

S.5

To amend the Higher Education Act of 1965 to prohibit institutions of higher education participating in Federal student assistance programs from giving preferential treatment in the admissions process to legacy students or donors.

IN THE SENATE

February 23, 2023

Mr. Mark of Pacifica(for himself), Ms Kallis and Mr. Posting of Pacifica(for themselves)

A BILL

To amend the Higher Education Act of 1965 to prohibit institutions of higher education participating in Federal student assistance programs from giving preferential treatment in the admissions process to legacy students or donors.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the Fair College Admissions for Students Act of 2023

SEC. 2. BAN ON LEGACY OR DONOR PREFERENCES IN ADMISSIONS

- (a) IN GENERAL — Section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)) is amended by adding at the end the following:
- (i) “(30) (A) The institution will not provide any manner of preferential treatment in the admission process to applicants on the basis of their relationships to—
 - (1) Donors to the institution; or
 - (2) Except as provided in subparagraph (B), alumni of the institution.
 - (ii) The Secretary may waive the limitation described in subparagraph (A)(i) for an award year for an eligible institution described in section

371(a) if such institution demonstrates to the satisfaction of the Secretary that preferential treatment in the admission process to applicants on the basis of their relationships to alumni of the institution is in the best interest of students who have been historically underrepresented in higher education.”.

SEC. 4. ENACTMENT.

EFFECTIVE DATE.— The amendment made by subsection (a) shall take effect on the first day of the second award year (as defined in section 481(a) of the Higher Education Act of 1965 (20 U.S.C. 1088(a))) that begins after the date of enactment of this Act.

Drafted by David S. Mark (R-CA) for Congress' use.