

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 730  
OFFERED BY MR. SCOTT OF VIRGINIA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Equity and Inclusion  
3 Enforcement Act of 2021”.

**4 SEC. 2. RESTORATION OF RIGHT TO CIVIL ACTION IN DIS-  
5 PARATE IMPACT CASES UNDER TITLE VI OF  
6 THE CIVIL RIGHTS ACT OF 1964.**

7 Title VI of the Civil Rights Act of 1964 (42 U.S.C.  
8 2000d et seq.) is amended by adding at the end the fol-  
9 lowing:

10 “SEC. 607. The violation of any regulation relating  
11 to disparate impact issued under section 602 shall give  
12 rise to a private civil cause of action for its enforcement  
13 to the same extent as does an intentional violation of the  
14 prohibition of section 601.”.

1 **SEC. 3. DESIGNATION OF MONITORS UNDER TITLE VI OF**  
2 **THE CIVIL RIGHTS ACT OF 1964.**

3 Title VI of the Civil Rights Act of 1964 (42 U.S.C.  
4 2000d et seq.) is further amended by adding at the end  
5 the following:

6 “SEC. 608. (a) Each recipient shall—

7 “(1) designate at least one employee to—

8 “(A) coordinate its efforts to comply with  
9 requirements adopted pursuant to section 602  
10 and carry out the responsibilities of the recipi-  
11 ent under this title, including any investigation  
12 of any complaint alleging the noncompliance of  
13 the recipient with such requirements or alleging  
14 any actions in violation of this title; and

15 “(B) provide guidance, education, and  
16 other assistance as necessary to ensure students  
17 and employees are aware of rights and respon-  
18 sibilities under this title; and

19 “(2) notify all its students and employees of the  
20 name, office address, email address, and telephone  
21 number of each employee designated under para-  
22 graph (1) by such recipient.

23 “(b) In this section, the term ‘recipient’ means a re-  
24 cipient referred to in section 602 that operates an edu-  
25 cation program or activity receiving Federal financial as-

1 sistance authorized or extended by the Secretary of Edu-  
2 cation.”.

3 **SEC. 4. SPECIAL ASSISTANT FOR EQUITY AND INCLUSION;**  
4 **CIVIL RIGHTS DATA COLLECTION.**

5 (a) SPECIAL ASSISTANT FOR EQUITY AND INCLU-  
6 SION.—Section 202(b) of the Department of Education  
7 Organization Act (20 U.S.C. 3412(b)) is amended—

8 (1) by redesignating paragraph (4) as para-  
9 graph (5); and

10 (2) by inserting after paragraph (3), the fol-  
11 lowing:

12 “(4) There shall be in the Department, a Special As-  
13 sistant for Equity and Inclusion who shall be appointed  
14 by the Secretary. The Special Assistant shall study, pro-  
15 mote, coordinate, and evaluate efforts to engender pro-  
16 gram compliance with title VI of the Civil Rights Act of  
17 1964 (42 U.S.C. 2000d et seq.) and inform individuals  
18 of their rights under such Act, including the dissemination  
19 of information, technical assistance, and coordination of  
20 research activities, in a manner consistent with such Act.  
21 The Special Assistant shall advise both the Secretary and  
22 Deputy Secretary on matters relating to compliance with  
23 title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d  
24 et seq.).”.

1 (b) CIVIL RIGHTS DATA COLLECTION.—Section  
2 203(c)(1) of the Department of Education Organization  
3 Act (20 U.S.C. 3413(c)(1)) is amended by inserting before  
4 the semicolon the following: “, including data with respect  
5 to complaints alleging any actions in violation of title VI  
6 of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.)  
7 by a recipient (as defined in section 608(b) of title VI of  
8 the Civil Rights Act of 1964).”

