and procedures to govern the award of injunctive
 19 and other equitable relief in school desegregation cases
 20 brought under Federal law, in order (1) to prevent the
 21 continuation or future commission of any acts of unlawful
 22 discrimination in public schools, and (2) to remedy the
 23 effects of past acts of such unlawful discrimination, including,
 24 by such means as are appropriate for the purpose, the pres-
 25 ent degree of concentration by race, color, or national origin

1 in the student population of the schools attributable to such
2 acts.

3 (b) The provisions of this title shall govern all proceed-
4 ings for the award or modification of injunctive and other
5 equitable relief, after the date of its enactment, seeking the
6 desegregation of public schools under Federal law, but shall
7 not govern proceedings seeking a reduction of such relief
8 awarded prior to the date of its enactment except for pro-
9 ceedings brought under section 107.

10 DEFINITIONS

11 SEC. 102. For purposes of this title—

12 (a) "local education agency" means a local board
13 of public education or any other government agency or
14 officer of a political subdivision of a State responsible for,
15 or exercising control over, the operations of one or more
16 public elementary or secondary schools;

17 (b) "State education agency" means a State board
18 of public education or any other State agency or officer
19 responsible for, or exercising control over, the opera-
20 tions of one or more public elementary or secondary
21 schools;

22 (c) "school system" means the schools and other
23 institutions of public education within the jurisdiction of
24 a local or State education agency;

25 (d) "desegregation" means the prohibition of un-

1 lawful discrimination and the elimination of the effects
2 of such discrimination in the operation of the schools;

3 (c) "unlawful discrimination" means action by a
4 local, or State education agency or by any other gov-
5 ernmental body, agency, or officer which, in violation
6 of Federal law, discriminates against students on the
7 basis of race, color, or national origin in the operation
8 of the schools;

9 (f) "State" means any of the States of the Union,
10 the District of Columbia, the Commonwealth of Puerto
11 Rico, Guam, American Samoa, the Virginia Islands,
12 and the Panama Canal Zone; and

13 (g) "transportation of students" means the assign-
14 ment of students to public schools in such a manner as
15 to require, directly or indirectly, the transportation of
16 students, in order to alter the distribution of students,
17 by race, color, or national origin, among the schools, but
18 does not include the assignment of any student to the
19 school nearest or next nearest his or her residence and
20 serving the grade he or she is attending, even if the local
21 or State education agency provides transportation to
22 enable the student to reach that school.

23 LIABILITY

24 SEC. 103. A local or State education agency shall be
25 held subject—



1 (a) to relief under section 104 of this title if the
2 court finds that such local or State education agency
3 has engaged or is engaging in an act or acts of unlawful
4 discrimination; and

5 (b) to relief under section 105 of this title if the
6 court finds that an act or acts of unlawful discrimination
7 have caused a greater present degree of concentration,
8 by race, color, or national origin, in the student popula-
9 tion of any school within the jurisdiction of the local or
10 State education agency than would have existed in
11 normal course had no such act occurred: *Provided,*

12 (i) that no order under section 105 of this
13 title shall be based in whole or in part on an act
14 or acts by a local, State, or Federal agency or
15 officer other than the local or State education
16 agency with jurisdiction over such schools unless
17 the court further finds, on the basis of evidence
18 other than the effects of such acts alone, that the
19 act or acts were committed for the specific purpose
20 of maintaining, increasing, or controlling the degree
21 of concentration, by race, color, or national origin,
22 in the student population of the schools; and

23 (ii) that nothing in this title shall be construed
24 as establishing a basis for relief against a local or

1 State education agency not available under existing
2 law.

3 RELIEF—ORDERS PROHIBITING UNLAWFUL ACTS
4 AND ELIMINATING EFFECTS GENERALLY

5 SEC. 104. In all cases in which, pursuant to section
6 103 (a) of this title, the court finds that a local or State
7 education agency has engaged or is engaging in an act or
8 acts of unlawful discrimination, the court may enter an order
9 enjoining the continuation or future commission of any such
10 act or acts and providing any other relief against such local
11 or State education agency as may be necessary and appro-
12 priate, to prevent such act or acts from occurring or to
13 eliminate the effects of such act or acts: *Provided*, That any
14 remedy directed to eliminating the effects of such act or acts
15 on the present degree of concentration, by race, color, or
16 national origin, in the student population of any school shall
17 be ordered in conformity with section 105 of this title.

18 RELIEF—ORDERS ELIMINATING THE PRESENT EFFECTS OF
19 UNLAWFUL ACTS ON CONCENTRATIONS OF STUDENTS

20 SEC. 105. (a) In all cases in which, pursuant to section
21 103 (b) of this title, the court finds that an act or acts of
22 unlawful discrimination have caused a greater present degree
23 of concentration, by race, color, or national origin, than
24 would otherwise have existed in normal course in the student

1 population of any schools within the jurisdiction of a local
2 of State education agency, the court may order against such
3 agency any appropriate relief to remedy the effects reason-
4 ably attributable to such acts; accordingly, such relief shall
5 be no more extensive than that reasonably necessary to
6 adjust the composition by race, color, or national origin of
7 the particular schools so affected or, if that is not feasible,
8 the overall pattern of student concentration by race, color,
9 or national origin in the school system so affected substan-
10 tially to what it would have been in normal course, as deter-
11 mined pursuant to this section, had no such act or acts
12 occurred.

13 (b) Before entering an order under this section the
14 court shall conduct a hearing and, on the basis of such hear-
15 ing, shall make specific findings concerning the degree to
16 which the concentration, by race, color, or national origin,
17 in the student population of particular schools affected by
18 unlawful acts of discrimination presently varies from what
19 it would have been in normal course had no such acts oc-
20 curred. If such findings as to particular schools are not
21 feasible, or if for some other reason relief cannot feasibly
22 be fashioned to apply only to the particular schools that were
23 affected, the court shall make specific findings concerning
24 the degree to which the overall pattern of student concentra-
25 tion, by race, color, or national origin, in the school system

1 affected by such acts of unlawful discrimination presently
2 varies from what it would have been in normal course had
3 no such acts occurred.

4 (c) In any hearing conducted pursuant to subsection
5 (b) of this section the local or State education agency shall
6 have the burden of going forward, by the introduction of
7 evidence concerning the degree to which the concentration,
8 by race, color, or national origin, in the student population
9 of particular schools, or the overall pattern of student con-
10 centration by race, color, or national origin in the school
11 system, is reasonably attributable to factors other than the
12 act or acts of unlawful discrimination found pursuant to sec-
13 tion 103 (b) of this title. If such evidence is introduced, the
14 findings required by subsection (b) of this section shall be
15 based on conclusions and reasonable inferences from all of the
16 evidence before the court, and shall not be based on a pre-
17 sumption, drawn from the finding of liability made pursuant
18 to section 103 (b) of this title or otherwise, that the con-
19 centration, by race, color, or national origin, in the student
20 population of any particular school or the overall pattern of
21 concentration in the school system as a whole is the result
22 of acts of unlawful discrimination.

23 (d) If any order entered under this section against a
24 local or State education agency is based, in whole or in part,
25 on an act or acts of unlawful discrimination by a local, State

1 or Federal agency or officer other than the local or State
 2 education agency, the court shall state separately in its find-
 3 ings the extent to which the effects found and the relief
 4 ordered pursuant to the requirements of this section are
 5 based on such act or acts.

6 (e) In all orders entered under this section the court
 7 may, without regard to the other requirements of this section,
 8 (1) approve any plan of desegregation, otherwise lawful,
 9 that a local or State education agency voluntarily adopts,
 10 and (2) direct a local or State education agency to institute
 11 a program of voluntary transfers of students from schools in
 12 which students of their race, color, or national origin are in
 13 the majority to schools in which students of their race, color,
 14 or national origin are in the minority.

15 VOLUNTARY ACTION; LOCAL CONTROL

16 SEC. 106. All orders entered under section 105 of this
 17 title shall rely, to the greatest extent practicable and con-
 18 sistent with effective relief, on the voluntary action of school
 19 officials, teachers, and students, and the court shall not
 20 remove from a local or State education agency its power and
 21 responsibility to control the operations of the schools except
 22 to the minimum extent necessary to prevent unlawful dis-
 23 crimination by such agency or to eliminate the present
 24 effects of acts of unlawful discrimination.

REVIEW OF ORDERS

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SEC. 107. (a) In all cases in which a court-imposed requirement for transportation of students has remained in effect for a period of three years from the date of entry of the order containing such requirement or, in the case of all final orders entered prior to enactment of this title, from the effective date of this title, the court shall, on motion of any party, terminate the requirement unless:

(i) the court finds that the local or State education agency has failed to comply with the requirement and other provisions of the court's order substantially and in good faith throughout the three preceding years, in which case the court may extend the requirement until there have been three consecutive years of such compliance; or

(ii) the court finds, at the expiration of such period and of any extension under (i) above, that the other provisions of its order and other remedies are not adequate to correct the effects of unlawful discrimination, determined in accordance with section 105 of this title, and that the requirement remains necessary for that purpose, in which case the court may continue the requirement in effect, with or without modification, until the local or State education agency has complied with the

1 requirement substantially and in good faith for two con-
 2 secutive additional years; and thereafter, in extraordinary
 3 circumstances resulting from failure or delay of other
 4 remedial efforts or involving unusually severe residual
 5 effects of unlawful acts, the court may continue the
 6 requirement in effect, as a transitional means of last
 7 resort, to such extent and for such limited periods as the
 8 court finds essential to allow other remedies to become
 9 effective.

10 (b) If a court-imposed requirement for transportation
 11 of students has terminated and thereafter the court finds—

12 (i) that the local or State education agency, sub-
 13 sequent to the termination, has failed to comply sub-
 14 stantially and in good faith with other provisions of the
 15 court's order; or

16 (ii) that an act or acts of unlawful discrimination,
 17 as defined in section 103 (b), have occurred since the
 18 termination and have caused a greater present degree of
 19 concentration, by race, color, or national origin, than
 20 would otherwise have existed in normal course;

21 the court may, if no other remedy is sufficient, require trans-
 22 portation of students to such extent and for such limited
 23 period as may be necessary to remedy the effects found, pur-
 24 suant to section 105 of this title, to be reasonably attributa-
 25 ble to such failure or to such act or acts, and any such re-

1 requirement shall be reviewed and subject to termination as
2 provided in subsection (a) of this section.

3 EFFECT OF SUBSEQUENT SHIFTS IN POPULATION

4 SEC. 108. Whenever any order governed by section 105
5 of this title has been entered, and thereafter residential shifts
6 in population occur which result in changes in student dis-
7 tribution, by race, color, or national origin, in any school
8 affected by such order, the court shall not require modifica-
9 tion of student assignment plans then in effect in order to
10 reflect such changes, unless the court finds, pursuant to sec-
11 tion 105 that such changes result from an act or acts of
12 unlawful discrimination.

13 INTERVENTION

14 SEC. 109. (a) The court shall notify the Attorney
15 General of any proceeding to which the United States is
16 not a party in which the relief sought includes that covered
17 by section 105 of this title, and shall in addition advise the
18 Attorney General whenever it believes that an order or
19 an extension of an order requiring transportation of students
20 may be necessary.

21 (b) The Attorney General may, in his discretion,
22 intervene as a party in such proceeding on behalf of the
23 United States, or appear in such proceeding for such special
24 purpose as he may deem necessary and appropriate to
25 facilitate enforcement of this title, including the submission

1 of recommendations (1) for the appointment of a mediator
2 to assist the court, the parties, and the affected community,
3 and (2) for the formation of a committee of community
4 leaders to develop, for the court's consideration in framing
5 any order under section 105 of this title, a five-year de-
6 segregation plan, including such elements as relocation of
7 schools, with specific dates and goals, which would enable
8 required transportation of students to be avoided or mini-
9 mized during such five-year period and to be terminated
10 at the end thereof.

11 SEC. 110. If any provision of this title, or the applica-
12 tion of any such provision to any person or circumstance,
13 is held invalid, the remainder of the provisions of this title
14 and the application of such provision to any other person
15 or circumstances shall not be affected thereby.

16 TITLE II—NATIONAL COMMUNITY AND 17 EDUCATION COMMITTEE

18 PURPOSE

19 SEC. 201. It is the purpose of this title to create a non-
20 partisan national committee composed of citizens from various
21 occupations and backgrounds, particularly individuals who
22 have had experience in school desegregation activities from
23 within a community, in order to provide assistance to com-
24 munities that are engaged in or preparing to engage in the
25 desegregation of their schools. With such assistance, it is

1 expected that effective local leadership can be developed at
2 an early stage of the desegregation process in order to facili-
3 tate that process, to assure that the educational advantages
4 of desegregated education are fully realized, and to reduce or
5 avoid public misunderstanding and disorder. The committee
6 will be a resource available to assist communities in antic-
7 ipating and resolving difficulties encountered prior to and
8 during desegregation. It is the intent of Congress that the
9 committee be composed of individuals who have demonstrated
10 their concern for avoiding conflict and disruption in their com-
11 munities during the desegregation of schools and who, with-
12 out regard for their personal opinion with respect to such
13 desegregation, have been involved in efforts within their com-
14 munities to adjust to changing circumstances while insuring
15 the continued successful operation of the public schools.

16 ESTABLISHMENT OF THE COMMITTEE

17 SEC. 202. (a) ESTABLISHMENT.—There is established
18 in the executive branch of the Federal Government a Na-
19 tional Community and Education Committee (hereinafter
20 referred to as the "Committee").

21 (b) MEMBERS.—The Committee shall be composed of
22 not fewer than fifty nor more than one hundred members,
23 ten of whom shall be appointed by the President and shall
24 comprise the executive council of the Committee, and the
25 remainder of whom shall be appointed by the executive

1. council. All the members of the Committee shall be selected
2 from among individuals of various occupations and back-
3 grounds, including individuals previously involved within a
4 community in activities related to the desegregation of
5 schools. Members of the Committee shall be selected on the
6 basis of their knowledge and experience in community mat-
7 ters, their ability to provide constructive assistance in pre-
8 paring a community for the desegregation of its schools, and
9 their ability to contribute in other ways to carrying out the
10 functions of the Committee. Selection of members of the Com-
11 mittee shall be on a nonpartisan basis, and no more than one-
12 half of the members of the Committee at any one time shall
13 be members of the same political party.

14 (c) CHAIRMAN AND VICE CHAIRMAN.—The President
15 shall designate one of the members of the executive council
16 as Chairman of the Committee and one member as Vice
17 Chairman. The Vice Chairman shall act as Chairman in the
18 absence or disability of the Chairman, or in the event of a
19 vacancy in that office, and shall carry out such other duties
20 as the Chairman or the executive council may direct. The
21 terms of office of the Chairman and the Vice Chairman shall
22 not exceed three years.

23 (d) EXECUTIVE COUNCIL.—The executive council of
24 the Committee shall (1) establish general operating policies
25 for the Committee, (2) approve all grants made pursuant to

1 section 204 of this title, (3) appoint, for terms of from one
2 to three years, not fewer than forty nor more than ninety
3 individuals to be members of the Committee, and (4) carry
4 out such other duties as the Chairman may direct. The term
5 of office of members of the executive council shall be three
6 years, except that of the members first appointed to the ex-
7 ecutive council (other than the Chairman and Vice Chair-
8 man) three shall serve for a term of one year, three for a
9 term of two years, and two for a term of three years.

10 (e) COMPENSATION OF MEMBERS.—Each member of
11 the Committee shall be compensated in an amount not to
12 exceed that paid at level IV of the Federal Executive Salary
13 Schedule, pursuant to section 5313 of title 5, United States
14 Code, prorated on a daily basis for each day spent on the
15 work of the Committee, including traveltime. In addition,
16 each member shall be allowed travel expenses, including per
17 diem in lieu of subsistence, as authorized by section 5703 of
18 title 5, United States Code, for persons employed intermit-
19 tently in the Government service.

20 (f) OPERATION OF THE COMMITTEE; STAFF.—The
21 functions of the Committee shall, to the greatest extent possi-
22 ble, be carried out by the members of the Committee. The
23 Chairman of the Committee is authorized to appoint, with-
24 out regard to the provisions of title 5, United States Code,
25 governing appointments in the competitive service, or other-

1 wise obtain the services of such professional, technical, and
 2 clerical personnel, including consultants, as may be necessary
 3 to—

4 (i) identify, document, and disseminate informa-
 5 tion concerning successful community efforts relating to
 6 desegregation;

7 (ii) coordinate and expedite the availability of Fed-
 8 eral assistance in support of community efforts relating
 9 to desegregation; and

10 (iii) otherwise enable the Committee to carry out
 11 its functions.

12 Such personnel shall be compensated at rates not to exceed
 13 that specified at the time such service is performed for grade
 14 GS-18 in section 5332 of title 5, United States Code. The
 15 full-time staff of the Committee shall not exceed thirty indi-
 16 viduals at any time.

17 **FUNCTIONS OF THE COMMITTEE**

18 **SEC. 203.** The functions of the Committee shall include,
 19 but shall not be limited to—

20 (1) consulting with leaders in the community and
 21 local groups in determining means by which such
 22 leaders and groups can, through early involvement in
 23 the development of, and preparation for, school desegre-

1 gation plans, contribute to the desegregation process in
2 such a way as to avoid conflicts and recourse to judicial
3 procedures.

4 (2) encouraging the formation of broadly based
5 local community organizations to develop programs
6 designed to encourage comprehensive community plan-
7 ning for the desegregation of schools;

8 (3) providing advice and technical assistance to
9 communities in preparing for and carrying out com-
10 prehensive plans to desegregate the schools;

11 (4) consulting with the Community Relations
12 Service of the Department of Justice (established under
13 title X of the Civil Rights Act of 1964), the Office for
14 Civil Rights in the Department of Health, Education,
15 and Welfare, the National Institute of Education, Office
16 of Education, General Assistance Centers (funded under
17 title IV of the Civil Rights Act of 1964), the Civil
18 Rights Commission, and State and local human rela-
19 tions agencies to determine how those organizations
20 can contribute to the resolution of problems arising in
21 the desegregation of schools within a community; and

22 (5) providing informal conciliation services for in-
23 dividuals, groups, and agencies within a community in

1 order to resolve conflicts, reduce tensions, and develop
2 acceptable means of desegregating schools without re-
3 sort to administrative and judicial processes.

4 COMMUNITY GRANTS

5 SEC. 204. (a) The Chairman of the Committee is au-
6 thorized, upon receipt of an application in such form as he
7 may prescribe and upon the approval of the executive coun-
8 cil of the Committee, to make grants to private nonprofit
9 community organizations in order to assist them in the initial
10 stages of carrying out activities designed to accomplish the
11 purposes of this title.

12 (b) Grants made pursuant to this section shall be in
13 such amounts, not to exceed \$30,000, as the executive coun-
14 cil of the Committee deems necessary to assist in the estab-
15 lishment and early development of eligible community
16 organizations. No organization may receive a grant under
17 this section for more than one year of operation.

18 (c) In determining whether to approve a grant to a
19 community organization under this title, the executive coun-
20 cil of the Committee shall require an applicant to demon-
21 strate that the organization has reasonable promise of making
22 substantial progress toward achieving the purposes of this
23 title. Such demonstration shall include a showing of ade-
24 quate financial or other support from the community.

1 (d) The executive council of the Committee shall not
 2 make a grant to two or more organizations within a com-
 3 munity unless it determines that the activities of such orga-
 4 nizations are sufficiently coordinated to insure that their
 5 activities are not duplicative or inconsistent.

6 LIMITATIONS ON ACTIVITIES OF THE COMMITTEE

7 SEC. 205. It shall not be the function of the Com-
 8 mittee—

- 9 (1) to prepare desegregation plans;
- 10 (2) to provide mediation services under the order
 11 of a court of the United States or of a State;
- 12 (3) to investigate or take any action with respect
 13 to allegations of violation of law; or
- 14 (4) to participate in any capacity, or to assist any
 15 party, in administrative or judicial proceedings under
 16 Federal or State law seeking desegregation of schools.

17 COOPERATION BY OTHER DEPARTMENTS AND AGENCIES

18 SEC. 206. (a) All executive departments and agencies
 19 of the United States are directed to cooperate with the Com-
 20 mittee and furnish to it such information, personnel, and
 21 other assistance as may be appropriate to assist the Com-
 22 mittee in the performance of its functions and as may be
 23 authorized by law.

24 (b) In administering programs designed to assist local

1 educational agencies and communities in planning for and
2 carrying out the desegregation of schools, the Attorney Gen-
3 eral, the Secretary of Health, Education, and Welfare, and
4 the heads of the agencies within that Department shall ad-
5 minister such programs, to the extent permitted by law, in
6 a manner that will further the activities of the Committee.

7 CONFIDENTIALITY

8 SEC. 207. The activities of the members and employees
9 of the Committee in carrying out the purposes of this Act
10 may be conducted in confidence; and the Committee shall not
11 disclose or be compelled to disclose, pursuant to judicial
12 process or otherwise, any information acquired in the regular
13 performance of its duties if such information was provided
14 to the Committee upon an assurance by a member or em-
15 ployee of the Committee that it would be so held.

16 AUTHORIZATION OF APPROPRIATIONS

17 SEC. 208. (a) There are authorized to be appropriated
18 \$2,000,000 for salaries and expenses of the Committee for
19 the fiscal year ending September 30, 1977, and for each of
20 the two succeeding fiscal years.

21 (b) For the purpose of making grants under section
22 207, there are authorized to be appropriated to the Com-
23 mittee \$2,000,000 for the fiscal year ending September 30,
24 1977, and for each of the two succeeding fiscal years.

1 FEDERAL COMMUNITY ASSISTANCE COORDINATING
2 COUNCIL

3 SEC. 209. (a) There is created in the Federal Govern-
4 ment a Federal Community Assistance Coordinating Coun-
5 cil (hereinafter the "Council") which shall be composed of
6 a representative or representatives of each of the following
7 departments or agencies:

- 8 (1) the Community Services Administration;
- 9 (2) the Department of Health, Education, and
10 Welfare;
- 11 (3) the Department of Housing and Urban De-
12 velopment;
- 13 (4) the Department of the Interior;
- 14 (5) the Department of Justice; and
- 15 (6) the Department of Labor.

16 The President may designate such other departments or
17 agencies to be represented on the Council as he deems appro-
18 priate to carry out the functions of the Council. The repre-
19 sentative or representatives of each such department or
20 agency shall be appointed by the head of the department or
21 agency from among individuals employed by that depart-
22 ment or agency which are available to provide assistance for
23 the operation of, the programs and activities of that depart-
24 ment of agency which are available to provide assistance for

1 community relations projects, educational programs, and
2 other community-based efforts which would help to reduce
3 or eliminate the misunderstanding and disorder that could
4 be associated with school desegregation. The head of each
5 such department or agency shall appoint sufficient repre-
6 sentatives to the Council to insure that an individual with a
7 working knowledge of each such program or activity in that
8 department or agency is on the Council.

9 (b) It shall be the function of the Council to meet or
10 consult with representatives of communities who are seeking
11 Federal support for community relations projects, educa-
12 tional programs, and other community-based efforts to facili-
13 tate desegregation, in order to assist such communities in
14 (1) designing projects or activities that demonstrate promise
15 of assisting in those efforts, (2) determining which Federal
16 programs are available for such activities, and (3) com-
17 pleting the necessary applications and other prerequisites for
18 appropriate Federal assistance.

19 (c) To the extent consistent with the law authorizing
20 any such Federal assistance program, each department or
21 agency listed in subsection (a) of this section shall adminis-
22 ter such program in a manner which will support the activi-
23 ties of the Council. Each such department or agency shall
24 from time to time provide to the Council such additional

1 personnel or other assistance as may be necessary to carry
2 out the functions of the Council.

3 (d) There are authorized to be appropriated for the
4 purpose of carrying out the duties and functions of the
5 Council under this section \$250,000 for the fiscal year end-
6 ing September 30, 1977 and for each of the two succeeding
7 fiscal years.

94TH CONGRESS
2D SESSION

H. R. 14553

A BILL

To establish procedures and standards for the framing of relief in suits to desegregate the Nation's elementary and secondary public schools, to provide for assistance to voluntary desegregation efforts, to establish a National Community and Education Committee to provide assistance to encourage and facilitate constructive and comprehensive community involvement and planning in the desegregation of schools, and for other purposes.

By Mr. RHOODES, Mr. MICHENER, Mr. CONNORS, Mr. DEWINE, Mr. EDWARDS of Alabama, Mr. FREY, Mr. VASPER JAGT, Mr. QUINNEN, Mr. QUERE and Mr. HERTGENSON

JUNE 24, 1976
Referred jointly to the Committees on the Judiciary
and Education and Labor