31

AMENDMENT TO H.R. 4137, AS REPORTED

OFFERED BY MR. KING OF IOWA

At the end of the bill, add the following new title:

TITLE XI—RACIAL AND ETHNIC PREFERENCE DISCLOSURE

SEC. 1101. FINDINGS.

The Congress finds the following:

(1) Title VI of the Civil Rights Act of 1964 forbids discrimination on the basis of race, color, or national origin by Federally-funded institutions, which includes nearly all colleges and universities.

(2) The United States Supreme Court has recently set out limitations on such considerations of race, color, and national origin.

(3) In order to ensure that these limitations are followed, schools must make public their use of race, color, and national origin, for admissions decisions so that Federal and State enforcement agencies and interested persons can monitor the schools.

(4) Citizens and taxpayers have a right to know whether Federally-funded institutions of higher education are treating student applications differently depending on the student's race, color, or national

1 origin, and, if so, the way in which these factors are
2 weighted and the consequences to students and pro-
3 spective students of these decisions.

4 **SEC. 1102. REPORTS ON ADMISSIONS PROCESS REQUIRED.**

5 (a) REPORT REQUIRED.—Every academic year, each
6 institution of higher education that receives funds from
7 the Federal Government shall provide to the Civil Rights
8 Division of the Department of Justice and Office for Civil
9 Rights of the Department of Education a report regarding
10 its students admissions process, and the report shall be
11 made publicly available.

12 (b) DISCLOSURE OF CONSIDERATION OF RACE,
13 COLOR, OR NATIONAL ORIGIN.—

14 (1) DISCLOSURE.—The report required by this
15 section shall begin with a statement of whether race,
16 color, or national origin is given any weight in the
17 student admissions process.

18 (2) DEPARTMENTAL DISCLOSURES.—If dif-
19 ferent departments within the institution have sepa-
20 rate admission processes and any of those depart-
21 ments give any weight to race, color, and national
22 origin, then the report shall provide the information
23 required by paragraph (1) of this subsection and
24 subsection (c) for each department separately.

1 (c) ADDITIONAL DISCLOSURES.—If the disclosure re-
2 quired by subsection (b) states that race, color, or national
3 origin is given weight in the student admission process,
4 then the report under this section shall also provide the
5 following information:
6 (1) The racial, color, and national origin groups
7 for which membership is considered a plus factor or
8 a minus factor and, in addition, how membership in
9 a group is determined for individual students.
10 (2) A description of how group membership is
11 considered, including the weight given to such con-
12 sideration and whether targets, goals, or quotas are
13 used.
14 (3) A statement of why group membership is
15 given weight, including the determination of the de-
16 sired level claimed and, with respect to the diversity
17 rationale, its relationship to the particular institu-
18 tion's educational mission.
19 (4) A description of the consideration that has
20 been given to racially neutral alternatives as a
21 means for achieving the same goals for which group
22 membership is considered.
23 (5) A description of how frequently the need to
24 give weight to group membership is reassessed and
25 how that reassessment is conducted.

1 (6) A statement of the factors other than race,
2 color, or national origin that are collected in the ad-
3 missions process. Where those factors include grades
4 or class rank in high school, scores on standardized
5 tests (including the ACT and SAT), legacy status,
6 sex, State residency, economic status, or other quan-
7 tifiable criteria, then all raw admissions data for ap-
8 plicants regarding these factors, along with each in-
9 dividual applicant's race, color, and national origin
10 and the admissions decision made by the school re-
11 garding that applicant, shall accompany the report
12 in computer-readable form, with the name of the in-
13 dividual student redacted but with appropriate links,
14 so that it is possible for the Civil Rights Division
15 and the Office for Civil Rights or other interested
16 persons to determine through statistical analysis the
17 weight being given to race, color, and national ori-
18 gin, relative to other factors. In addition to redact-
19 ing names and social security numbers of individual
20 students, the report shall also comply with such reg-
21 ulations as the Secretary shall prescribe to protect
22 student privacy under this section.
23 (7) An analysis, and also the underlying data
24 needed to perform an analysis, of whether there is
25 a correlation—

1 (A) between membership in a group fa-
2 vored on account of race, color, or national ori-
3 gin and the likelihood of enrollment in a reme-
4 diation program, relative to membership in
5 other groups;
6 (B) between such membership and gradua-
7 tion rates, relative to membership in other
8 groups; and
9 (C) between such membership and the like-
10 lihood of defaulting on education loans, relative
11 to membership in other groups.
12 (d) RULE OF CONSTRUCTION.—Nothing in this title
13 shall be construed to allow or permit preference or dis-
14 crimination on the basis of race, color, or national origin.