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AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide for legal or equitable relief due to procedural errors by Federal departments and agencies under title VI of the Civil Rights Act of 1964.

IN THE SENATE OF THE UNITED STATES—119th Cong., 1st Sess.

S. 558

To provide for the consideration of a definition of anti-semitism set forth by the International Holocaust Remembrance Alliance for the enforcement of Federal anti-discrimination laws concerning education programs or activities, and for other purposes.

Referred to the Committee on _____ and
 ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by _____

Viz:

- 1 Insert at the end the following:
- 2 **SEC. ____ . REPAYMENT OF FUNDING DUE TO PROCEDURAL**
- 3 **ERRORS.**
- 4 (a) **PROCEDURE.**—Section 602 of the Civil Rights
- 5 Act of 1964 (42 U.S.C. 2000d-1) is amended—
- 6 (1) by striking “Each” and inserting “(a)
- 7 Each”;
- 8 (2) in the third sentence, by striking “but” and
- 9 all that follows and inserting the following: “but (A)
- 10 such termination or refusal shall be limited to the

1 particular political entity, or part thereof, or other
2 recipient as to whom such a finding has been made
3 and shall be limited in its effect to the particular
4 program, or part thereof, in which such noncompli-
5 ance has been so found, and (B) no such action shall
6 be taken until the department or agency concerned
7 has advised the appropriate person or persons of the
8 failure to comply with the requirement and has de-
9 termined that compliance cannot be secured by vol-
10 untary means, or (2) by any other means authorized
11 by law, if the department or agency has provided the
12 advising and made the determination described in
13 paragraph (1)(B).”; and

14 (3) by adding at the end the following:

15 “(b) If a Federal department or agency seeks to ter-
16 minate or refuse to grant or continue Federal financial
17 assistance to any recipient because of conduct by that re-
18 cipient that would violate this title, the head of that Fed-
19 eral department or agency shall pursue such termination
20 or refusal through the procedure described in paragraph
21 (1).”.

22 (b) REMEDIES.—Section 603 of the Civil Rights of
23 1964 (42 U.S.C. 2000d-2) is amended by adding at the
24 end the following: “In an action for review of such a termi-
25 nation or refusal, if the court finds that the Federal de-

1 partment or agency involved has improperly terminated or
2 refused to grant or continue the Federal financial assist-
3 ance to a recipient, including for a failure to follow the
4 procedure described in paragraph (1) of section 602(a),
5 the court may award any legal or equitable relief to make
6 the recipient whole.”.

7 (c) RULE OF CONSTRUCTION.—The amendments
8 made by subsections (a) and (b) shall not be construed
9 to apply to Federal financial assistance under a program
10 or activity covered by section 504 of the Rehabilitation Act
11 of 1973 (29 U.S.C. 794).