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Federal Guidelines on Title VI of
the 1964 Civil Rights Act

You asked me to comment on the implications of the NEH proposed implementation of this Title for our state-based programs or special projects. There are obvious implications and we probably should be asking for assurance from our prospective and current grantees on compliance with Title VI. This can be done quite simply by a simple statement which we ask them to include in their proposals to us, and in their regrant guidelines.

The key statement in the NEH proposed implementation of Title VI is in Section 110.1:

"To effectuate provisions of Title VI of the Civil Rights Act of 1964 ... no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise be subjected to discrimination under any program or activity receiving federal financial assistance from the ... National Endowment for the Humanities."

A simplified statement of this form could be used with our recipients.

Certain assurances are required under Section 110.4 of the proposed implementation:

"Every application for federal financial assistance to carry out a program to which this part applies ... shall, as a condition of its approval and the extension of any federal financial assistance ..., contain or be accompanied by an assurance that the program will be conducted ... with all requirements imposed by or pursuant to this part."

Certain information can be required to assure compliance. The pertinent section is 1110.6:

"Responsible Endowment official (Chairman or his designee) shall, to the fullest extent practicable, seek the cooperation of all recipients in obtaining compliance with this part and shall provide assistance and guidance to recipients to help them comply voluntarily with this part."

In case the issue ever comes up in some of our meetings, either with the state-based people or with special projects people, we should keep in mind several other provisions in the NEH proposed guidelines. Thus, the Endowment official can ask for periodic compliance reports. Also, in case of any program under which a primary federal recipient should extend federal financial assistance to any other recipient (that is, our regrantees), compliance reports from this other recipient can be required. Further, complaints must be filed in writing within ninety days of the alleged discrimination, and the responsible Endowment official will make a prompt investigation of the matter. He can suspend or terminate or refuse to grant or refuse to continue federal financial assistance if there is evidence of non-compliance.

There also may be a case where the applicant refuses to furnish an assurance of compliance, and in this case federal financial assistance may be refused.

In every instance of alleged discrimination, due process must be taken before refusal to grant or suspend or terminate financial assistance. This means due notice, ~~an~~ express finding after hearings, approval by the Chairman, and after 30 days, a full report to the Committee of the House and the Committee of the Senate having legislative jurisdiction over the NEH programs. In any event, every attempt must be made to seek compliance by voluntary means. The recipient must be notified of his failure to comply, and only after ten days after this mailing has taken place, can proceedings be initiated.

Summary: These seem to be the essentials of the document you gave me. My suggestion would be that we would draw up a statement similar to the one stated under Section 110.1 and simply as a part of our guidelines ask that this statement be included in any proposals submitted to us and in any regrant guidelines drawn up by our state committees. If any questions arise during our state-based meetings, we can probably handle them with the information cited above.