

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 8648
OFFERED BY MRS. CHAVEZ-DE REMER OF
OREGON**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Civil Rights Protection
3 Act of 2024”.

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

6 (a) PROGRAM PARTICIPATION AGREEMENT RE-
7 QUIREMENT.—Section 487 of the Higher Education Act
8 of 1965 (20 U.S.C. 1094) is amended—

9 (1) in subsection (a), by adding at the end the
10 following new paragraph:

11 “(30) The institution will comply with the pro-
12 visions of subsection (i) and provide to the Secretary
13 an annual attestation of such compliance.”.

14 (2) by redesignating subsections (i) and (j) as
15 subsections (j) and (k), respectively; and

16 (3) by inserting after subsection (h) the fol-
17 lowing new subsection:

1 “(i) COMPLIANCE AND TRANSPARENCY RELATED TO
2 COMPLAINTS UNDER TITLE VI OF THE CIVIL RIGHTS
3 ACT OF 1964.—

4 “(1) COMPLIANCE AND TRANSPARENCY.—With
5 respect to complaints received by an institution re-
6 lated to alleged violations of title VI of the Civil
7 Rights Act of 1964 (42 U.S.C. 2000d et seq.), the
8 institution will—

9 “(A) have in effect, make publicly available
10 (including on the website of the institution),
11 and widely distribute to students and their fam-
12 ilies (including in student orientation materials)
13 a description of the investigative processes of
14 the institution related to such complaints; and

15 “(B) include in the description of inves-
16 tigative processes described in subparagraph
17 (A) at least the following:

18 “(i) The processes and factors used to
19 determine whether such a complaint will be
20 investigated and how the outcome of an in-
21 vestigation will be determined.

22 “(ii) A designation of at least one em-
23 ployee to coordinate its efforts to comply
24 with title VI of the Civil Rights Act of
25 1964 (42 U.S.C. 2000d et seq.), including

1 any investigation of any complaint alleging
2 the noncompliance of the institution with
3 requirements under the Act.

4 “(iii) The contact information and
5 necessary steps for reporting such a com-
6 plaint to the institution.

7 “(iv) A procedure to ensure that, for
8 each such complaint received by the insti-
9 tution, the complainant will receive from
10 the institution timely notification of each
11 of the following:

12 “(I) Confirmation of receipt of
13 the complaint.

14 “(II) Notification of whether or
15 not an investigation has been opened
16 in response to the complaint.

17 “(III) In the case that an inves-
18 tigation was not opened in response to
19 the complaint, an explanation of why
20 an investigation was not opened in-
21 cluding a summary of the information
22 that was used to determine that an
23 investigation should not be opened.

24 “(IV) In the case that an inves-
25 tigation was opened—

1 “(aa) notification that an in-
2 vestigation of the complaint will
3 be carried out, and that the com-
4 plainant will be notified of the
5 outcome of the investigation; and

6 “(bb) notification of the out-
7 come of the investigation, includ-
8 ing an explanation of how the
9 outcome was reached, and any
10 remedial actions taken in re-
11 sponse to the complaint.

12 “(v) A system for keeping and main-
13 taining records of such complaints, includ-
14 ing the determination and reasoning for
15 whether or not an investigation into a com-
16 plaint was opened, notifications to and
17 communications with the complainant and,
18 if applicable, the respondent, a record of
19 the investigation (including the outcome
20 thereof), and a record of any remedial ac-
21 tions taken in response to the complaint.

22 “(vi) The contact information and
23 necessary steps for reporting a complaint
24 related to an alleged violation of title VI of
25 the Civil Rights Act of 1964 (42 U.S.C.

1 2000d et seq.) to the Office for Civil
2 Rights of the Department of Education,
3 including the hyperlink to the electronic
4 complaint form of the Office for Civil
5 Rights for an alleged violation of such title
6 VI.

7 “(2) ENFORCEMENT.—An institution of higher
8 education that fails to comply with any provision of
9 subsection (a)(30) for two consecutive award years
10 shall be ineligible to participate in the programs au-
11 thorized by this title for a period of not less than
12 two years. To regain eligibility to participate in the
13 programs authorized by this title, an institution of
14 higher education shall demonstrate compliance with
15 paragraph (1) prior to the completion of the period
16 during which the institution is ineligible due to fail-
17 ure to comply with such paragraph.”.

18 (b) EFFECTIVE DATE.—The amendments made by
19 subsection (a) shall take effect on the first day of the first
20 award year beginning after the date of enactment of this
21 Act.

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

23 (a) CONGRESSIONAL BRIEFINGS.—

24 (1) IN GENERAL.—Beginning not later than 30
25 days after the date of the enactment of this Act and

1 ending 2 years after such date of enactment, the As-
2 sistant Secretary for Civil Rights of the Department
3 of Education shall give a monthly briefing to the
4 Committee on Education and the Workforce of the
5 House of Representatives and the Committee on
6 Health, Education, Labor, and Pensions of the Sen-
7 ate regarding discrimination on the basis of race,
8 color, or national origin in violation of title VI of the
9 Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.),
10 disaggregated by the basis of discrimination, includ-
11 ing shared ancestry, that—

12 (A) explains the number of complaints al-
13 leging such discrimination that the Office for
14 Civil Rights of the Department of Education
15 (referred to in this section as the “Office”)—

16 (i) is investigating; and

17 (ii) has received in the preceding
18 month;

19 (B) describes—

20 (i) how the Office plans to address
21 those complaints; and

22 (ii) the investigations being carried
23 out in response to those complaints, as ap-
24 plicable; and

1 (C) provides data about the length of time
2 that those complaints are pending after being
3 received by the Office.

4 (2) REPORT.—Not later than 48 hours prior to
5 each briefing required under paragraph (1), the As-
6 sistant Secretary for Civil Rights of the Department
7 of Education shall provide a written report to the
8 Committee on Education and the Workforce of the
9 House of Representatives and the Committee on
10 Health, Education, Labor, and Pensions of the Sen-
11 ate that contains the information that will be pre-
12 sented at such briefing, in a manner that protects
13 personally identifiable information in accordance
14 with applicable privacy laws.

15 (b) OCR PROCESS REFORMS.—

16 (1) DISMISSALS.—The Office shall not close or
17 dismiss any complaint regarding discrimination on
18 the basis of race, color, or national origin in viola-
19 tion of title VI of the Civil Rights Act of 1964 (42
20 U.S.C. 2000d et seq.) due to the filing of a com-
21 plaint involving the same allegations against the
22 same recipient—

23 (A) by an individual other than the com-
24 plainant with another Federal, State, or local

1 agency, a court, or the recipient, unless the Of-
2 fice determines that—

3 (i) a court has certified a class action
4 with respect to the alleged violation of such
5 other individual’s complaint;

6 (ii) such other individual is a member
7 of such class; and

8 (iii) the complainant is a member of
9 such class; or

10 (B) by the complainant with another Fed-
11 eral, State, or local agency, a court, or the re-
12 cipient.

13 (2) INVESTIGATIONS.—The Office shall not
14 delay an investigation of a complaint due to the fil-
15 ing of a complaint involving the same allegations
16 against the same recipient with another Federal,
17 State, or local agency or the recipient.

18 (3) RECIPIENT DEFINED.—For purposes of this
19 subsection, the term “recipient” means an institu-
20 tion of higher education (as such term is defined in
21 section 102 of the Higher Education Act of 1965
22 (20 U.S.C. 1002)) that receives funds under an ap-
23 plicable program (as such term is defined in section

1 400 of the General Education Provisions Act (20
2 U.S.C. 1221)).

