

# Union Calendar No. 493

118TH CONGRESS  
2D SESSION

# H. R. 8648

**[Report No. 118–593]**

To increase the transparency of colleges and universities in carrying out their civil rights responsibilities, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2024

Mrs. CHAVEZ-DeREMÉR introduced the following bill; which was referred to the Committee on Education and the Workforce

JULY 18, 2024

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on June 7, 2024]

# **A BILL**

To increase the transparency of colleges and universities in carrying out their civil rights responsibilities, and for other purposes.

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 “Civil Rights Protection*  
 5 *Act of 2024”.*

6 **SEC. 2. COMPLIANCE AND TRANSPARENCY RELATED TO**  
 7 **TITLE VI OF THE CIVIL RIGHTS ACT OF 1964.**

8 *(a) PROGRAM PARTICIPATION AGREEMENT REQUIRE-*  
 9 *MENT.—Section 487 of the Higher Education Act of 1965*  
 10 *(20 U.S.C. 1094) is amended—*

11 *(1) in subsection (a), by adding at the end the*  
 12 *following new paragraph:*

13 *“(30) The institution will comply with the provi-*  
 14 *sions of subsection (i) and provide to the Secretary an*  
 15 *annual attestation of such compliance.”.*

16 *(2) by redesignating subsections (i) and (j) as*  
 17 *subsections (j) and (k), respectively; and*

18 *(3) by inserting after subsection (h) the following*  
 19 *new subsection:*

20 *“(i) COMPLIANCE AND TRANSPARENCY RELATED TO*  
 21 *COMPLAINTS UNDER TITLE VI OF THE CIVIL RIGHTS ACT*  
 22 *OF 1964.—*

23 *“(1) COMPLIANCE AND TRANSPARENCY.—With*  
 24 *respect to complaints received by an institution re-*  
 25 *lated to alleged violations of title VI of the Civil*

1       *Rights Act of 1964 (42 U.S.C. 2000d et seq.), the in-*  
2       *stitution will—*

3               “(A) *have in effect, make publicly available*  
4               *(including on the website of the institution), and*  
5               *widely distribute to students and their families*  
6               *(including in student orientation materials) a*  
7               *description of the investigative processes of the*  
8               *institution related to such complaints;*

9               “(B) *include in the description of investiga-*  
10              *tive processes described in subparagraph (A) at*  
11              *least the following:*

12                   “(i) *The processes and factors used to*  
13                   *determine whether such a complaint will be*  
14                   *investigated and how the outcome of an in-*  
15                   *vestigation will be determined.*

16                   “(ii) *A designation of at least one em-*  
17                   *ployee to coordinate its efforts to comply*  
18                   *with title VI of the Civil Rights Act of 1964*  
19                   *(42 U.S.C. 2000d et seq.), including any in-*  
20                   *vestigation of any complaint alleging the*  
21                   *noncompliance of the institution with re-*  
22                   *quirements under the Act.*

23                   “(iii) *The contact information and*  
24                   *necessary steps for reporting such a com-*  
25                   *plaint to the institution.*

1           “(iv) A procedure to ensure that, for  
2 each such complaint received by the institu-  
3 tion, the complainant will receive from the  
4 institution timely notification of each of the  
5 following:

6                   “(I) Confirmation of receipt of the  
7 complaint.

8                   “(II) Notification of whether or  
9 not an investigation has been opened  
10 in response to the complaint.

11                   “(III) In the case that an inves-  
12 tigation was not opened in response to  
13 the complaint, an explanation of why  
14 an investigation was not opened in-  
15 cluding a summary of the information  
16 that was used to determine that an in-  
17 vestigation should not be opened.

18                   “(IV) In the case that an inves-  
19 tigation was opened—

20                           “(aa) notification that an in-  
21 vestigation of the complaint will  
22 be carried out, and that the com-  
23 plainant will be notified of the  
24 outcome of the investigation; and

1                   “(bb) notification of the out-  
2                   come of the investigation, includ-  
3                   ing an explanation of how the  
4                   outcome was reached, and any re-  
5                   medial actions taken in response  
6                   to the complaint.

7                   “(v) A system for keeping and main-  
8                   taining records of such complaints, includ-  
9                   ing the determination and reasoning for  
10                  whether or not an investigation into a com-  
11                  plaint was opened, notifications to and  
12                  communications with the complainant and,  
13                  if applicable, the respondent, a record of the  
14                  investigation (including the outcome there-  
15                  of), and a record of any remedial actions  
16                  taken in response to the complaint.

17                  “(vi) The contact information and nec-  
18                  essary steps for reporting a complaint re-  
19                  lated to an alleged violation of title VI of  
20                  the Civil Rights Act of 1964 (42 U.S.C.  
21                  2000d et seq.) to the Office for Civil Rights  
22                  of the Department of Education, including  
23                  the hyperlink to the electronic complaint  
24                  form of the Office for Civil Rights for an al-  
25                  leged violation of such title VI; and

1           “(C) *with respect to public awareness cam-*  
2           *paign materials created and distributed by the*  
3           *Office for Civil Rights of the Department relat-*  
4           *ing to protections for individuals under title VI*  
5           *of the Civil Rights Act of 1964 (42 U.S.C. 2000d*  
6           *et seq.), display and publish such materials, as*  
7           *applicable—*

8                     “(i) *not later than 30 days after such*  
9                     *materials are distributed;*

10                    “(ii) *for not less than 1 year or until*  
11                    *new such materials are distributed, which-*  
12                    *ever is later;*

13                    “(iii) *in high traffic, public places on*  
14                    *the campus of the institution; and*

15                    “(iv) *on publicly available websites of*  
16                    *the institution.*

17           “(2) *ENFORCEMENT.—An institution of higher*  
18           *education that fails to comply with any provision of*  
19           *subsection (a)(30) for two consecutive award years*  
20           *shall be ineligible to participate in the programs au-*  
21           *thorized by this title for a period of not less than two*  
22           *years. To regain eligibility to participate in the pro-*  
23           *grams authorized by this title, an institution of high-*  
24           *er education shall demonstrate compliance with para-*  
25           *graph (1) prior to the completion of the period during*

1       *which the institution is ineligible due to failure to*  
2       *comply with such paragraph.”.*

3       **(b) EFFECTIVE DATE.**—*The amendments made by sub-*  
4       *section (a) shall take effect on the first day of the first*  
5       *award year beginning after the date of enactment of this*  
6       *Act.*

7       **SEC. 3. OFFICE FOR CIVIL RIGHTS REQUIREMENTS.**

8       **(a) CONGRESSIONAL BRIEFINGS.**—

9               **(1) IN GENERAL.**—*Beginning not later than 30*  
10       *days after the date of the enactment of this Act and*  
11       *ending 2 years after such date of enactment, the As-*  
12       *stant Secretary for Civil Rights of the Department*  
13       *of Education shall give a monthly briefing to the*  
14       *Committee on Education and the Workforce of the*  
15       *House of Representatives and the Committee on*  
16       *Health, Education, Labor, and Pensions of the Senate*  
17       *regarding discrimination on the basis of race, color,*  
18       *or national origin in violation of title VI of the Civil*  
19       *Rights Act of 1964 (42 U.S.C. 2000d et seq.),*  
20       *disaggregated by the basis of discrimination, includ-*  
21       *ing shared ancestry, that—*

22               **(A)** *explains the number of complaints al-*  
23       *leging such discrimination that the Office for*  
24       *Civil Rights of the Department of Education (re-*  
25       *ferred to in this section as the “Office”)—*

1                   (i) is investigating; and

2                   (ii) has received in the preceding  
3                   month;

4                   (B) describes—

5                   (i) how the Office plans to address  
6                   those complaints; and

7                   (ii) the investigations being carried out  
8                   in response to those complaints, as applica-  
9                   ble; and

10                  (C) provides data about the length of time  
11                  that those complaints are pending after being re-  
12                  ceived by the Office.

13                  (2) *REPORT.*—Not later than 48 hours prior to  
14                  each briefing required under paragraph (1), the As-  
15                  sistant Secretary for Civil Rights of the Department  
16                  of Education shall provide a written report to the  
17                  Committee on Education and the Workforce of the  
18                  House of Representatives and the Committee on  
19                  Health, Education, Labor, and Pensions of the Senate  
20                  that contains the information that will be presented  
21                  at such briefing, in a manner that protects personally  
22                  identifiable information in accordance with applica-  
23                  ble privacy laws.

24                  (b) *OCR PROCESS REFORMS.*—

1           (1) *DISMISSALS.*—*The Office shall not close or*  
2           *dismiss any complaint regarding discrimination on*  
3           *the basis of race, color, or national origin in violation*  
4           *of title VI of the Civil Rights Act of 1964 (42 U.S.C.*  
5           *2000d et seq.) due to the filing of a complaint involv-*  
6           *ing the same allegations against the same recipient—*

7                     *(A) by an individual other than the com-*  
8                     *plainant with another Federal, State, or local*  
9                     *agency, a court, or the recipient, unless the Of-*  
10                    *fice determines that—*

11                             *(i) a court has certified a class action*  
12                             *with respect to the alleged violation of such*  
13                             *other individual's complaint;*

14                             *(ii) such other individual is a member*  
15                             *of such class; and*

16                             *(iii) the complainant is a member of*  
17                             *such class; or*

18                     *(B) by the complainant with another Fed-*  
19                     *eral, State, or local agency, a court, or the re-*  
20                     *ipient.*

21           (2) *INVESTIGATIONS.*—*The Office shall not delay*  
22           *an investigation of a complaint due to the filing of*  
23           *a complaint involving the same allegations against*  
24           *the same recipient with another Federal, State, or*  
25           *local agency or the recipient.*

1           (3) *RECIPIENT DEFINED.*—*For purposes of this*  
2           *subsection, the term “recipient” means an institution*  
3           *of higher education (as such term is defined in section*  
4           *102 of the Higher Education Act of 1965 (20 U.S.C.*  
5           *1002)) that receives funds under an applicable pro-*  
6           *gram (as such term is defined in section 400 of the*  
7           *General Education Provisions Act (20 U.S.C. 1221)).*

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