

Proposition 209, Preferences, and Federal Financial Assistance

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Abstract

California's Proposition 209 prohibits discrimination and preferential treatment on the basis of race, sex, color, ethnicity, or national origin in public employment, public education, and public contracting. Section (e) of Proposition 209, however, creates an exception: "Nothing in this section shall be interpreted as prohibiting action which must be taken to establish or maintain eligibility for any federal program, where ineligibility would result in a loss of federal funds to the state." This report reviews how federal and state laws concerning affirmative action and discrimination interact, and surveys the federal programs that come within Proposition 209's federal financial assistance exception.