
SP-288-08 541280 (1 of 2)

March 16, 1988

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SP288-08

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TO THE SENATE OF THE UNITED STATES:

VEID:

I am returning unsigned with my objections S. 557 and transmitting for your prompt consideration the Civil Rights Protection Act of 1988. The Congress should enact legislation designed to eliminate invidious discrimination and to ensure equality of opportunity for all Americans while preserving their basic freedoms from governmental interference and control. Regrettably, the bill presented to me fails to achieve that objective.

There is no matter of greater concern to me than ensuring that our Nation is free of discrimination. Our country has paid a heavy price in the past for prejudices, whether based upon race, gender, ethnic background, religion or handicap. Such attitudes have no place in our society.

It was with this commitment in mind that in the wake of the Supreme Court's 1984 Grove City College decision, I voiced my support for legislation that would strengthen the civil rights coverage of educational institutions that existed prior to that decision. I have repeatedly endorsed legislation to do just that. Today I am sending to Congress a bill that goes further than the legislation previously endorsed. This proposed bill is intended to accommodate other concerns raised during Congressional consideration of the Grove City issue.

Our bill advances the protection of civil rights. It would:

- prohibit discrimination against women, minorities, persons with disabilities, and the elderly across the board in public school districts, public systems of higher education, systems of vocational education, and private educational institutions which receive any Federal aid.

The Civil Rights Restoration Act of 1987

- extend the application of the civil rights statutes to entire businesses which receive Federal aid as a whole and to the entire plant or facility receiving Federal aid in every other instance.
- prohibit discrimination in all of the federally funded programs of departments and agencies of State and local governments.

Our bill complements well our body of existing Federal civil rights laws. But even more remains to be done. For example, I have urged the Congress to enact responsible legislation to deal with some obvious failures of the Fair Housing Act of 1968, including the need to protect persons with disabilities.

Congress, on the other hand, has sent me a bill that would vastly and unjustifiably expand the power of the Federal government over the decisions and affairs of private organizations, such as churches and synagogues, farms, businesses, and State and local governments. In the process, it would place at risk such cherished values as religious liberty.

The bill presented to me would diminish substantially the freedom and independence of religious institutions in our society. The bill would seriously impinge upon religious liberty because of its unprecedented and pervasive coverage of churches and synagogues based on receipt of even a small amount of Federal aid for just one activity; its unprecedented coverage of entire religious elementary and secondary school systems when only a single school in such a system receives Federal aid; and its failure to protect, under Title IX of the Education Amendments of 1972, the religious freedom of private schools that are closely identified with the religious tenets of, but not controlled by, a religious organization.

Businesses participating in Federal programs, such as job training programs, would be subject to comprehensive Federal regulation. While some proponents of S. 557 have claimed that

it would not apply to farmers who receive Federal crop subsidies or food suppliers who accept food stamps, the ambiguity in the statute and its legislative history indicates that these exemptions should be made explicit.

A significant portion of the private sector -- entities principally engaged in the business of providing education, health care, housing, social services, or parks and recreation -- would for the first time be covered nationwide in all of their activities, including those wholly unrelated activities of their subsidiaries or other divisions, even if those subsidiaries or divisions receive no Federal aid. Again, there was no demonstrated need for such sweeping coverage.

Further, this bill would be beyond pre-Grove City law and expand the scope of coverage of State and local government agencies. Under S. 557, any agency of such a government that receives or distributes such assistance would be subject in all of its operations to a wide-ranging regime of Federal regulation, contrary to the sound principles of federalism.

The cost and burdens of compliance with S. 557 would be substantial. The bill would bring to those it covers -- which is most of America -- an intrusive Federal regulatory regime; random on-site compliance checks by Federal officials; and increased exposure to lawsuits, which are costly to defend even when you win.

Moreover, such legislation would likely have the unintended consequences of harming many of the same people it is supposed to protect. For example, persons with disabilities seeking to enhance their job skills are not helped if businesses withdraw from Federal job-training programs because of their unwillingness to accept vastly expanded bureaucratic intrusions under S. 557. Business groups have indicated many of their members may do just that.

The Civil Rights Protection Act that I am proposing today addresses the many shortcomings of S. 557. The Civil Rights Protection Act would protect civil rights and at the same time preserve the independence of State and local governments, the freedom of religion, and the right of America's citizens to order their lives and businesses without extensive Federal intrusion.

The Civil Rights Protection Act contains important changes from S. 557 designed to avoid unnecessary Federal intrusion into the lives and businesses of Americans, while ensuring that Federal aid is properly monitored under the civil rights statutes it amends. The bill would:

- Protect religious liberty by limiting coverage to that part of a church or synagogue which participates in a Federal program; by protecting under Title IX, the religious tenets of private institutions closely identified with religious organizations on the same basis as institutions directly controlled by religious organizations; and by providing that when a religious secondary or elementary school receives Federal assistance, only that school, and not the entire religious school system, becomes subject to the Federal regulation.
- Ensure that the reach of Federal regulation into private businesses extends only to the facility that participates in Federally funded programs, unless the business, as a whole, receives Federal aid, in which case it is covered in its entirety. The bill also states explicitly that farmers will not become subject to Federal regulation by virtue of their acceptance of Federal price support payments, and that grocers and supermarkets will not become subject to such regulations by virtue of accepting food stamps from customers.

-- Preserve the independence of State and local government from Federal control by limiting Federal regulation to the part of a State or local entity that receives or distributes Federal assistance.

In all other respects, my proposal is identical to S. 557, including the provisions to ensure that this legislation does not impair protection for the lives of unborn children.

I urge that upon reconsidering S. 557 in light of my objections, you reject the bill and enact promptly in its place the Civil Rights Protection Act of 1988.

Ronald Reagan

THE WHITE HOUSE,
March 16, 1988.

March 16, 1988

Received from the White House a sealed envelope said to contain S. 557, An Act to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964, together with a veto message thereon.

Walter Stewart
SECRETARY OF THE SENATE

6:56 p.m.
Time received

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

March 16, 1988

Civil Rights Protection Act of 1988

Fact Sheet

The President has forwarded to the Congress his legislative proposal as an alternative to Enrolled Bill S. 557, the "Civil Rights Restoration Act of 1987." The President's proposal, entitled the "Civil Rights Protection Act of 1988," is a response to the decision of the U.S. Supreme Court in Grove City College v. Bell, 465 U.S. 555 (1984). The alternative bill would amend four civil rights statutes which ban discrimination on various bases in programs or activities receiving Federal financial assistance: title VI of the Civil Rights Act of 1964 (race, color, national origin); title IX of the Education Amendments of 1972 (sex) (limited to education); section 504 of the Rehabilitation Act of 1973 (handicap); and the Age Discrimination Act of 1975 (age).

The President's proposal, announced March 16, 1988, accompanies the President's veto message on S. 557. In contrast to S. 557, the proposal:

- o Protects religious liberty in its treatment of churches, synagogues, religious elementary and secondary school systems, and the policies of certain private institutions that are based on religious tenets
- o Provides for uniform, plant-wide coverage throughout the private sector
- o Specifically exempts farmers from coverage solely by virtue of participation in federal agricultural programs
- o Specifically exempts grocery stores, supermarkets and similar entities from coverage solely by virtue of participation in the federal Food Stamp Program
- o Maintains program-specific coverage for State and local governments

In all other respects, the proposal is identical to S. 557 as passed by the Congress, including language making both the bill and Title IX abortion neutral.

Religious Liberty

The President has at least three, separate concerns pertaining to religious liberty.

If S. 557 were to be enacted as passed by the Congress, entire churches and synagogues will be subject in their entirety to these statutes and all of their accompanying regulations and guidelines whenever just one program of these institutions receives federal aid. This had not been the case before Grove City. The alternative bill provides coverage of just that part of a church or synagogue which receives federal aid.

Entire private and religious elementary and secondary school systems will be covered when just one program at one such educational institution receives federal aid. This had not been the case before Grove City. Indeed, the Department of Education's Title IX definition of "educational institution" does not include coverage of an entire private or religious elementary or secondary school system when just one school in that system receives any federal aid. That definition reads:

"Educational institution" means a local education agency (LEA) as defined by section 1001(f) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3381), a preschool, a private elementary or secondary school, or an applicant or recipient of the type defined by paragraph (k), (l), (m), or (n) of this section.

34 C.F.R. Sec. 106.2(j). The "local educational agency" is defined by the referenced statute as a public school system. The institutions referred to in paragraphs (k), (l), (m), and (n) are institutions of higher education or vocational education. Nowhere in the definition is a private or religious school system covered. A provision in the President's proposal would provide coverage of the entire school receiving federal assistance.

S. 557 also fails to provide adequate protection of religious tenets under Title IX for those institutions which would be subjected to coverage, such as educational institutions. When Title IX was enacted in 1972, it provided an exception for those practices of an institution controlled by a religious organization when those practices conflicted with the religious tenets of that religious organization. Today, however, many educational institutions no longer meet the strict "control" test of current law. While some exemptions have recently been granted, virtually none were granted in the first several years following the enactment of Title IX. Unless the religious tenets language is strengthened, the existing exemptions could be rescinded by a subsequent Administration or lost as a result of litigation. Those institutions not controlled by, but "closely identified

with the tenets of", a religious organization should also have the benefit of an exception for those policies of the institution which would conflict with Title IX requirements. This is a limited exception, applicable only under Title IX, and one which guarantees pluralism and diversity in the private sector when that pluralism and diversity are based upon religious tenets. Language in the President's proposal would provide for such exception, and is virtually identical to language that was enacted as an exception to a ban on religious discrimination in the education construction loan insurance program enacted by Congress in October, 1986.

Private Sector Coverage Generally

Under S.557, coverage will extend to all of the operations of every division, plant, store, subsidiary, and facility of any corporation, partnership, or other private organization, or an entire sole proprietorship if such entity receives federal aid "as a whole." Such coverage will, likewise, apply for an entity that is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation, whenever just one portion of one division, plant, store, subsidiary, or facility receives any Federal financial assistance. The President strongly disagrees with the contention of sponsors of S. 557 that entities engaged in such activities are part of the "public sector" or perform "governmental functions."

For all other entities, coverage under S. 557 will extend to all of the operations of the entire plant or other comparable, geographically separate facility any part of which receives federal aid.

Such "two-tier" coverage of the private sector did not exist prior to Grove City. Moreover, coverage was "program-specific" before Grove City and most significant court decisions reflect that such was the case. North Haven Board of Education v. Bell, 456 U.S. 511 (1982); Simpson v. Reynolds Metals Co., 629 F.2d 1226 (7th Cir. 1980); Bachman v. American Society of Clinical Pathologists, 577 F. Supp. 1257 (D. N.J. 1983); Rice v. President and Fellows of Harvard College, 663 F.2d 336 (1st Cir. 1981), cert. denied, 102 S. Ct. 1976 (1982). See Brown v. Sibley, 650 F.2d 760 (5th Cir. 1981).

The President's proposal is a compromise between program-specific coverage and S. 557 coverage. It would expand pre-Grove City coverage, and would make application of these laws in the private sector uniform by providing for single plant-wide coverage, with two exemptions: if an entity receives assistance "as a whole," it is covered in its entirety, as under S. 557; a church or synagogue is covered only in the specific part receiving federal aid, as mentioned earlier.

Farm Coverage

Although sponsors have said that they do not intend to cover farmers participating in federal agricultural support programs, farms will readily be covered under several provision of S. 557.

Although some have argued that S. 557's Section 7 provides a rule of construction that will exempt farmers as "ultimate beneficiaries" of federal aid, such argument is not persuasive. The statutes amended by S. 557 are being so completely rewritten by S. 557, and farmers are so clearly covered by other sections of the bill, that specific language is required to exempt farmers from coverage. Moreover, Section 7 applies only to ultimate beneficiaries of federal laws enacted as of the time S. 557 becomes law. The President's proposal includes such an exemption for farmers.

Coverage under the Food Stamp Program

Without an exemption, grocery stores, supermarkets, and other similar entities will be covered by S. 557 solely by virtue of their participation in the federal Food Stamp Program. Such coverage has never existed before.

The contention that S. 557 provides an exemption for small grocers is simply not true; the bill only exempts small providers under one of the statutes from the requirement to make significant structural alterations, such as knocking out a wall, and then only if alternative means of providing the service are available. All other requirements apply even to small grocers.

The President's proposal would specifically exempt such entities from coverage based solely upon receipt of Food Stamps.

State and Local Government Coverage

The President is particularly concerned about the vast expansion of coverage under S. 557 over State and local governments.

Coverage of State and local governments was program-specific prior to the Grove City decision. See Brown v. Sibley, 650 F.2d 760 (5th Cir. 1981).

The President's proposal limits coverage to the specific program or activity of State or local Government.

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

March 16, 1988

TO THE SENATE OF THE UNITED STATES:

I am returning unsigned with my objections S. 557 and transmitting for your prompt consideration the Civil Rights Protection Act of 1988. The Congress should enact legislation designed to eliminate invidious discrimination and to ensure equality of opportunity for all Americans while preserving their basic freedoms from governmental interference and control. Regrettably, the bill presented to me fails to achieve that objective.

There is no matter of greater concern to me than ensuring that our Nation is free of discrimination. Our country has paid a heavy price in the past for prejudices, whether based upon race, gender, ethnic background, religion or handicap. Such attitudes have no place in our society.

It was with this commitment in mind that in the wake of the Supreme Court's 1984 Grove City College decision, I voiced my support for legislation that would strengthen the civil rights coverage of educational institutions that existed prior to that decision. I have repeatedly endorsed legislation to do just that. Today I am sending to Congress a bill that goes further than the legislation previously endorsed. This proposed bill is intended to accommodate other concerns raised during Congressional consideration of the Grove City issue.

Our bill advances the protection of civil rights. It would:

- prohibit discrimination against women, minorities, persons with disabilities, and the elderly across the board in public school districts, public systems of higher education, systems of vocational education, and private educational institutions which receive any Federal aid.
- extend the application of the civil rights statutes to entire businesses which receive Federal aid as a whole and to the entire plant or facility receiving Federal aid in every other instance.
- prohibit discrimination in all of the federally funded programs of departments and agencies of State and local governments.

Our bill complements well our body of existing Federal civil rights laws. But even more remains to be done. For example, I have urged the Congress to enact responsible legislation to deal with some obvious failures of the Fair Housing Act of 1968, including the need to protect persons with disabilities.

more

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Congress, on the other hand, has sent me a bill that would vastly and unjustifiably expand the power of the Federal government over the decisions and affairs of private organizations, such as churches and synagogues, farms, businesses, and State and local governments. In the process, it would place at risk such cherished values as religious liberty.

The bill presented to me would diminish substantially the freedom and independence of religious institutions in our society. The bill would seriously impinge upon religious liberty because of its unprecedented and pervasive coverage of churches and synagogues based on receipt of even a small amount of Federal aid for just one activity; its unprecedented coverage of entire religious elementary and secondary school systems when only a single school in such a system receives Federal aid; and its failure to protect, under Title IX of the Education Amendments of 1972, the religious freedom of private schools that are closely identified with the religious tenets of, but not controlled by, a religious organization.

Businesses participating in Federal programs, such as job training programs, would be subject to comprehensive Federal regulation. While some proponents of S. 557 have claimed that it would not apply to farmers who receive Federal crop subsidies or food suppliers who accept food stamps, the ambiguity in the statute and its legislative history indicates that these exemptions should be made explicit.

A significant portion of the private sector -- entities principally engaged in the business of providing education, health care, housing, social services, or parks and recreation -- would for the first time be covered nationwide in all of their activities, including those wholly unrelated activities of their subsidiaries or other divisions, even if those subsidiaries or divisions receive no Federal aid. Again, there was no demonstrated need for such sweeping coverage.

Further, this bill would be beyond pre-Grove City law and expand the scope of coverage of State and local government agencies. Under S. 557, any agency of such a government that receives or distributes such assistance would be subject in all of its operations to a wide-ranging regime of Federal regulation, contrary to the sound principles of federalism.

The cost and burdens of compliance with S. 557 would be substantial. The bill would bring to those it covers -- which is most of America -- an intrusive Federal regulatory regime; random on-site compliance checks by Federal officials; and increased exposure to lawsuits, which are costly to defend even when you win.

Moreover, such legislation would likely have the unintended consequences of harming many of the same people it is supposed to protect. For example, persons with disabilities seeking to enhance their job skills are not helped if businesses withdraw from Federal job-training programs because of their unwillingness to accept vastly expanded bureaucratic intrusions under S. 557. Business groups have indicated many of their members may do just that.

The Civil Rights Protection Act that I am proposing today addresses the many shortcomings of S. 557. The Civil Rights Protection Act would protect civil rights and at the same time preserve the independence of State and local governments, the freedom of religion, and the right of America's citizens to order their lives and businesses without extensive Federal intrusion.

The Civil Rights Protection Act contains important changes from S. 557 designed to avoid unnecessary Federal intrusion into the lives and businesses of Americans, while ensuring that Federal aid is properly monitored under the civil rights statutes it amends. The bill would:

- Protect religious liberty by limiting coverage to that part of a church or synagogue which participates in a Federal program; by protecting under Title IX, the religious tenets of private institutions closely identified with religious organizations on the same basis as institutions directly controlled by religious organizations; and by providing that when a religious secondary or elementary school receives Federal assistance, only that school, and not the entire religious school system, becomes subject to the Federal regulation.
- Ensure that the reach of Federal regulation into private businesses extends only to the facility that participates in Federally funded programs, unless the business, as a whole, receives Federal aid, in which case it is covered in its entirety. The bill also states explicitly that farmers will not become subject to Federal regulation by virtue of their acceptance of Federal price support payments, and that grocers and supermarkets will not become subject to such regulations by virtue of accepting food stamps from customers.
- Preserve the independence of State and local government from Federal control by limiting Federal regulation to the part of a State or local entity that receives or distributes Federal assistance.

In all other respects, my proposal is identical to S. 557, including the provisions to ensure that this legislation does not impair protection for the lives of unborn children.

I urge that upon reconsidering S. 557 in light of my objections, you reject the bill and enact promptly in its place the Civil Rights Protection Act of 1988.

RONALD REAGAN

THE WHITE HOUSE,
March 16, 1988.

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Document No. 541280

WHITE HOUSE STAFFING MEMORANDUM

DATE: 3/15/88 ACTION/CONCURRENCE/COMMENT DUE BY: 9:30 am 3/16/88

SUBJECT: REVISED VETO MESSAGE FOR S. 557 -- GROVE CITY BILL

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	GRISCOM	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HOBBS	<input type="checkbox"/>	<input type="checkbox"/>
DUBERSTEIN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HOOLEY	<input type="checkbox"/>	<input type="checkbox"/>
MILLER - OMB	<input checked="" type="checkbox"/>	<input type="checkbox"/>	KING	<input type="checkbox"/>	<input type="checkbox"/>
BALL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	POWELL	<input type="checkbox"/>	<input type="checkbox"/>
BAUER	<input type="checkbox"/>	<input type="checkbox"/>	RANGE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CRIBB	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RISQUE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CRIPPEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RYAN	<input type="checkbox"/>	<input type="checkbox"/>
CULVAHOUSE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPRINKEL	<input type="checkbox"/>	<input type="checkbox"/>
DAWSON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	TUTTLE	<input type="checkbox"/>	<input type="checkbox"/>
DONATELLI	<input type="checkbox"/>	<input type="checkbox"/>	CLERK	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

REMARKS: Please provide any comments on the attached revised veto message directly to my office by 9:30 Wednesday morning. Thank you.

RESPONSE:

Rhett Dawson
Ext. 2702

[Revised Veto Message Draft -- March 14, 0700]

TO THE SENATE OF THE UNITED STATES:

I am herewith returning unsigned with my objections S. 557 and transmitting for your prompt consideration the Civil Rights Protection Act of 1988. The Congress should enact legislation designed to eliminate invidious discrimination and to ensure equality of opportunity for all Americans while preserving their fundamental freedoms. Unfortunately, the bill presented to me fails to meet that objective.

Discrimination based on race, creed, color, national origin, gender, age, or handicap has no place in our society. On this the Nation stands united.

Protection of the civil rights of Americans is an important duty of government. In carrying out that duty through enactment and enforcement of legislation, we must take care to ensure that our actions increase -- not diminish -- the freedoms and opportunities of our citizens. The bill presented to me violates this principle.

The bill vastly expands the reach of the Federal Government by imposing a comprehensive regime of Federal regulation on State and local governments and private organizations, such as churches and synagogues, schools, farms, and businesses.

Most State and local governments receive some form of Federal financial assistance. Any organization of such a government that receives or distributes such assistance will be subject in all of its operations to the regime of Federal regulation for which S. 557 provides.

The bill would substantially diminish the freedom and independence of religious institutions in our society. The bill seriously impinges upon religious liberty in its unprecedented and pervasive coverage of churches and synagogues based on receipt of even a small amount of Federal aid for just one activity; its unprecedented coverage of entire religious elementary and secondary school systems when only a single school in such a system receives Federal aid; and its failure to protect private entities, such as schools, that are closely identified with the religious tenets of, but not controlled by, a religious organization.

Businesses receiving Federal assistance will be subject to comprehensive Federal regulation. For the corner grocery store, accepting Food Stamps will bring in the Federal compliance inspector. For the farmer, accepting price support payments or crop subsidies will bring the Federal compliance inspector to the front gate.

The cost to American society of complying with S. 557 is immense. The entire panoply of Federal agencies will regulate all organizations which receive Federal aid through those agencies. The bill brings to those it covers -- which is most of America -- an intrusive Federal regulatory regime; random on-site compliance checks by Federal officials; and increased exposure to lawsuits, which are costly whether you win or lose.

It is critically important to understand that the burdens S. 557 imposes fall just as hard on those in our society who work hard to ensure non-discrimination and equality of opportunity as it does on those who do not. Those who believe that the Federal Government would not drag someone through the courts unless he or she had at least allegedly discriminated against someone should read the Grove City case itself. Grove City College followed a strict policy from its founding in 1876 of being totally independent from all government assistance and had an exemplary record of non-discrimination. In their concurring opinion in the case, Chief Justice Rehnquist, Justice Powell, and Justice O'Connor stated:

"One would have thought that the Department [of Education], confronted as it is with cases of national importance that involve actual discrimination, would have respected the independence and admirable record of the college. But common sense and good judgment failed to prevail."

The Federal Government took Grove City College all the way to the Supreme Court, not because the College discriminated, but because the College did not want to fill out a required Federal form. Under S. 557, this kind of Federal government intrusion would become the norm for our churches, our schools, and our businesses.

The Civil Rights Protection Act of 1988 which I am proposing with this message addresses the many shortcomings of S. 557. The Civil Rights Protection Act both protects civil rights and preserves the independence of State and local governments, the freedom of religion, and the right of America's citizens to order their lives and businesses without extensive Federal intrusion.

The Civil Rights Protection Act contains important changes from S. 557 designed to avoid unnecessary Federal intrusion into the lives and businesses of Americans, while ensuring that Federal aid is properly applied:

- It ensures that the reach of the Federal Government into State and local government, church and synagogues, and businesses extends only so far as they accept Federal aid, by providing that if only one part of the institution receives Federal aid, then only that part is subject to the Federal regulation which accompanies the aid.

- It protects the religious tenets of organizations, such as religiously-affiliated hospitals, that are closely identified with, but are not controlled by, religious institutions on the same basis as its protects the religious tenets of organizations directly controlled by religious institutions.

- It ensure that farmers will not become subject to extensive Federal regulation solely by virtue of their acceptance of Federal price support payments or crop subsidies.

- It ensures that grocers and supermarkets will not become subject to extensive Federal regulation solely by virtue of their acceptance of Food Stamps from customers.

- It provides that when a private elementary or secondary school system accepts Federal aid, only that school and not the entire school system becomes subject to the Federal regulation that accompanies the Federal aid.

Congressional consideration of S. 557 was hurried; indeed, one House conducted no hearings or Committee action at all. I urge that upon reconsidering S. 557 in light of my objections, you reject the bill and enact in its place the Civil Rights Protection Act of 1988.

Document No. 541280

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The bill vastly expands the reach of the Federal Government by imposing a comprehensive regime of Federal regulation on State and local governments and private organizations, such as churches and synagogues, schools, farms, and businesses.

Most State and local governments receive some form of Federal financial assistance. Any organization of such a government that receives or distributes such assistance will be subject in all of its operations to the regime of Federal regulation for which S. 557 provides.

The bill would substantially diminish the freedom and independence of religious institutions in our society. The bill seriously impinges upon religious liberty in its unprecedented and pervasive coverage of churches and synagogues based on receipt of even a small amount of Federal aid for just one activity; its unprecedented coverage of entire religious elementary and secondary school systems when only a single school in such a system receives Federal aid; and its failure to protect private entities, such as schools, that are closely identified with the religious tenets of, but not controlled by, a religious organization.

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The Federal Government took Grove City College all the way to the Supreme Court, not because the College discriminated, but because the College did not want to fill out a required Federal form. Under S. 557, this kind of Federal government intrusion would become the norm for our churches, our schools, and our businesses.

The Civil Rights Protection Act of 1988 which I am proposing with this message addresses the many shortcomings of S. 557. The Civil Rights Protection Act both protects civil rights and preserves the independence of State and local governments, the freedom of religion, and the right of America's citizens to order their lives and businesses without extensive Federal intrusion.

The Civil Rights Protection Act contains important changes from S. 557 designed to avoid unnecessary Federal intrusion into the lives and businesses of Americans, while ensuring that Federal aid is properly applied:

- It ensures that the reach of the Federal Government into State and local government, church and synagogues, and businesses extends only so far as they accept Federal aid, by providing that if only one part of the institution receives Federal aid, then only that part is subject to the Federal regulation which accompanies the aid.

- It protects the religious tenets of organizations, such as religiously-affiliated hospitals, that are closely identified with, but are not controlled by, religious institutions on the same basis as its protects the religious tenets of organizations directly controlled by religious institutions.

- It ensure that farmers will not become subject to extensive Federal regulation solely by virtue of their acceptance of Federal price support payments or crop subsidies.

- It ensures that grocers and supermarkets will not become subject to extensive Federal regulation solely by virtue of their acceptance of Food Stamps from customers.

- It provides that when a private elementary or secondary school system accepts Federal aid, only that school and not the entire school system becomes subject to the Federal regulation that accompanies the Federal aid.

Congressional consideration of S. 557 was hurried; indeed, one House conducted no hearings or Committee action at all. I urge that upon reconsidering S. 557 in light of my objections, you reject the bill and enact in its place the Civil Rights Protection Act of 1988.

TO THE SENATE OF THE UNITED STATES:

I am returning unsigned with my objections S. 557, and transmitting for your prompt consideration the Civil Rights Protection Act of 1988. The Congress should enact legislation designed to eliminate invidious discrimination and to ensure equality of opportunity for all Americans while preserving their basic freedoms from governmental interference and control. Regrettably, the bill presented to me fails to achieve that objective.

There is no matter of greater concern to me than ensuring that our Nation is free of ~~unlawful~~ discrimination. Our country has paid a heavy price in the past for prejudices, whether ~~based upon~~ ^{based upon} race, gender, ethnic background, religion or handicap. Such attitudes have no place in our society.

It was with this commitment in mind that in the wake of the Supreme Court's 1984 Grove City College decision, I voiced my support for legislation that would strengthen the civil rights coverage ^{of} ~~to~~ educational institutions that existed ^{prior to} ~~before~~ that decision. ^{And} I have repeatedly endorsed legislation to do just that. Indeed, the bill I am sending to Congress today goes further than the legislation, previously introduced by the Administration in order to accommodate other legitimate ^{Grove City issue} concerns raised during consideration of this ~~legislation~~.

- My bill advances the protection of civil rights. It would:
- o ~~would~~ prohibit discrimination against women, minorities, persons with disabilities, and the elderly across the board in public school districts, public systems of higher education, systems of vocational education, and private educational institutions. ^{which receive any federal aid}
 - o ~~also~~ extends the application of the civil rights statutes to entire businesses which receive federal ^{aid} ~~and~~ as a whole and to the entire plant or facility receiving federal aid in every other instance.
 - o ~~also~~ prohibits discrimination in all of the federally-funded programs of departments and agencies of state and local governments.

These provisions complement well our body of existing Federal civil rights laws.

Congress, however, has sent me a bill that vastly and unjustifiably expands the power of the Federal government over the decisions and affairs of private organizations, such as churches and synagogues, ~~schools,~~ farms, businesses, and State and local governments. In the process, it places at risk such cherished values as religious liberty.

~~The bill~~ ^{S. 557} would substantially diminish the freedom and independence of religious institutions in our society. The bill would seriously impinge upon religious liberty ^{because of} ~~its~~ its unprecedented and pervasive coverage of churches and synagogues based on receipt of even a small amount of Federal aid for just one activity; its unprecedented coverage of entire religious elementary and secondary school systems when only a single school in such a system receives Federal aid; and its failure, under Title IX of the Education Amendments of 1972, to protect the religious freedom of private ~~entities,~~ ~~such as~~ schools, that are closely identified with the religious tenets of, but not controlled by, a religious organization.

Businesses participating in Federal programs, such as job training programs, will be subject to comprehensive Federal regulation. While some proponents of S. 557 have claimed that it does not apply to farmers who receive Federal crop subsidies or food suppliers who accept food stamps, the ambiguity in the statute and ^{its} legislative history indicates that these exemptions should be made explicit.

A significant portion of the private sector -- entities principally engaged in the business of providing education, health care, housing, social services, or parks and recreation -- would for the first time be covered nationwide in all of their activities, including those wholly unrelated activities of their subsidiaries or other divisions, even if those subsidiaries or divisions receive no Federal aid.

Again, no demonstrated need for such sweeping coverage was ~~presented~~ ^{presented} afforded by the Congress.

Most State and local governments receive some form of Federal financial assistance. Any agency of such a government that receives or distributes such assistance would be subject in all of its operations to ^{an wide-ranging} ~~the~~ regime of Federal regulation for which S. 557 provides. ✓

The cost and burdens of compliance with S. 557 would be substantial. The bill would bring to those it covers -- which is most of America -- an intrusive Federal regulatory regime; random on-site compliance checks by Federal officials; and increased exposure to lawsuits, which are costly to defend even when you win.

Moreover, such legislation would likely have the unintended consequences of harming many of the same people it is supposed to protect. Persons with disabilities seeking to enhance their job skills are not helped, for example, if businesses withdraw from Federal job-training programs because of their unwillingness to ^{accept} ~~bow to~~ vastly expanded bureaucratic intrusions under S. 557, as business groups have indicated many of their members may do. ✓

The Civil Rights Protection Act of ~~1988~~ which I am proposing today addresses the many shortcomings of S. 557. The Civil Rights Protection Act would both protect civil rights and preserve the independence of State and local governments, the freedom of religion, and the right of America's citizens to order their lives and businesses without extensive Federal intrusion.

The Civil Rights Protection Act contains important changes from S. 557 designed to avoid unnecessary Federal intrusion into the lives and businesses of Americans, while ensuring that Federal aid is properly monitored under the civil rights statutes it amends. The bill:

- Protects religious liberty by limiting coverage to that part of a church and synagogue which participates in a Federal program, by protecting the religious tenets of private institutions under Title IX, closely identified with religious organizations on the same basis as ~~institutions directly controlled by religious organizations,~~ and by providing that when a private secondary and elementary school receives Federal assistance, only that school and, not the entire ^{private} school system become subject to the Federal regulation.
- Ensures that the reach of Federal regulation into private businesses extends only to the facility that participates in Federally funded programs, unless the business receives Federal aid as a whole, in which case it is covered in its entirety. The bill also states explicitly that farmers will not become subject to ~~extensive~~ Federal regulation by virtue of their acceptance of Federal price support payments, and that grocers and supermarkets will not become subject to such regulations by virtue of accepting food stamps from customers.
- Preserves the independence of State and local government from Federal control by limiting Federal regulation to the part of a State entity that receives or distributes Federal assistance.

I urge that upon reconsidering S. 557 in light of my objections, you reject the bill and enact promptly in its place the Civil Rights Protection Act of 1988.

THE WHITE HOUSE,

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It was with this commitment in mind that in the wake of the Supreme Court's 1984 Grove City College decision, I voiced my support for legislation that would strengthen the civil rights coverage ^{of} ~~to~~ educational institutions that existed ^{prior to} ~~before~~ that decision. ^{And} I have repeatedly endorsed legislation to do just that. Indeed, the bill I am sending to Congress today goes further than the legislation, previously introduced by the Administration in order to accommodate other ~~legitimate~~ ^{Grove City} ~~legitimate~~ ^{issue} concerns raised during consideration of this ~~legislation~~.

- My bill advances the protection of civil rights. It would:
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The Civil Rights Protection Act of ~~1990~~ ¹⁹⁹¹ which I am proposing today addresses the many shortcomings of S. 557. The Civil Rights Protection Act would both protect civil rights and preserve the independence of State and local governments, the freedom of religion, and the right of America's citizens to order their lives and businesses without extensive Federal intrusion.

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The Civil Rights Protection Act of ~~1988~~ which I am proposing today addresses the many shortcomings of S. 557. The Civil Rights Protection Act would both protect civil rights and preserve the independence of State and local governments, the freedom of religion, and the right of America's citizens to order their lives and businesses without extensive Federal intrusion.

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THE WHITE HOUSE,

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It was with this commitment in mind that in the wake of the Supreme Court's 1984 Grove City College decision, I voiced my support for legislation that would strengthen the civil rights coverage ^{of} ~~to~~ educational institutions that existed ^{prior to} ~~before~~ that decision. ^{And} I have repeatedly endorsed legislation to do just that. Indeed, the bill I am sending to Congress today goes further than the legislation, previously introduced ~~by the Administration~~ in order to accommodate other legitimate ^{Grove City} ~~legitimate~~ concerns raised during consideration of this ~~legislation~~ ^{issue}.

- My bill advances the protection of civil rights. It would:
- o ~~Would~~ prohibit discrimination against women, minorities, persons with disabilities, and the elderly across the board in public school districts, public systems of higher education, systems of vocational education, and private educational institutions, ^{which receive any federal aid.}
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These provisions complement well our body of existing Federal civil rights laws.

Congress, however, has sent me a bill that vastly and unjustifiably expands the power of the Federal government over the decisions and affairs of private organizations, such as churches and synagogues, ~~schools~~, farms, businesses, and State and local governments. In the process, it places at risk such cherished values as religious liberty.

~~The bill~~ ^{S. 557} would substantially diminish the freedom and independence of religious institutions in our society. The bill would seriously impinge upon religious liberty, ^{because of} ~~its~~ its unprecedented and pervasive coverage of churches and synagogues based on receipt of even a small amount of Federal aid for just one activity; its unprecedented coverage of entire religious elementary and secondary school systems when only a single school in such a system receives Federal aid; and its failure, under Title IX of the Education Amendments of 1972, to protect the religious freedom of private ~~entities,~~ ~~such as~~ schools, that are closely identified with the religious tenets of, but not controlled by, a religious organization.

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Most State and local governments receive some form of Federal financial assistance. Any agency of such a government that receives or distributes such assistance would be subject in all of its operations to ^{an wide-ranging} ~~the~~ regime of Federal regulation for which S. 557 provides. ✓

The cost and burdens of compliance with S. 557 would be substantial. The bill would bring to those it covers -- which is most of America -- an intrusive Federal regulatory regime; random on-site compliance checks by Federal officials; and increased exposure to lawsuits, which are costly to defend even when you win.

Moreover, such legislation would likely have the unintended consequences of harming many of the same people it is supposed to protect. Persons with disabilities seeking to enhance their job skills are not helped, for example, if businesses withdraw from Federal job-training programs because of their unwillingness to ^{accept} ~~bow to~~ vastly expanded bureaucratic intrusions under S. 557, as business groups have indicated many of their members may do. ✓

The Civil Rights Protection Act ~~of 1988~~ which I am proposing today addresses the many shortcomings of S. 557. The Civil Rights Protection Act would both protect civil rights and preserve the independence of State and local governments, the freedom of religion, and the right of America's citizens to order their lives and businesses without extensive Federal intrusion.

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I urge that upon reconsidering S. 557 in light of my objections, you reject the bill and enact promptly in its place the Civil Rights Protection Act of 1988.

THE WHITE HOUSE,

2:30 PM
Muegen/Dialy

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There is no matter of greater concern to me than ensuring that our Nation is free of ~~unlawful~~ ^{unjust} discrimination. Our country has paid a heavy price in the past for prejudices, ^{based upon} whether ~~based upon~~ race, gender, ethnic background, religion or handicap. Such attitudes have no place in our society.

It was with this commitment in mind that in the wake of the Supreme Court's 1984 Grove City College decision, I voiced my support for legislation that would strengthen the civil rights coverage ^{to} educational institutions that existed ^{prior to} ~~before~~ that decision. ^{And} I have repeatedly endorsed legislation to do just that. Indeed, the bill I am sending to Congress today goes further than the legislation previously introduced by the Administration in order to accommodate ~~other legislative~~ ^{the Grove City issue} concerns raised during consideration of ~~this legislation~~.

~~My bill advances the general civil rights. It would:~~

- o Would prohibit discrimination against women, minorities, persons with disabilities, and the elderly across the board in public school districts, public systems of higher education, systems of vocational education, and private educational institutions. ^{which receive any federal aid.}
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- o Also prohibits discrimination in all of the federally-funded programs of departments and agencies of state and local governments.

These provisions complement well our body of existing Federal civil rights laws.

~~The Administration as any body of existing Federal civil rights laws are necessary. These provisions are areas in need of attention~~

For example, I have urged the Congress to enact responsible legislation to deal with some obvious failures of the Fair Housing Act of 1968, including the need to protect persons with disabilities.

*Don't even need to be done
not necessary
Muegen/Dialy*

Congress, however, has sent me a bill that vastly and unjustifiably expands the power of the Federal government over the decisions and affairs of private organizations, such as churches and synagogues, ~~schools,~~ farms, businesses, and State and local governments. In the process, it places at risk such cherished values as religious liberty.

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F 1/23/73

~~Most State and local governments receive some form of~~ *are touched by the flow*
~~of Federal dollars.~~ Federal financial assistance. Any agency of such a government
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in all of its operations to ^{of withdrawing} the regime of Federal regulation,
~~for which S. 557 provides.~~ *in derogation of*

The cost and burdens of compliance with S. 557 would be substantial. The bill would bring to those it covers -- which is most of America -- an intrusive Federal regulatory regime; random on-site compliance checks by Federal officials; and increased exposure to lawsuits, which are costly to defend even when you win.

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In all other respects, my proposal is identical to

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^{This bill} ~~These provisions~~ complement well our body of existing Federal civil rights laws.

TO THE SENATE OF THE UNITED STATES:

I am returning unsigned with my objections S. 557 and transmitting for your prompt consideration the Civil Rights Protection Act of 1988. The Congress should enact legislation designed to eliminate invidious discrimination and to ensure equality of opportunity for all Americans while preserving their basic freedoms from governmental interference and control. Regrettably, the bill presented to me fails to achieve that objective.

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Insert #4, revised description of the President's alternative bill.

- "-- It protects religious liberty by limiting coverage to that part of a church and synagogue which participates in a Federal program, by protecting the religious tenets of institutions closely identified with religious organizations, and by providing that when a private secondary and elementary school receives Federal assistance, only that school and, not the entire school system becomes subject to the Federal regulation.
- It ensures that the reach of Federal regulation into private businesses extends only to the facility that participates in Federally funded programs. The bill also states explicitly that farmers will not become subject to extensive Federal regulation by virtue of their acceptance of Federal price support payments, and that grocers and supermarkets will not become subject to such regulations by virtue of accepting food stamps from customers.
- It preserves the separation of State and local government from Federal control by limiting Federal regulation to the State entity that receives or distributes Federal assistance."

THE WHITE HOUSE
WASHINGTON

March 16, 1988

MEMORANDUM FOR RHETT DAWSON

FROM: T. KENNETH CRIBB, JR. *Ken*

SUBJECT: Grove City veto message

I recommend the following changes to the revised veto message (March 14 draft):

1. Replace the discussion on discrimination (the 2d paragraph and the 1st sentence of the 3d paragraph on page 1) with the revised DOJ introduction. (See attached insert #1.)
2. To make it clear that not only accepting Federal assistance, but merely participating in a Federal program, leads to coverage and to address Secretary Lyng's concern about the farm subsidy program and food stamps, delete the word "farms" in the last line on page 1 and replace the last paragraph on page 2 with language attached as insert #2.
3. Move the paragraph on state and local government (top of page 2) to the bottom of page 2. This change emphasizes the religious liberties and corporate coverage issues by placing them towards the beginning of the document.
4. To make it clear that the President does favor responsible civil rights legislation, particularly to protect handicapped persons, a paragraph should be added after the 1st paragraph on page 4. See insert #3 attached.
5. To make the President's alternative appear to be as close to the Sensenbrenner substitute as possible, replace the description of the President's alternative (last paragraph on page 4 and first 4 paragraphs on page 5) with the attached insert #4.
6. Justice recommends dropping the Grove City College case (page 3-4) as an example because we argued the case in the courts. This change would accommodate the above inserts in terms of length.

Insert #1, DOJ discussion of Administration's opposition to discrimination:

"There is no matter of greater concern to me than ensuring that our Nation is free of unlawful discrimination. Our country has paid a heavy price in the past for irrational prejudices, whether tied to race, gender, ethnic background, religion or handicap. We can ill-afford to allow such attitudes to persist in today's society and must therefore all redouble our efforts to realize that special dream of America as a land of equal opportunity for all its citizens.

That has been a constant refrain that I and every other Executive official in my Administration has sounded over the past seven years. Throughout my Administration, civil rights enforcement has been assigned the highest priority, and the record shows that we have achieved unparalleled results. On all fronts, the legal assault on discriminatory conduct -- in our schools, our neighborhoods, our workplaces, our voting booths and places of public accommodation -- has achieved unprecedented successes, opening doors that, until the decade of the 1980s, had remained largely closed to untold numbers of minorities, women and individuals with handicaps. "

Revised 3/15

Insert #3 to President's veto message on Grove City:

At the same time I want to underscore the abiding strength of my commitment to civil rights. As comprehensive as our body of existing Federal civil rights laws are, there remain troublesome areas in need of attention. The needs of disabled persons for increased protection against employment discrimination is one obvious problem area that deserves serious review. Officials in my Administration have been working with members of the disability community, and others, to develop legislation addressing this and related concerns.

For example, with reference to the Fair Housing law, I have urged Congress to enact responsible legislation to deal with some obvious failures of the 1968 statute, including the need to protect persons with disabilities.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

March __, 1988

Civil Rights Protection Act of 1988

Fact Sheet

The President today transmitted to the Congress a legislative initiative to improve protection for the civil rights of Americans entitled the "Civil Rights Protection Act of 1988." Enactment of the initiative would advance equality of opportunity and non-discrimination while protecting the freedom of Americans from unnecessary Federal intrusion. The initiative extends protection for civil rights well beyond the proposed extension ~~previously submitted to the Congress and~~ introduced as H.R. 1881-
which the Admin previously endorsed.
The proposed legislation would strengthen four civil rights statutes which prohibit discrimination in programs or activities receiving Federal financial assistance:

- Title VI of the Civil Rights Act of 1964, prohibiting discrimination on the basis of race, color, or national origin;
- Title IX of the Education Amendments of 1972, prohibiting discrimination on the basis of gender in education;
- Section 504 of the Rehabilitation Act of 1973, prohibiting discrimination on the basis of handicap; and
- the Age Discrimination Act of 1975, prohibiting discrimination on the basis of age.



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The President's proposal accompanies his message returning S. 557 to the Senate for reconsideration with his objections. In contrast to the vetoed S. 557, the President's proposal will provide

Specific protections for important liberties & the bill will:

- limit Federal intrusion into State and local government, churches and synagogues, schools, and businesses while strengthening protection for civil rights;
- protect the religious liberty of private organizations that are closely identified with the tenets of religious institutions on the same basis as it protects the religious liberty of private organizations directly controlled by religious institutions; and

-- ensure that farms and ranches participating in Federal agricultural programs, and grocery stores accepting Food Stamps, are not considered subject to the extensive Federal regulation because of such participation.

In other respects the President's proposal is identical to S. 557, including provisions to ensure that the legislation does not impair protection for the lives of unborn children.

Coverage under the civil rights statutes entails compliance with extensive Federal regulations and paperwork, potential costly lawsuits, and random on-site inspections by Federal officials.

The President's proposal carefully tailors the reach of the Federal Government into State and local government to the extent of Federal financial assistance, to safeguard the principles of federalism. Under the President's proposal, only the programs of a State or local agency which receives Federal funds will become subject to the regime of Federal regulation. In contrast, under S. 557, if any program of an agency of a State or local government receives any Federal aid, all operations of that agency become subject to the regime of Federal regulation.

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The President's proposal ^{as a whole} exercises similar care in extending Federal regulation of businesses. Under the proposal, if a business of any kind accepts Federal aid ~~in a single activity, then only the plant or facility in which that activity takes place becomes subject to Federal regulation.~~ ^{it is covered in its activity.} In contrast, under S. 557, businesses engaged in providing education, health care, housing, social services, and parks and recreation are treated as if they were government agencies -- acceptance of aid for a single program would subject the entire business to Federal regulation. [Other businesses under S. 557 would be treated as the President's proposal provides.]

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The President's proposal takes particular care to avoid unnecessary Federal intrusion into religious institutions. ~~in recognition of the fundamental constitutional right of free exercise of religion.~~ The proposal extends Federal regulation into a church-run program that accepts Federal funds. In contrast, S. 557 subjects the entire church to such regulation if a single church program accepts Federal funds. Also, the President's proposal extends Federal regulation to a private ^{elementary or} religious school which accepts Federal funds, but, unlike S. 557, does not further extend it to the entire school system of which that school is a part, if the rest of the system does not receive Federal aid. Finally, the President's proposal protects the religious tenets of private organizations that are closely identified with religious institutions on the same basis as it

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The President's proposal also makes clear that farms and ranches participating in Federal agricultural programs, and grocery stores accepting Food Stamps, are not considered subject to the extensive Federal regulation by virtue of that participation. In contrast, the language of S. 557 lends itself to the interpretation that receipt of crop subsidies and Food Stamps may be treated as Federal aid subjecting the recipient to Federal regulation.

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The proposed legislation would strengthen four civil rights statutes which prohibit discrimination in programs or activities receiving Federal financial assistance:

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The President's proposal accompanies his message returning S. 557 to the Senate for reconsideration with his objections. In contrast to the vetoed S. 557, the President's proposal will:

- limit Federal intrusion into State and local government, churches and synagogues, schools, and businesses while strengthening protection for civil rights;
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In other respects the President's proposal is identical to S. 557, including provisions to ensure that the legislation does not impair protection for the lives of unborn children.

Coverage under the civil rights statutes entails compliance with extensive Federal regulations and paperwork, potential costly lawsuits, and random on-site inspections by Federal officials.

The President's proposal carefully tailors the reach of the Federal Government into State and local government to the extent of Federal financial assistance, to safeguard the principles of federalism. Under the President's proposal, only the programs of a State or local agency which receives Federal funds will become subject to the regime of Federal regulation. In contrast, under S. 557, if any program of an agency of a State or local government receives any Federal aid, all operations of that agency become subject to the regime of Federal regulation.

The President's proposal exercises similar care in extending Federal regulation of businesses. Under the proposal, if a ~~business of any kind~~ accepts Federal aid ~~in a single activity~~, then only the plant or facility in which that activity takes place becomes subject to Federal regulation. In contrast, under S. 557, businesses engaged in providing education, health care, housing, social services, and parks and recreation are treated as if they were government agencies -- acceptance of aid for a single program would subject the entire business to Federal regulation. ~~Other businesses under S. 557 would be treated as the President's proposal provides.~~

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*insert from p. 1
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*bullets from
p. 4 of veto*

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THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

March __, 1988

Civil Rights Protection Act of 1988

Fact Sheet

The President today transmitted to the Congress a legislative initiative to improve protection for the civil rights of Americans entitled the "Civil Rights Protection Act of 1988." Enactment of the initiative would advance equality of opportunity and non-discrimination while protecting the freedom of Americans from unnecessary Federal intrusion. The initiative extends protection for civil rights well beyond the proposed extension ~~previously submitted to the Congress and introduced as H.R. 1881~~ *which the Administration had previously introduced*

The proposed legislation would strengthen four civil rights statutes which prohibit discrimination in programs or activities receiving Federal financial assistance:

- Title VI of the Civil Rights Act of 1964, prohibiting discrimination on the basis of race, color, or national origin;
- Title IX of the Education Amendments of 1972, prohibiting discrimination on the basis of gender in education;
- Section 504 of the Rehabilitation Act of 1973, prohibiting discrimination on the basis of handicap; and
- the Age Discrimination Act of 1975, prohibiting discrimination on the basis of age.

The President's proposal accompanies his message returning S. 557 to the Senate for reconsideration with his objections. In contrast to the vetoed S. 557, the President's proposal will *provide specific protections for important liberties. The bill:*

- limit Federal intrusion into State and local government, churches and synagogues, schools, and businesses while strengthening protection for civil rights;
- protect the religious liberty of private organizations that are closely identified with the tenets of religious institutions on the same basis as it protects the religious liberty of private organizations directly controlled by religious institutions; and

- ensure that farms and ranches participating in Federal agricultural programs, and grocery stores accepting Food Stamps, are not considered subject to the extensive Federal regulation because of such participation.

In other respects the President's proposal is identical to S. 557, including provisions to ensure that the legislation does not impair protection for the lives of unborn children,

Coverage under the civil rights statutes entails compliance with extensive Federal regulations and paperwork, potential costly lawsuits, and random on-site inspections by Federal officials.

The President's proposal carefully tailors the reach of the Federal Government into State and local government to the extent of Federal financial assistance, to safeguard the principles of federalism. Under the President's proposal, only the programs of a State or local agency which receives Federal funds will become subject to the regime of Federal regulation. In contrast, under S. 557, if any program of an agency of a State or local government receives any Federal aid, all operations of that agency become subject to the regime of Federal regulation.

The President's proposal exercises similar care in extending Federal regulation of businesses. Under the proposal, if a business of any kind accepts Federal aid in a single activity, then only the plant or facility in which that activity takes place becomes subject to Federal regulation. In contrast, under S. 557, businesses engaged in providing education, health care, housing, social services, and parks and recreation are treated as if they were government agencies -- acceptance of aid for a single program would subject the entire business to Federal regulation. Other businesses under S. 557 would be treated as the President's proposal provides.

The President's proposal takes particular care to avoid unnecessary Federal intrusion into religious institutions in recognition of the fundamental constitutional right of free exercise of religion. The proposal extends Federal regulation into a church-run program that accepts Federal funds. In contrast, S. 557 subjects the entire church to such regulation if a single church program accepts Federal funds. Also, the President's proposal extends Federal regulation to a private religious school which accepts Federal funds, but, unlike S. 557, does not further extend it to the entire school system of which that school is a part, if the rest of the system does not receive Federal aid. Finally, the President's proposal protects the religious tenets of private organizations that are closely identified with religious institutions on the same basis as it

protects the religious tenets of private organizations that are directly controlled by religious institutions, whereas S. 557 extends protection only to organizations under such direct control.

The President's proposal also makes clear that farms and ranches participating in Federal agricultural programs, and grocery stores accepting Food Stamps, are not considered subject to the extensive Federal regulation by virtue of that participation. In contrast, the language of S. 557 lends itself to the interpretation that receipt of crop subsidies and Food Stamps may be treated as Federal aid subjecting the recipient to Federal regulation.

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TO THE SENATE OF THE UNITED STATES:

I am returning unsigned with my objections S. 557 and transmitting for your prompt consideration the Civil Rights Protection Act of 1988. The Congress should enact legislation designed to eliminate invidious discrimination and to ensure equality of opportunity for all Americans while preserving their basic freedoms from governmental interference and control. Regrettably, the bill presented to me fails to achieve that objective.

There is no matter of greater concern to me than ensuring that our Nation is free of ~~unlawful~~ discrimination. Our country has paid a heavy price in the past for prejudices, whether ~~based upon~~ ^{based upon} race, gender, ethnic background, religion or handicap. Such attitudes have no place in our society.

It was with this commitment in mind that in the wake of the Supreme Court's 1984 Grove City College decision, I voiced my support for legislation that would strengthen the civil

rights coverage ^{of} ~~to~~ educational institutions that existed ^{prior to} ~~before~~ that decision. ^{And} I have repeatedly endorsed legislation to do just that. ^{Today} ~~Indeed, the bill~~ I am sending to Congress

^{a bill that} ~~now~~ goes further than the legislation previously ~~introduced~~ ^{endorsed} by the Administration. ^{This proposed bill is intended} ~~in order to accommodate other legislative~~ ^{the Grove City issue} concerns raised during ^{congressional} ~~consideration of this legislation.~~

- ~~Army~~ bill advances the protection of civil rights. It would:
- o ~~would~~ prohibit discrimination against women, minorities, persons with disabilities, and the elderly across the board in public school districts, public systems of higher education, systems of vocational education and private educational institutions, ^{which receive only federal aid}
 - o ~~also~~ extend the application of the civil rights statutes to entire businesses which receive federal ^{aid} ~~and~~ as a whole and to the entire plant or facility receiving federal aid in every other instance.
 - o ~~also~~ prohibits discrimination in all of the federally-funded programs of departments and agencies of state and local governments.

^{This bill} ~~these provisions~~ complements well our body of existing Federal civil rights laws ^{but even more needs to be done}
^{For example: I have argued}

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There is no matter of greater concern to me than ensuring that our Nation is free of ~~unlawful~~ discrimination. Our country has paid a heavy price in the past for prejudices, whether ~~based upon~~ ^{based upon} race, gender, ethnic background, religion or handicap. Such attitudes have no place in our society.

It was with this commitment in mind that in the wake of the Supreme Court's 1984 Grove City College decision, I voiced my support for legislation that would strengthen the civil rights coverage ^{of} ~~to~~ educational institutions that existed ^{prior to} ~~before~~ that decision. ^{And} I have repeatedly endorsed legislation to do just that. Indeed, the bill I am sending to Congress today goes further than the legislation, previously introduced ~~by the Administration~~ in order to accommodate other legitimate ^{Grove City issue} concerns raised during consideration of this ~~legislation~~.

- My bill advances the protection of civil rights. It would
- o ~~would~~ prohibit discrimination against women, minorities, persons with disabilities, and the elderly across the board in public school districts, public systems of higher education, systems of vocational education, and private educational institutions. ^{which receive any federal aid}
 - o ~~also~~ ^{also} extends the application of the civil rights statutes to entire businesses which receive federal aid ^{aid} and as a whole and to the entire plant or facility receiving federal aid in every other instance.
 - o ~~also~~ ^{also} prohibits discrimination in all of the federally-funded programs of departments and agencies of state and local governments.

These provisions complement well our body of existing Federal civil rights laws.

On the other hand,
 Congress, ~~however~~, has sent me a bill that ^{will} vastly and unjustifiably expands the power of the Federal government over the decisions and affairs of private organizations, such as churches and synagogues, ~~schools~~, farms, businesses, and State and local governments. In the process, it ^{will} places at risk such cherished values as religious liberty.

^{S. 557}
~~The bill~~ would substantially diminish the freedom and independence of religious institutions in our society. The ^{presented to me} bill would seriously impinge upon religious liberty, ^{because of} ~~its~~ its unprecedented and pervasive coverage of churches and synagogues based on receipt of even a small amount of Federal aid for just one activity; its unprecedented coverage of entire religious elementary and secondary school systems when only a single school in such a system receives Federal aid; and its failure, under Title IX of the Education Amendments of 1972, to protect the religious freedom of private ~~entities~~ ~~such as~~ schools, that are closely identified with the religious tenets of, but not controlled by, a religious organization.

Businesses participating in Federal programs, such as job training programs, will be subject to comprehensive Federal regulation. While some proponents of S. 557 have claimed that it does not apply to farmers who receive Federal crop subsidies or food suppliers who accept food stamps, the ambiguity in the statute and ^{its} legislative history indicates that these exemptions should be made explicit.

A significant portion of the private sector -- entities principally engaged in the business of providing education, health care, housing, social services, or parks and recreation -- would for the first time be covered nationwide in all of their activities, including those wholly unrelated activities of their subsidiaries or other divisions, even if those subsidiaries or divisions receive no Federal aid.

Again, no demonstrated need for such sweeping coverage was ^{presented} ~~afforded~~ by the Congress.

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~~Most State and local governments receive some form of~~
~~Federal financial assistance.~~ *under 5575*
Any agency of such a government
that receives or distributes such assistance would be subject
in all of its operations to *an wide-ranging* Federal regulation *conting*
for which S. 557 provides. *to sound principles of federalism.*

The cost and burdens of compliance with S. 557 would be
substantial. The bill would bring to those it covers --
which is most of America -- an intrusive Federal regulatory
regime; random on-site compliance checks by Federal officials;
and increased exposure to lawsuits, which are costly to defend
even when you win.

Moreover, such legislation would likely have the
unintended consequences of harming many of the same people it
is supposed to protect. *Persons with disabilities seeking to*
enhance their job skills are not helped, *for example,* if
businesses withdraw from Federal job-training programs because
of their unwillingness to *accept* ~~how~~ to vastly expanded bureaucratic
intrusions under S. 557, *as* business groups have indicated
many of their members may do. *just that.*

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The Civil Rights Protection Act of ~~1990~~ which I am
proposing today addresses the many shortcomings of S. 557.
The Civil Rights Protection Act would both protect civil
rights and ^{it} preserve the independence of State and local
governments, the freedom of religion, and the right of
America's citizens to order their lives and businesses without
extensive Federal intrusion.

The Civil Rights Protection Act contains important
changes from S. 557 designed to avoid unnecessary Federal
intrusion into the lives and businesses of Americans, while
ensuring that Federal aid is properly monitored under the
civil rights statutes it amends. The bill:

-- ¹⁰ Protects religious liberty by limiting coverage to that part of a church and synagogue which participates in a Federal program, by protecting the religious tenets of private institutions under Title IX, closely identified with religious organizations on the same basis as ~~institutions directly controlled by religious organizations~~ and by providing that when a private secondary and elementary school receives Federal assistance, only that school and, not the entire school system become subject to the Federal regulation.

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-- Ensures that the reach of Federal regulation into private businesses extends only to the facility that participates in Federally funded programs, unless the business as a whole receives Federal aid, ~~as a whole~~ in which case it is covered in its entirety. The bill also states explicitly that farmers will not become subject to extensive Federal regulation by virtue of their acceptance of Federal price support payments, and that grocers and supermarkets will not become subject to such regulations by virtue of accepting food stamps from customers.

-- Preserves the independence of State and local government from Federal control by limiting Federal regulation to the part of a State entity that receives or distributes Federal assistance.

I urge that upon reconsidering S. 557 in light of my objections, you reject the bill and enact promptly in its place the Civil Rights Protection Act of 1988.

THE WHITE HOUSE,

TO THE SENATE OF THE UNITED STATES:

I am returning unsigned with my objections S. 557 and transmitting for your prompt consideration the Civil Rights Protection Act of 1988. The Congress should enact legislation designed to eliminate invidious discrimination and to ensure equality of opportunity for all Americans while preserving their basic freedoms from governmental interference and control. Regrettably, the bill presented to me fails to achieve that objective.

There is no matter of greater concern to me than ensuring that our Nation is free of ~~unlawful~~ discrimination. Our country has paid a heavy price in the past for prejudices, whether ~~based upon~~ ^{based upon} race, gender, ethnic background, religion or handicap. Such attitudes have no place in our society.

It was with this commitment in mind that in the wake of the Supreme Court's 1984 Grove City College decision, I voiced my support for legislation that would strengthen the civil rights coverage ^{of} ~~to~~ educational institutions that existed ^{prior to} ~~before~~ that decision. ~~I~~ ^{And} have repeatedly endorsed legislation to do just that. ~~Indeed, the bill~~ ^{Today} I am sending to Congress ~~today~~ ^{a bill that} goes further than the legislation previously ~~introduced~~ ^{endorsed} by the Administration. ~~in order to~~ ^{This new proposed bill is intended} to accommodate other ~~legislation~~ ^{the Grove City issue} concerns raised during ~~consideration of this legislation.~~ ^{Congressional}

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- ~~Current~~ bill advances the protection of civil rights. It would:
 - o ~~would~~ prohibit discrimination against women, minorities, persons with disabilities, and the elderly across the board in public school districts, public systems of higher education, systems of vocational education, and private educational institutions, ^{which receive civil federal aid}
 - o ~~also~~ extend the application of the civil rights statutes to entire businesses which receive federal ^{aid} ~~and~~ as a whole and to the entire plant or facility receiving federal aid in every other instance.
 - o ~~also~~ prohibits discrimination in all of the federally-funded programs of departments and agencies of state and local governments.

~~These provisions~~ ^{Our} ~~complement~~ ^{this bill} well our body of existing Federal civil rights laws. ~~But more~~ ^{even} ~~remains to be done.~~ For example, I have urged the Congress to enact responsible legislation to deal with some ~~delicious~~ ^{delicious} failures of the Fair Housing Act of 1968, including the need to protect persons with disabilities.

Congress, ~~however~~ ^{on the other hand}, has sent me a bill that ^{would} vastly and unjustifiably expand the power of the Federal government over the decisions and affairs of private organizations, such as churches and synagogues, ~~schools~~ ^{schools}, farms, businesses, and State and local governments. In the process, it ^{would} place at risk such cherished values as religious liberty.

~~The bill was presented to me~~
 The bill ^{would} substantially diminish the freedom and independence of religious institutions in our society. The bill would seriously impinge upon religious liberty ^{because of} its unprecedented and pervasive coverage of churches and synagogues based on receipt of even a small amount of Federal aid for just one activity; its unprecedented coverage of entire religious elementary and secondary school systems when only a single school in such a system receives Federal aid; and its failure ^{under Title IX of the Education Amendments of 1972, to protect} the religious freedom of private entities, ~~such as~~ schools, that are closely identified with the religious tenets of, but not controlled by, a religious organization.

Businesses participating in Federal programs, such as job training programs, ^{would} be subject to comprehensive Federal regulation. While some proponents of S. 557 have claimed that it ~~does~~ ^{would} not apply to farmers who receive Federal crop subsidies or food suppliers who accept food stamps, the ambiguity in the statute and ^{its} legislative history indicates that these exemptions should be made explicit.

A significant portion of the private sector -- entities principally engaged in the business of providing education, health care, housing, social services, or parks and recreation -- would for the first time be covered nationwide in all of their activities, including those wholly unrelated activities of their subsidiaries or other divisions, even if those subsidiaries or divisions receive no Federal aid.

Again, ^{there was} no demonstrated need for such sweeping coverage, ~~was~~ ^{provided} afforded by the Congress.

Further, this bill would go beyond ~~the scope of~~ ~~coverage of a state~~ ~~local govt agencies~~ ~~scope of coverage of a state~~ ~~local govt agencies~~

~~Most State and local governments~~ ~~are~~ ~~subject~~ ~~to~~ ~~the~~ ~~flow~~ ~~of~~ ~~deliberate~~ ~~Under S. 557,~~ ~~Federal financial assistance~~ Any agency of such a government

that receives or distributes such assistance would be subject in all of its operations to ~~the~~ ^{as wide-ranging} regime of Federal regulation, for which S. 557 provides. ~~into~~ ^{contrary to the sound principles of} federalism. ✓

The cost and burdens of compliance with S. 557 would be substantial. The bill would bring to those it covers -- which is most of America -- an intrusive Federal regulatory regime; random on-site compliance checks by Federal officials; and increased exposure to lawsuits, which are costly to defend even when you win.

Moreover, such legislation would likely have the unintended consequences of harming many of the same people it is supposed to protect. ^{Persons with disabilities seeking to} enhance their job skills are not helped, ^{for example} if businesses withdraw from Federal job-training programs because of their unwillingness to ^{accept} ~~how to~~ vastly expanded bureaucratic intrusions under S. 557. ^{business groups have indicated} many of their members may do ^{just that}.

The Civil Rights Protection Act of ~~1980~~ ^{that} which I am proposing today addresses the many shortcomings of S. 557. The Civil Rights Protection Act would ~~both~~ ^{and at the same time} protect civil rights and preserve the independence of State and local governments, the freedom of religion, and the right of America's citizens to order their lives and businesses without extensive Federal intrusion.

The Civil Rights Protection Act contains important changes from S. 557 designed to avoid unnecessary Federal intrusion into the lives and businesses of Americans, while ensuring that Federal aid is properly monitored under the civil rights statutes it amends. The bill ~~would~~:

-- Protects religious liberty by limiting coverage to that part of a church ^{or} ~~and~~ synagogue which participates in a Federal program ^{by protecting} ~~the~~ religious tenets of private institutions under Title IX, closely identified with religious organizations on the same basis as ~~institutions directly controlled by religious organizations~~ ^{religious} and by providing that when a ~~private~~ ^{religious} secondary ~~and~~ elementary school receives Federal assistance, only that school, [↑] ~~and~~ not the entire ^{religious} school system, [↓] becomes subject to the Federal regulation.

-- Ensures that the reach of Federal regulation into private businesses extends only to the facility that participates in Federally funded programs, unless the business receives Federal aid as a whole in which case it is covered in its entirety. The bill also states explicitly that farmers will not become subject to ~~extensive~~ Federal regulation by virtue of their acceptance of Federal price support payments, and that grocers and supermarkets will not become subject to such regulations by virtue of accepting food stamps from customers.

-- Preserves the independence of State and local government from Federal ~~control~~ ^{set} by limiting Federal regulation to the part of a State ^{or local} entity that receives or distributes Federal assistance.

I urge that upon reconsidering S. 557 in light of my objections, you reject the bill and enact promptly in its place the Civil Rights Protection Act of 1988.

→ In ~~the~~ all other respects, my proposal is identical to S. 557, including ^{the} provisions to ensure that this legislation does not impair protection for the lives of unborn children.

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It was with this commitment in mind that in the wake of the Supreme Court's 1984 Grove City College decision, I voiced my support for legislation that would strengthen the civil

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concerns raised during ^{consideration} ~~of this~~ Grove City ^{issued} ~~legislation~~. ^{concerned}

- ^{Our} ~~bill~~ ^{advances} ~~the~~ ^{protection} ~~of~~ ^{civil} ~~rights~~ ^{it} ~~would~~:
- o ~~would~~ prohibit discrimination against women, minorities, persons with disabilities, and the elderly across the board in public school districts, public systems of higher education, systems of vocational education and private educational institutions, ^{which receive only} ~~which receive~~ federal aid.
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 - o ~~also~~ prohibits discrimination in all of the federally-funded programs of departments and agencies of state and local governments.

These provisions complement well our body of existing Federal civil rights laws.

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~~The bill~~ ^{S. 557} would substantially diminish the freedom and independence of religious institutions in our society. The bill would seriously impinge upon religious liberty, ^{because of} ~~its~~ its unprecedented and pervasive coverage of churches and synagogues based on receipt of even a small amount of Federal aid for just one activity; its unprecedented coverage of entire religious elementary and secondary school systems when only a single school in such a system receives Federal aid; and its failure, under Title IX of the Education Amendments of 1972, to protect the religious freedom of private ~~entities,~~ ~~such as~~ schools, that are closely identified with the religious tenets of, but not controlled by, a religious organization.

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Most State and local governments receive some form of Federal financial assistance. Any agency of such a government that receives or distributes such assistance would be subject in all of its operations to ^{an wide-ranging} ~~the~~ regime of Federal regulation for which S. 557 provides. ✓

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The Civil Rights Protection Act of ~~1988~~ which I am proposing today addresses the many shortcomings of S. 557. The Civil Rights Protection Act would both protect civil rights and preserve the independence of State and local governments, the freedom of religion, and the right of America's citizens to order their lives and businesses without extensive Federal intrusion.

The Civil Rights Protection Act contains important changes from S. 557 designed to avoid unnecessary Federal intrusion into the lives and businesses of Americans, while ensuring that Federal aid is properly monitored under the civil rights statutes it amends. The bill:

- Protects religious liberty by limiting coverage to that part of a church and synagogue which participates in a Federal program ^S protecting the religious tenets of private institutions under Title IX, closely identified with religious organizations on the same basis as ~~institutions directly controlled by religious organizations;~~ and by providing that when a private secondary and elementary school receives Federal assistance, only that school and, not the entire ^{private} school system become subject to the Federal regulation.
- Ensures that the reach of Federal regulation into private businesses extends only to the facility that participates in Federally funded programs, unless the business receives Federal aid as a whole, in which case it is covered in its entirety. The bill also states explicitly that farmers will not become subject to ~~extensive~~ Federal regulation by virtue of their acceptance of Federal price support payments, and that grocers and supermarkets will not become subject to such regulations by virtue of accepting food stamps from customers.
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I urge that upon reconsidering S. 557 in light of my objections, you reject the bill and enact promptly in its place the Civil Rights Protection Act of 1988.

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