

114TH CONGRESS  
2D SESSION

# H. R. 5260

To amend title VI of the Civil Rights Act of 1964 to restore the right to individual civil actions in cases involving disparate impact, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2016

Mr. SCOTT of Virginia (for himself and Mr. CONYERS) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title VI of the Civil Rights Act of 1964 to restore the right to individual civil actions in cases involving disparate impact, 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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Equity and Inclusion  
5 Enforcement Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) In 1964, Congress adopted title VI of the  
2 Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.)  
3 to ensure that Federal dollars would not subsidize or  
4 support programs or activities that discriminate on  
5 the basis of race, color, or national origin.

6           (2) The Supreme Court decision in *Alexander v.*  
7 *Sandoval*, 532 U.S. 275 (2001) overturned four dec-  
8 ades of statutory protections against discrimination  
9 by stripping victims of discrimination of the right to  
10 bring actions under title VI of the Civil Rights Act  
11 of 1964 (42 U.S.C. 2000d et seq.) to challenge dis-  
12 parate impact.

13           (3) For effective enforcement of title VI of the  
14 Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.),  
15 it is necessary that the private right of action in-  
16 cludes the means to challenge all forms of discrimi-  
17 nation that are prohibited by such Act, including  
18 practices that have a disparate impact and are not  
19 justified as necessary to achieve the legitimate goals  
20 of programs or activities supported by Federal fi-  
21 nancial assistance.

22           (4) Failure to reinstate or confirm a private  
23 right of action to challenge disparate impact under  
24 title VI of the Civil Rights Act of 1964 (42 U.S.C.  
25 2000d et seq.) leaves only the Federal government

1 with the burden to pursue equal opportunity under  
2 the law.

3 **SEC. 3. RESTORATION OF RIGHT TO CIVIL ACTION IN DIS-**  
4 **PARATE IMPACT CASES UNDER TITLE VI OF**  
5 **THE CIVIL RIGHTS ACT OF 1964.**

6 Title VI of the Civil Rights Act of 1964 (42 U.S.C.  
7 2000d et seq.) is amended by adding at the end the fol-  
8 lowing:

9 “SEC. 607. The violation of any regulation relating  
10 to disparate impact issued under section 602 shall give  
11 rise to a private civil cause of action for its enforcement  
12 to the same extent as does an intentional violation of the  
13 prohibition of section 601.”.

14 **SEC. 4. DESIGNATION OF MONITORS UNDER TITLE VI OF**  
15 **THE CIVIL RIGHTS ACT OF 1964.**

16 Title VI of the Civil Rights Act of 1964 (42 U.S.C.  
17 2000d et seq.) is further amended by adding at the end  
18 the following:

19 “SEC. 608. (a) Each recipient shall—

20 “(1) designate at least one employee to coordi-  
21 nate its efforts to comply with requirements adopted  
22 pursuant to section 602 and carry out the respon-  
23 sibilities of the recipient under this title, including  
24 any investigation of any complaint alleging the non-  
25 compliance of the recipient with such requirements

1 or alleging any actions prohibited under this title;  
2 and

3 “(2) notify its students and employees of the  
4 name, office address, and telephone number of each  
5 employee designated under paragraph (1).

6 “(b) In this section, the term ‘recipient’ means a re-  
7 cipient referred to in section 602 that operates an edu-  
8 cation program or activity receiving Federal financial as-  
9 sistance authorized or extended by the Secretary of Edu-  
10 cation.”.

11 **SEC. 5. SPECIAL ASSISTANT FOR EQUITY AND INCLUSION.**

12 Section 202(b) of the Department of Education Or-  
13 ganization Act (20 U.S.C. 3412(b)) is amended—

14 (1) by redesignating paragraph (4) as para-  
15 graph (5); and

16 (2) by inserting after paragraph (3), the fol-  
17 lowing:

18 “(4) There shall be in the Department, a Spe-  
19 cial Assistant for Equity and Inclusion who shall be  
20 appointed by the Secretary. The Special Assistant  
21 shall promote, coordinate, and evaluate equity and  
22 inclusion programs, including the dissemination of  
23 information, technical assistance, and coordination  
24 of research activities. The Special Assistant shall ad-  
25 vise the Secretary and Deputy Secretary on all mat-

1       ters relating to equity and inclusion in a manner  
2       consistent with title VI of the Civil Rights Act of  
3       1964 (42 U.S.C. 2000d et seq.).”.

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