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
3 This Act may be cited as the “Equity and Inclusion 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.”.
SEC. 3. DESIGNATION OF MONITORS UNDER TITLE VI OF
THE CIVIL RIGHTS ACT OF 1964.

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

"Sec. 608. (a) Each recipient shall—

"(1) designate at least one employee to—

"(A) coordinate its efforts to comply with requirements adopted pursuant to section 602 and carry out the responsibilities of the recipient under this title, including any investigation of any complaint alleging the noncompliance of the recipient with such requirements or alleging any actions in violation of this title; and

"(B) provide guidance, education, and other assistance as necessary to ensure students and employees are aware of rights and responsibilities under this title; and

"(2) notify all its students and employees of the name, office address, email address, and telephone number of each employee designated under paragraph (1) by such recipient.

"(b) In this section, the term ‘recipient’ means a recipient referred to in section 602 that operates an education program or activity receiving Federal financial ass-
sistance authorized or extended by the Secretary of Edu-

cation.”.

SEC. 4. SPECIAL ASSISTANT FOR EQUITY AND INCLUSION;

CIVIL RIGHTS DATA COLLECTION.

(a) SPECIAL ASSISTANT FOR EQUITY AND INCLU-

SION.—Section 202(b) of the Department of Education

Organization Act (20 U.S.C. 3412(b)) is amended—

(1) by redesignating paragraph (4) as para-

graph (5); and

(2) by inserting after paragraph (3), the fol-

lowing:

“(4) There shall be in the Department, a Special As-

sistant for Equity and Inclusion who shall be appointed

by the Secretary. The Special Assistant shall study, pro-

mote, coordinate, and evaluate efforts to engender pro-

gram compliance with title VI of the Civil Rights Act of

1964 (42 U.S.C. 2000d et seq.) and inform individuals

of their rights under such Act, including the dissemination

of information, technical assistance, and coordination of

research activities, in a manner consistent with such Act.

The Special Assistant shall advise both the Secretary and

Deputy Secretary on matters relating to compliance with

title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d

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