

118TH CONGRESS
1ST SESSION

H. R. 3445

To amend title VI of the Civil Rights Act of 1964 to restore the right to individual civil actions in cases involving disparate impact, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2023

Mr. SCOTT of Virginia (for himself, Mr. NADLER, Ms. LEE of California, Mr. CARTER of Louisiana, Mr. GRIJALVA, Ms. NORTON, Ms. BONAMICI, Ms. JACKSON LEE, Ms. WILSON of Florida, Mr. SABLAN, Ms. CROCKETT, Mr. DAVIS of Illinois, Ms. SCHAKOWSKY, Mr. CARSON, Ms. TLAIB, Mr. MFUME, Ms. OMAR, Mrs. MCCLELLAN, Mr. BLUMENAUER, Mr. GREEN of Texas, Mr. GARCÍA of Illinois, Mr. COURTNEY, and Mr. IVEY) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title VI of the Civil Rights Act of 1964 to restore the right to individual civil actions in cases involving disparate impact, 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 “Equity and Inclusion
5 Enforcement Act of 2023”.

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

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

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

12 **SEC. 3. DESIGNATION OF MONITORS UNDER TITLE VI OF**
13 **THE CIVIL RIGHTS ACT OF 1964.**

14 Title VI of the Civil Rights Act of 1964 (42 U.S.C.
15 2000d et seq.) is further amended by adding at the end
16 the following:

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

18 “(1) designate at least one employee to coordi-
19 nate its efforts to comply with requirements adopted
20 pursuant to section 602 and carry out the respon-
21 sibilities of the recipient under this title, including
22 any investigation of any complaint alleging the non-
23 compliance of the recipient with such requirements
24 or alleging any actions prohibited under this title;
25 and

1 “(2) notify its students and employees of the
2 name, office address, and telephone number of each
3 employee designated under paragraph (1).

4 “(b) In this section, the term ‘recipient’ means a re-
5 cipient referred to in section 602 that operates an edu-
6 cation program or activity receiving Federal financial as-
7 sistance authorized or extended by the Secretary of Edu-
8 cation.”.

9 **SEC. 4. SPECIAL ASSISTANT FOR EQUITY AND INCLUSION.**

10 Section 202(b) of the Department of Education Or-
11 ganization Act (20 U.S.C. 3412(b)) is amended—

12 (1) by redesignating paragraph (4) as para-
13 graph (5); and

14 (2) by inserting after paragraph (3), the fol-
15 lowing:

16 “(4) There shall be in the Department, a Special As-
17 sistant for Equity and Inclusion who shall be appointed
18 by the Secretary. The Special Assistant shall promote, co-
19 ordinate, and evaluate efforts to engender program com-
20 pliance with title VI of the Civil Rights Act of 1964 (42
21 U.S.C. 2000d et seq.) and inform individuals of their
22 rights under such Act, including the dissemination of in-
23 formation, technical assistance, and coordination of re-
24 search activities, in a manner consistent with such Act.
25 The Special Assistant shall advise both the Secretary and

1 Deputy Secretary on matters relating to compliance with
2 title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d
3 et seq.).”.

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