

119TH CONGRESS
1ST SESSION

S. 1253

To establish the Office of the Special Inspector General for Unlawful
Discrimination in Higher Education within the Department of Education.

IN THE SENATE OF THE UNITED STATES

APRIL 2, 2025

Mr. BANKS (for himself and Mr. BUDD) introduced the following bill; which
was read twice and referred to the Committee on Health, Education,
Labor, and Pensions

A BILL

To establish the Office of the Special Inspector General
for Unlawful Discrimination in Higher Education within
the Department of Education.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “College Admissions Ac-
5 countability Act of 2025”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) 21st century elite college admissions func-
9 tions as the Nation’s sorting machine for prestige

1 and opportunity, allocating a limited number of valu-
2 able credentials.

3 (2) For decades United States colleges and uni-
4 versities adopted admissions and policies practices
5 that rendered special preferences to applicants on
6 the basis of race.

7 (3) In *Students for Fair Admissions, Inc. v.*
8 *President and Fellows of Harvard College*, 143 S.
9 Ct. 2141 (2023), the Supreme Court of the United
10 States found race-based admissions policies to be in
11 violation of the Equal Protection Clause of the 14th
12 Amendment to the Constitution of the United
13 States. The Court further held that “universities
14 may not simply establish through application essays
15 or other means the regime we hold unlawful today”.

16 (4) Title VI of the Civil Rights Act of 1964 (42
17 U.S.C. 2000d et seq.) prohibits entities that receive
18 Federal funding from discriminating based on race.

19 (5) Following the Court’s ruling in *Students for*
20 *Fair Admissions, Inc. v. President and Fellows of*
21 *Harvard College*, several United States colleges and
22 universities issued statements or unveiled new poli-
23 cies at odds with the letter and spirit of that ruling.

24 (6) Institutions of higher education, including
25 their offices of admission, must comply with the

1 Constitution and laws of the United States, as inter-
 2 preted by the judiciary.

3 (7) It is the duty of the United States Govern-
 4 ment to protect the civil rights of its citizens and to
 5 enforce the Constitution and laws of the United
 6 States, as interpreted by the judiciary.

7 **SEC. 3. SPECIAL INSPECTOR GENERAL FOR UNLAWFUL**
 8 **DISCRIMINATION IN HIGHER EDUCATION.**

9 (a) IN GENERAL.—Title II of the Department of
 10 Education Organization Act (20 U.S.C. 3411 et seq.) is
 11 amended by adding at the end the following:

12 **“SEC. 221. SPECIAL INSPECTOR GENERAL FOR UNLAWFUL**
 13 **DISCRIMINATION IN HIGHER EDUCATION.**

14 “(a) DEFINITIONS.—In this section:

15 “(1) APPROPRIATE COMMITTEES OF CON-
 16 GRESS.—The term ‘appropriate committees of Con-
 17 gress’ means—

18 “(A) the Committee on Health, Education,
 19 Labor, and Pensions of the Senate;

20 “(B) the Subcommittee on Labor, Health
 21 and Human Services, Education, and Related
 22 Agencies of the Committee on Appropriations of
 23 the Senate;

24 “(C) the Committee on Education and
 25 Workforce of the House of Representatives; and

1 “(D) the Subcommittee on Labor, Health
2 and Human Services, Education, and Related
3 Agencies of the Committee on Appropriations of
4 the House of Representatives.

5 “(2) COVERED INDIVIDUAL.—The term ‘cov-
6 ered individual’ means any individual who—

7 “(A) files an application for admission as
8 a student at a covered institution; or

9 “(B) is enrolled as a student at a covered
10 institution.

11 “(3) COVERED INSTITUTION.—The term ‘cov-
12 ered institution’ means an institution of higher edu-
13 cation that receives funds from Federal student as-
14 sistance or Federal institutional aid under the High-
15 er Education Act of 1965 (20 U.S.C. 1001 et seq.).

16 “(b) OFFICE OF INSPECTOR GENERAL.—There is
17 hereby established within the Department the Office of the
18 Special Inspector General for Unlawful Discrimination in
19 Higher Education.

20 “(c) APPOINTMENT OF INSPECTOR GENERAL; RE-
21 MOVAL; BASIC PAY.—

22 “(1) IN GENERAL.—The head of the Office of
23 the Special Inspector General for Unlawful Discrimi-
24 nation in Higher Education shall be the Special In-
25 specter General for Unlawful Discrimination in

1 Higher Education (referred to in this section as the
2 ‘Special Inspector General’), who shall be appointed
3 by the President, by and with the advice and consent
4 of the Senate.

5 “(2) NOMINATION.—The nomination of the
6 Special Inspector General shall be made on the basis
7 of integrity and demonstrated familiarity with higher
8 education and admissions, in addition to expertise in
9 auditing, civil rights, law, academic administration,
10 education regulation, or investigations.

11 “(3) REMOVAL.—The Special Inspector General
12 shall be removable from office in accordance with
13 the provisions of section 403(b) of title 5, United
14 States Code.

15 “(4) BASIC PAY.—The annual rate of basic pay
16 of the Special Inspector General shall be the annual
17 rate of basic pay for an Inspector General under sec-
18 tion 403(e) of title 5, United States Code.

19 “(d) DUTIES.—

20 “(1) IN GENERAL.—It shall be the duty of the
21 Special Inspector General to, in accordance with sec-
22 tion 404(b)(1) of title 5, United States Code—

23 “(A) receive, review, and investigate allega-
24 tions from covered individuals or employees of
25 covered institutions of admissions decisions,

1 policies, or practices, or financial aid determina-
 2 tions or academic programs, that are in viola-
 3 tion of—

4 “(i) the Equal Protection Clause of
 5 the 14th Amendment to the Constitution
 6 of the United States, pursuant to the hold-
 7 ing in *Students for Fair Admissions, Inc.*
 8 *v. President and Fellows of Harvard Col-*
 9 *lege*, 143 S. Ct. 2141 (2023) (referred to
 10 in this subsection as the ‘Equal Protection
 11 Clause’); or

12 “(ii) title VI of the Civil Rights Act of
 13 1964 (42 U.S.C. 2000d et seq.) (referred
 14 to in this subsection as ‘title VI’);

15 “(B) review any Federal policies and pro-
 16 grams that have the effect of incentivizing cov-
 17 ered institutions to violate the Equal Protection
 18 Clause or title VI; and

19 “(C) make recommendations to the appli-
 20 cable covered institution, the Secretary, the At-
 21 torney General of the United States, and the
 22 appropriate committees of Congress regard-
 23 ing—

24 “(i) measures that the covered institu-
 25 tion should take to remedy any violation

described in subparagraph (A) through remedial or corrective action;

“(ii) any employee of the covered institution that the Special Inspector General determines, after a review or investigation described in subparagraph (A), should face disciplinary action (including removal) as a result of a violation described in such subparagraph;

“(iii) eligibility of the covered institution to receive funds from Federal student assistance or Federal institutional aid;

“(iv) further investigation into the covered institution’s compliance with the Constitution of the United States, title VI, and other laws of the United States; and

“(v) reforms to any Federal policies and programs that have the effect of incentivizing covered institutions to violate the Equal Protection Clause or title VI.

“(2) MAINTENANCE OF SYSTEMS.—The Special Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Special Inspector General considers appropriate

1 to discharge the duties of the Special Inspector Gen-
2 eral under paragraph (1).

3 “(3) ADDITIONAL DUTIES AND RESPONSIBIL-
4 ITIES.—In addition to the duties described in para-
5 graphs (1) and (2), the Special Inspector General
6 shall also have the duties and responsibilities of in-
7 spectors general under chapter 4 of title 5, United
8 States Code.

9 “(4) CONFIDENTIALITY OF INFORMATION.—
10 The Special Inspector General shall maintain the
11 confidentiality of the identity of any person submit-
12 ting information to the Special Inspector General for
13 the purposes of carrying out the duties of the Spe-
14 cial Inspector General under this section, including
15 in any report submitted under subsection (g).

16 “(e) POWERS AND AUTHORITIES.—

17 “(1) IN GENERAL.—In carrying out the duties
18 of the Special Inspector General under subsection
19 (d), the Special Inspector General shall have the au-
20 thorities provided in section 406 of title 5, United
21 States Code.

22 “(2) TREATMENT OF OFFICE.—The Office of
23 the Special Inspector General shall be considered to
24 be an office described in section 406(f)(3) of title 5,
25 United States Code.

1 “(f) PERSONNEL, FACILITIES, AND OTHER RE-
2 SOURCES.—

3 “(1) APPOINTMENT OF OFFICERS AND EMPLOY-
4 EES.—

5 “(A) IN GENERAL.—The Special Inspector
6 General may select, appoint, and employ such
7 officers and employees as may be necessary for
8 carrying out the duties of the Special Inspector
9 General.

10 “(B) STATUS.—The positions to which of-
11 ficers and employees are appointed under sub-
12 paragraph (A) shall be positions in schedule C
13 of subpart C of part 213 of title 5, Code of
14 Federal Regulations, or any successor regula-
15 tions.

16 “(2) EXPERTS AND CONSULTANTS.—The Spe-
17 cial Inspector General may obtain services as au-
18 thorized under section 3109 of title 5, United States
19 Code, at daily rates not to exceed the equivalent rate
20 prescribed for grade GS–15 of the General Schedule
21 by section 5332 of that title.

22 “(3) CONTRACTS.—The Special Inspector Gen-
23 eral may enter into contracts and other arrange-
24 ments for audits, studies, analyses, and other serv-
25 ices with public agencies and with private persons,

1 and make such payments as may be necessary to
2 carry out the duties of the Special Inspector Gen-
3 eral.

4 “(g) REPORTS.—

5 “(1) QUARTERLY REPORTS.—

6 “(A) IN GENERAL.—Not later than 60
7 days after the date on which the Special Inspec-
8 tor General is confirmed, and once every cal-
9 endar quarter thereafter, the Special Inspector
10 General shall submit to the appropriate commit-
11 tees of Congress a report summarizing the ac-
12 tivities of the Special Inspector General during
13 the 3-month period ending on the date on which
14 the Special Inspector General submits the re-
15 port.

16 “(B) CONTENTS.—Each report submitted
17 under subparagraph (A) shall include, for the
18 period covered by the report, the following:

19 “(i) A general description of the alle-
20 gations received and reviewed by the Spe-
21 cial Inspector General under subsection
22 (d)(1)(A).

23 “(ii) Recommendations of the Special
24 Inspector General regarding reforms that
25 the Special Inspector General believes

1 should be undertaken with respect to the
2 authority of the Special Inspector General
3 and matters within the authority of the
4 Special Inspector General to review and in-
5 vestigate, including the authority described
6 in subsection (d)(1)(B).

7 “(iii) For a covered institution with
8 respect to which an allegation submitted
9 under this section applies, the steps that
10 the covered institution has taken, and has
11 yet to take, to remedy the issues outlined
12 in the allegation.

13 “(iv) Data regarding the number of
14 allegations received and reviewed by the
15 Special Inspector General under this sec-
16 tion that document any legitimate viola-
17 tion, as determined by the Special Inspec-
18 tor General, which shall—

19 “(I) be disaggregated by the
20 number of violations committed by
21 each covered institution; and

22 “(II) contain a separate provision
23 listing the number of those acts that
24 relate to racial bias, which shall be

1 disaggregated as described in sub-
2 clause (I).

3 “(v) Commentary by the Special In-
4 specter General regarding the level of co-
5 operation by each covered institution with
6 respect to reviews and investigations per-
7 formed by the Special Inspector General,
8 including, with respect to each covered in-
9 stitution, whether the covered institution
10 has implemented recommendations made
11 by the Special Inspector General and
12 whether the covered institution has pro-
13 vided information or access requested by
14 the Special Inspector General.

15 “(2) RULE OF CONSTRUCTION.—Nothing in
16 this subsection may be construed to authorize the
17 public disclosure of information that is—

18 “(A) specifically prohibited from disclosure
19 by any other provision of law;

20 “(B) specifically required by Executive
21 order to be protected from disclosure in the in-
22 terest of national defense or national security or
23 in the conduct of foreign affairs; or

24 “(C) a part of an ongoing criminal inves-
25 tigation.

1 “(h) FUNDING.—There are authorized to be appro-
 2 priated \$25,000,000 to carry out this section, which shall
 3 remain available until expended.

4 “(i) COUNCIL OF THE INSPECTORS GENERAL ON IN-
 5 TEGRITY AND EFFICIENCY.—The Special Inspector Gen-
 6 eral shall be a member of the Council of the Inspectors
 7 General on Integrity and Efficiency established under sec-
 8 tion 424 of title 5, United States Code.

9 “(j) CORRECTIVE RESPONSES TO AUDIT PROB-
 10 LEMS.—A covered institution shall—

11 “(1) take action to address deficiencies identi-
 12 fied by a report or investigation of the Special In-
 13 specter General; or

14 “(2) with respect to a deficiency identified
 15 under paragraph (1), certify to the Special Inspector
 16 General and the appropriate committees of Congress
 17 that no action is necessary or appropriate.

18 “(k) RULE OF CONSTRUCTION.—Nothing in this sec-
 19 tion may be construed as limiting the authority of the In-
 20 specter General of the Department.

21 “(l) SUNSET.—The Office of the Special Inspector
 22 General for Unlawful Discrimination in Higher Education,
 23 established under this section, shall terminate on the date
 24 that is 12 years after the date of enactment of the College
 25 Admissions Accountability Act of 2025.”.

1 (b) TABLE OF CONTENTS.—The table of contents in
 2 section 1 of the Department of Education Organization
 3 Act (20 U.S.C. 3401 note) is amended by inserting after
 4 the item relating to section 220 the following new item:

“Sec. 221. Special Inspector General for Unlawful Discrimination in Higher
 Education.”.

5 (c) HIGHER EDUCATION ACT OF 1965.—Part B of
 6 title I of the Higher Education Act of 1965 (20 U.S.C.
 7 1011 et seq.) is amended by adding at the end the fol-
 8 lowing:

9 **“SEC. 124. INELIGIBILITY DUE TO DISCRIMINATION ON THE**
 10 **BASIS OF RACE IN VIOLATION OF EQUAL**
 11 **PROTECTION CLAUSE OR TITLE VI.**

12 “Notwithstanding any other provision of law, no in-
 13 stitution of higher education shall be eligible to receive
 14 funds from Federal student assistance or Federal institu-
 15 tional aid under this Act if the Secretary determines that
 16 the institution had an admissions decision, policy, or prac-
 17 tice, or financial aid determination or academic program,
 18 that discriminated on the basis of race in violation of—

19 “(1) the Equal Protection Clause of the 14th
 20 Amendment to the Constitution of the United
 21 States, pursuant to the holding in *Students for Fair*
 22 *Admissions, Inc. v. President and Fellows of Har-*
 23 *vard College*, 143 S. Ct. 2141 (2023); or

- 1 “(2) title VI of the Civil Rights Act of 1964 (42
- 2 U.S.C. 2000d et seq.).”.

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