

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
2468 Rayburn House Office Building
Washington, DC 20515

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
1236 Longworth House Office Building
Washington, DC 20515

The Honorable Bobby Scott
Chairman, Committee on Education and Labor
U.S. House of Representatives
2462 Rayburn House Office Building
Washington, DC 20515

The Honorable Virginia Foxx
Ranking Member, Committee on Education and Labor
U.S. House of Representatives
1201 Longworth House Office Building
Washington, DC 20515

September 14, 2020

Re: Letter in Support of the Equity and Inclusion Enforcement Act, H.R. 2574

Dear Speaker Pelosi, Minority Leader McCarthy, Chairman Scott, and Ranking Member Foxx,

Dr. Adrienne L. Hollis, the Poverty & Race Research Action Council, West End Revitalization-NC, Vincent Martin of V Martin EJ Consulting, Vernice Miller-Travis of Metropolitan Group, and Public Justice, proudly stand in support of the Equity and Inclusion Enforcement Act (EIEA), H.R. 2574, sponsored by Mr. Scott. This bill enhances accountability for recipients of federal financial assistance, especially schools, and strengthens the essential racial justice provisions in Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d-2000d-7. Specifically, this bill responds to the Supreme Court's 2001 ruling in *Alexander v. Sandoval*, 532 U.S. 275 (2001), which held that Title VI did not provide a private right of action to enforce the disparate impact prohibition. *Sandoval* denies access to justice for Americans experiencing disparate impacts, who must instead rely on federal agencies to remedy such racial discrimination. Far too often, the agencies fail to effectuate the letter and spirit of Title VI.

This bill takes steps to hold federally funded programs, including schools, accountable for their responsibility to provide all students with equal opportunity for a quality education. From 1964 until 2001, students and parents had the right – under Title VI – to take schools to court over education policies that have a disparate impact on their access to a quality education. While this bill specifically seeks to correct racial injustice in America's schools, it will provide access to justice for Americans to remedy racial discrimination more broadly.

In the almost twenty years since *Sandoval*, federal agencies' track records enforcing the law have been, sadly, beyond inadequate. The resulting agency neglect stemming from *Sandoval* has resulted in frequent unchecked discrimination in the provision of education, a healthy and clean environment, the conduct of police, community infrastructure, and access to parks and greenspace, all of which disproportionately affects communities of color that endure disparate impacts at the hands of recipients of federal financial assistance. For example, the U.S. Environmental Protection Agency allowed a large backlog of administrative complaints to accumulate while instances of racial discrimination remained unresolved for many years. See *Rosemere Neighborhood Association v. U.S. Environmental Protection Agency*, 581 F.3d 1169 (9th Cir. 2009). In 2011, the EPA made its first ever finding of a *prima facie* disparate impact after a twelve-year delay in *Angelita C. v. California Department of Pesticide Regulation*, No. 16R-99-R9. EPA resolved *Angelita C.* with a secret settlement, without the knowledge or involvement of the complainants, and without remedying the underlying disparate impact from pesticide use on Latino schoolchildren. See *Garcia v. McCarthy*, 649 Fed.Appx. 589 (9th Cir. 2016). The EIEA would help resolve unchecked racial discrimination by restoring the private right of action for Americans to bring disparate impact claims under Title VI of the Civil Rights Act, require educational recipients of federal financial assistance to designate Title VI monitors responsible for investigating any complaints of

discrimination based on race, color, or national origin, and create an Assistant Secretary in the Department of Education to coordinate and promote Title VI enforcement in education.

As organizations focused on enhancing access to justice, eliminating discrimination in our schools, supporting grassroots efforts for racial and environmental justice, and empowering low-income and communities of color, we appreciate Mr. Scott's commitment to enhancing access to justice, and commend him on his steadfast commitment to racial justice and the betterment of the American people. We also invite you to join Congressman Scott in his efforts toward achieving environmental and racial justice.

Sincerely,

A handwritten signature in black ink that reads "Rodolfo M. Padilla". The signature is written in a cursive style with a large, prominent initial "R".

Rodolfo M. Padilla, Georgetown Bridge Fellow
Brent Newell, Food Project Senior Attorney
Public Justice

Dr. Adrienne J. Hollis

Megan Haberle
Poverty & Race Research Action Council

Omega Wilson
West End Revitalization-NC

Vincent Martin
V Martin EJ Consulting

Vernice Miller-Travis
Executive Vice President
Metropolitan Group