

117TH CONGRESS  
2D SESSION

# S. 3559

To amend the Higher Education Act of 1965 to prohibit institutions of higher education participating in Federal student assistance programs from giving preferential treatment in the admissions process to legacy students or donors.

---

## IN THE SENATE OF THE UNITED STATES

FEBRUARY 2, 2022

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

---

## A BILL

To amend the Higher Education Act of 1965 to prohibit institutions of higher education participating in Federal student assistance programs from giving preferential treatment in the admissions process to legacy students or donors.

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 “Fair College Admis-  
5       sions for Students Act”.

1 **SEC. 2. BAN ON LEGACY OR DONOR PREFERENCES IN AD-**  
 2 **MISSIONS.**

3 (a) IN GENERAL.—Section 487(a) of the Higher  
 4 Education Act of 1965 (20 U.S.C. 1094(a)) is amended  
 5 by adding at the end the following:

6 “(30)(A) The institution will not provide any  
 7 manner of preferential treatment in the admission  
 8 process to applicants on the basis of their relation-  
 9 ships to—

10 “(i) donors to the institution; or

11 “(ii) except as provided in subparagraph  
 12 (B), alumni of the institution.

13 “(B) The Secretary may waive the limitation  
 14 described in subparagraph (A)(ii) for an award year  
 15 for an eligible institution described in section 371(a)  
 16 if such institution demonstrates to the satisfaction of  
 17 the Secretary that preferential treatment in the ad-  
 18 mission process to applicants on the basis of their  
 19 relationships to alumni of the institution is in the  
 20 best interest of students who have been historically  
 21 underrepresented in higher education.”.

22 (b) EFFECTIVE DATE.—The amendment made by  
 23 subsection (a) shall take effect on the first day of the sec-  
 24 ond award year (as defined in section 481(a) of the Higher

- 1 Education Act of 1965 (20 U.S.C. 1088(a)) that begins
- 2 after the date of enactment of this Act.

