

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
KING OF IOWA, OR HIS DESIGNEE,
DEBATABLE FOR 10 MINUTES:

48

**AMENDMENT TO THE RULES COMMITTEE PRINT
 OF MARCH 22, 2006
 OFFERED BY MR. KING OF IOWA**

At the end of part B of title IX of the Amendment
 add the following new section:

1 **SEC. ____ . RACIAL AND ETHNIC PREFERENCES.**

2 (a) FINDINGS.—The Congress finds the following:

3 (1) Title VI of the Civil Rights Act of 1964 for-
 4 bids discrimination on the basis of race, color, or na-
 5 tional origin by Federally-funded institutions, which
 6 includes nearly all colleges and universities.

7 (2) The United States Supreme Court has re-
 8 cently set out limitations on such considerations of
 9 race, color, and national origin.

10 (3) In order to ensure that these limitations are
 11 followed, schools must make public their use of race,
 12 color, and national origin, for admissions decisions
 13 so that Federal and State enforcement agencies and
 14 interested persons can monitor the schools.

15 (4) Citizens and taxpayers have a right to know
 16 whether Federally-funded institutions of higher edu-
 17 cation are treating student applications differently
 18 depending on the student's race, color, or national



1 origin, and, if so, the way in which these factors are
2 weighted and the consequences to students and pro-
3 spective students of these decisions.

4 (b) REPORTS ON ADMISSIONS PROCESS RE-
5 QUIRED.—

6 (1) REPORT REQUIRED.—Every academic year,
7 each institution of higher education that receives
8 funds from the Federal Government shall provide to
9 the Office for Civil Rights of the Department of
10 Education a report regarding its students admis-
11 sions process, and the report shall be made publicly
12 available.

13 (2) DISCLOSURE OF CONSIDERATION OF RACE,
14 COLOR, OR NATIONAL ORIGIN.—

15 (A) DISCLOSURE.—The report required by
16 this section shall begin with a statement of
17 whether race, color, or national origin is given
18 any weight in the student admissions process.

19 (B) DEPARTMENTAL DISCLOSURES.—If
20 different departments within the institution
21 have separate admission processes and any of
22 those departments give any weight to race,
23 color, and national origin, then the report shall
24 provide the information required by subpara-



1 graph (A) of this paragraph and paragraph (3)
2 for each department separately.

3 (3) ADDITIONAL DISCLOSURES.—If the disclo-
4 sure required by paragraph (2) states that race,
5 color, or national origin is given weight in the stu-
6 dent admission process, then the report under this
7 section shall also provide the following information:

8 (A) The racial, color, and national origin
9 groups for which membership is considered a
10 plus factor or a minus factor and, in addition,
11 how membership in a group is determined for
12 individual students.

13 (B) A description of how group member-
14 ship is considered, including the weight given to
15 such consideration and whether targets, goals,
16 or quotas are used.

17 (C) A statement of why group membership
18 is given weight, including the determination of
19 the desired level claimed and, with respect to
20 the diversity rationale, its relationship to the
21 particular institution's educational mission.

22 (D) A description of the consideration that
23 has been given to racially neutral alternatives
24 as a means for achieving the same goals for
25 which group membership is considered.



1 (E) A description of how frequently the
2 need to give weight to group membership is re-
3 assessed and how that reassessment is con-
4 ducted.

5 (F) A statement of the factors other than
6 race, color, or national origin that are collected
7 in the admissions process. Where those factors
8 include grades or class rank in high school,
9 scores on standardized tests (including the ACT
10 and SAT), legacy status, sex, State residency,
11 economic status, or other quantifiable criteria,
12 then all raw admissions data for applicants re-
13 garding these factors, along with each indi-
14 vidual applicant's race, color, and national ori-
15 gin and the admissions decision made by the
16 school regarding that applicant, shall accom-
17 pany the report in computer-readable form,
18 with the name of the individual student re-
19 dacted but with appropriate links, so that it is
20 possible for the Office for Civil Rights or other
21 interested persons to determine through statis-
22 tical analysis the weight being given to race,
23 color, and national origin, relative to other fac-
24 tors.



1 (G) An analysis, and also the underlying
2 data needed to perform an analysis, of whether
3 there is a correlation—

4 (i) between membership in a group fa-
5 vored on account of race, color, or national
6 origin and the likelihood of enrollment in a
7 remediation program, relative to member-
8 ship in other groups;

9 (ii) between such membership and
10 graduation rates, relative to membership in
11 other groups; and

12 (iii) between such membership and the
13 likelihood of defaulting on education loans,
14 relative to membership in other groups.

15 (4) RULE OF CONSTRUCTION.—Nothing in this
16 Act shall be construed to allow or permit preference
17 or discrimination on the basis of race, color, or na-
18 tional origin.

