

## 1644 ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS

18. Grants to States for educational statistics services (sec. 1009, National Defense Education Act, 20 U.S.C. 589).

19. Surplus personal property disposal donations for health and educational purposes through State agencies (40 U.S.C. 484(j)).

20. Grants to States for hospital and medical facilities (title VI, Public Health Service Act, 42 U.S.C. 291-291z).

21. Grants to States for community mental health centers construction (Community Mental Health Centers Act, 42 U.S.C. 2681-2688).

22. Grants to States for vocational education (Smith-Hughes Act, 20 U.S.C. 11-15, 16-28; George-Barden Act, 20 U.S.C. 15i-15q, 15aa-15jj, 15aaa-15ggg; Supplementary Acts, 20 U.S.C. 30-34).

23. Grants to States for mental retardation facilities (Part C, Mental Retardation Facilities Construction Act, 42 U.S.C. 2671-2677).

24. Arrangements with State vocational education agencies for training under the Area Redevelopment Act and the Manpower Development and Training Act of 1962 (42 U.S.C. 2513(e), 2601, 2602).

25. Grants to States for comprehensive planning for mental retardation (title XVII, Social Security Act, 42 U.S.C. 1391-1394).

[F.R. Doc. 64-12539; Filed, Dec. 3, 1964; 4:23 p.m.]

### AUTHORITY FOR THE 1966 SCHOOL DESEGREGATION GUIDELINES

#### I

Title VI of the Civil Rights Act of 1964 requires the absence of discrimination against persons on the ground of race as a condition for the receipt of Federal financial assistance. Section 601 of the Act states:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Section 602 of the Act directs each department which extends Federal assistance to issue regulations to carry out the provisions of Section 601. Section 602 of the Act states in part:

Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of Section 601 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President . . .

As required by Section 602, the Department of Health, Education, and Welfare has issued its Regulation. It was approved by the President on December 3, 1964, and on December 4, 1964, published in the Federal Register. (29 Federal Register 16298; 45 C.F.R., Subtitle A, part 80)

Section 80.4 of that Regulation provides that recipients of Federal assistance shall submit an assurance that its program will be conducted without discrimination based on race. Section 80.4(a) states in part:

(a) *General.* (1) Every application for Federal financial assistance to carry out a program to which this part applies, . . . and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this Regulation.

Under this provision, applicants can qualify for Federal financial assistance only if all racial discrimination in their programs is eliminated.

Under the Regulation, however, an exception is made for elementary and secondary school systems because of the special problems in desegregation which they present. They may qualify for Federal assistance if they submit to the U.S. Commissioner of Education a plan for desegregation which the Commissioner determines to be adequate to accomplish the purpose of Title VI. The relevant part of the Regulation (Section 80.4(c)) states: