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SUPPLEMENT

SIXTY-SEVENTH DAY — FRIDAY, MAY 19, 2023

CSSB 17 - SECOND READING

(Kuempel, Shaheen, and Bonnen - House Sponsors)

CSSB 17, A bill to be entitled An Act relating to the purpose of public institutions of higher education and the powers and duties of the governing boards of those institutions.

[Representative V. Jones raised a point of order against further consideration of **CSSB 17** under Rule 4, Section 32(c)(1), of the House Rules on the grounds that the background and purpose statement in the bill analysis is substantially or materially misleading. The point of order was withdrawn.]

[Representative J.D. Johnson raised a point of order against further consideration of **CSSB 17** under Rule 4, Section 32(c)(5), of the House Rules on the grounds that the bill analysis does not adequately compare the original to the substitute. The point of order was overruled.]

CSSB 17 - REMARKS

REPRESENTATIVE KUEMPEL: In all discussions I have had with my colleagues, and in the committee hearing moving **CSSB 17** forward, I have rarely engaged in the debate in which so many of my fellow members—including opponents of this bill—are in agreement. Texas is one of the most diverse states in the country and we all agree that diversity contributes to our strength and resiliency. We all agree that our institutions of higher education must harness that diversity and everyone in this house agrees that we have no higher priority than ensuring that every Texan, regardless of race or ethnicity, be given the tools they need to succeed. We all agree that equality of access to higher education, as well as equality of treatment in education, is our main goal. And we agree that we must continue to work toward that goal.

Members, I believe if you look closely at **CSSB 17** and what it actually does we will agree on that too. DEI programs are present in some form in almost every Texas campus. In 26 to 37 taxpayer funded universities in Texas have a central DEI administrative office. Fifty-one of the 64 colleges within our top five universities have dedicated DEI committees for hiring and strategic plans. The University of Texas alone has 14 people under the division of diversity—11 of whom are ranked as vice-presidents. Almost 50 people at UT have DEI in their titles. A&M has 46 DEI officers who, among other things, oversee two major committees of 30 members each that handle climate and hiring. There's virtually no evidence from any Texas college or university that DEI programs have closed the gap in terms of minority student outcomes, minority recruitment, or faculty

hiring. Texas universities are spending millions on those, even though a nationwide study by Baylor in 2018 found that bringing in a chief diversity officer—which on large campuses is accompanied by a huge staffing increase—had no effect on minority hiring. The study found that chief diversity officers rose from less than three percent in all universities in 2001 to close to 70 percent in 2019. At Texas A&M last year, the university's DEI leadership with the support of the faculty senate, announced they would no longer include Asian American applicants for certain faculty positions. After English and Spanish, Vietnamese is the most spoken language in Texas next to Chinese, but those Asian groups are not included in A&M's list of underrepresented minorities—they were excluded.

There's also a concern that DEI is weakening the strength of our instructors. An analysis of the Life Sciences Department at UC Berkeley found that 76 of the job applicants were screened out of their diversity statement before their academic record was even considered. If Texas is going to continue to lead the nation and the world we can't let this continue—especially in science and research. This is particularly critical. We must recruit the best people in every field, regardless of race or gender. We cannot afford to screen out anyone who might have the key to curing cancer or Alzheimer's. We need the best minds and we need to recognize that all those minds won't think alike. In fact, that is the point of creativity, of innovation, of progress. That is the kind of diversity we are looking for.

Applicants can be eliminated for saying certain things. Using the word "merit" or "meritocracy" can sometimes exclude somebody. Diversity statements are not designed to ensure the potential faculty members follow the law. Instead, they are designed to sort job candidates. Compelling faculty and staff to write and sign diversity statements is counter to achieving the goal of advancing free academic inquiry and diversity of thought. The University of Texas Strategic Plan for Faculty Diversity, Equity, and Inclusivity urges that every applicant for a job at UT be required to provide a diversity statement. To avoid the fate of the unsuccessful candidates, they must affirm the belief that some students deserve to be treated differently. Ironically, in a 2018 study of similar equal opportunity statements in the federal system found that the requirement discourages some minorities' willingness to apply for jobs. But in Texas, candidates who didn't supply a diversity statement were excluded.

Members, what this bill does is make sure that we can actually accomplish our goal of promoting diversity rather than using diversity to create a narrow, close-minded environment on all our college campuses.

REPRESENTATIVE J. JONES: Representative Kuempel, I'm worried about how the bill is going to be interpreted and implemented by colleges and universities. The bill prohibits an entity of the university from developing DEI practices that influence hiring, but I'm concerned, again, about interpretation. So what specific issues do you think this bill will actually address and solve?

KUEMPEL: I think it will promote diversity through all applicants and not the narrow-minded approach in some of the statements—application statements—that automatically exclude a large majority of the applicants without taking into consideration any of their academic successes or merit.

J. JONES: Another question for you: Could you provide examples of the type of diversity and inclusion expenditures that will be permissible if this bill is enacted into law?

KUEMPEL: I don't know that there are any expenditures. What we have in this bill would allow the board of regents, who are appointed by the governor, to comply with diversity statements that may be required to receive federal grants.

J. JONES: What kind of expenditures would be prohibited?

KUEMPEL: I don't know that we're prohibiting the expenditures that may be associated with DEI offices—we aren't prohibiting that with this legislation. It won't prohibit anything as far as student services, academic freedom—certain things like that. That will still be in place.

J. JONES: So let me move to the threat of funding services. If a university is found to be in violation of a provision in this bill, they're unable to spend money appropriated to them for the state fiscal year. Are you okay with limiting the spending power of a public university like your alma mater, The University of Texas?

KUEMPEL: Well, it's a part of this bill. And what we're doing with this legislation is making sure that they come back—which could be considered, I guess, a standing subpoena—they come back and meet before the substantive committees in the house and the senate before each fiscal year to make sure that they're complying with the rules of this bill, if enacted.

J. JONES: Let me ask you this: What happens to students from underserved communities that rely on the university funding for housing, food, and other essential needs if the school loses spending access to the appropriated funds because of a violation?

KUEMPEL: Again, it's not going to affect any of the student services or students on a need basis. The universities are still going to be able to fund and financially help those students that are in need—all students that are in need.

J. JONES: So if the school gets funding cut because they violated this policy and they no longer have access to that money, how are they going to be able to continue to give the underserved students the money? Where is that coming from?

KUEMPEL: Well, I would come back to what we have appropriated to them and they'll be able to use that. What we're doing here is eliminating the DEI office and the DEI office only. I would assume that funding would be rolled into student services.

J. JONES: I want to move to NCAA DEI requirements since I'm a former NCAA athlete. Currently, the NCAA requires Division I members to conduct a DEI review every four years to maintain membership. This includes the 25 universities in Texas who are currently members of the NCAA. So based on the language of this bill, how do you expect for our Division I universities like TCU, UT Austin, Baylor, Rice, Sam Houston, SMU, University of Houston, and A&M to conduct this required NCAA review without being in noncompliance with this bill?

KUEMPEL: I'll just say that it plainly states on the NCAA website that the review is not subject to formal NCAA assessment or approval and is not required that a member—

[Amendment No. 1 by Cole was laid before the house.]

REPRESENTATIVE COLE: What my amendment does is strike the enacting clause. I'm doing this because of the importance of DEI initiatives and programs on our college campuses and for the students and faculty.

We heard testimony from over 250 individuals who testified against **CSSB 17** and spoke against the bill until 3:30 a.m. These DEI programs help foster a healthy environment for not only myself when I was going to college at The University of Texas, but for my boys when they were going to college. Similar initiatives helped Ms. Wilhelmina Delco, who served the constituents of eastern Travis County here in the Texas House from the '70s to the '90s go to school and her position as chair of the House Education Committee through the 1980s.

DEI initiatives rose thanks to integration laws like President Harry Truman signing an executive order desegregating the armed forces. DEI has its roots in Texas thanks to the Civil Rights Act of 1964, signed by President Lyndon Baines Johnson, which made it illegal for businesses to practice discrimination as part of their hiring practices. Many colleges throughout the state excluded Black Americans at their founding. DEI policies and offices are designed to remedy these legacies of exclusion that persist today. My alma mater, The University of Texas, was founded in 1883, but allowed African American undergraduate students on January 8, 1956. Texas A&M was founded in 1876, but did not allow African Americans until 1963.

While this issue is personal for me and many of my colleagues in the legislature, please know the DEI programs and initiatives aren't there to just protect people like me and people who look like me. They exist to foster, affirm, celebrate, engage, and strengthen inclusive communities. DEI is meant to protect everyone, regardless of race, color, or creed.

KUEMPEL: Obviously, this strikes the enabling clause and effectively kills the legislation. So I will be against Ms. Cole's amendment.

REPRESENTATIVE COLLIER: I want to just follow up on the diversity, equity, inclusion part where—my question is: Do diversity, equity, and inclusion offices—do they include, or take into consideration, individuals with disabilities?

KUEMPEL: I am not sure about that, Ms. Collier. I don't know. I know that the universities have ADA compliance offices that I would assume address those needs.

COLLIER: Can you tell me which universities have an ADA office?

KUEMPEL: I know that The University of Texas, Texas Tech, Texas A&M—I would assume others do as well.

COLLIER: And they have those offices which are separate and apart from any diversity, equity, and inclusion office?

KUEMPEL: From my understanding, yes, ma'am.

COLLIER: Okay, and then how many—in your provision of your bill, you said that they cannot have a diversity, equity, and inclusion office that promotes the retention and hiring of individuals based on race, sex, gender, or color. Would disability be included in that? If they have a diversity, equity, and inclusion office—

KUEMPEL: It's certainly not spelled out, and again, I would point back to the ADA offices that those universities have. It's not my understanding that they are in the DEI offices and they would not be affected by this.

COLLIER: If they are in the DEI office, would they just have to rename their DEI office? If they were going to use it for disabled—

KUEMPEL: Well, in some of those cases they will be renamed to the offices of student services I would assume. We are not doing anything in this legislation to student services which would include those that are disabled.

COLLIER: But you agree that there are some universities that already have a DEI office, correct?

KUEMPEL: Yes, and that's what we are trying to eliminate.

COLLIER: Right. And so by eliminating these offices, are we eliminating these jobs?

KUEMPEL: Those jobs will be eliminated.

COLLIER: How many people will lose their job?

KUEMPEL: Let me—if you don't mind for a second. I'll tell you this, while we are—UT Austin has a staff of 62, A&M—

COLLIER: So those 62 people will lose their jobs?

KUEMPEL: No, they will not lose their jobs. They'll be, I assume, reassigned to student services.

COLLIER: But do we know that?

KUEMPEL: I have been told that.

COLLIER: So right now, today, it is your understanding that those 62 individuals at UT Austin who are currently in the DEI office will be reassigned and they will not lose their job?

KUEMPEL: That is my understanding as of today, Ms. Collier.

COLLIER: Will they lose any money? Like, will they have to take a reduction in income?

KUEMPEL: I don't believe so.

COLLIER: Okay, and what about the other universities—you said Texas A&M?

KUEMPEL: I don't have the specific numbers, but I think our conversation can apply to those as well.

COLLIER: Alright. Are you familiar with the origins of DEI offices?

KUEMPEL: No, ma'am.

COLLIER: They date way back from even 1948. Were you familiar with that? That was to increase diversity within our country and in these different places. President Truman signed an executive order in 1948 to desegregate the armed services, and that was the first diversity protocol. Are you familiar with that?

KUEMPEL: No, ma'am.

COLLIER: Okay. These have long roots. Are you familiar with why DEI offices became relevant and needed? Because of the systemic inequities that were in place?

KUEMPEL: I understand that, but I understand what they have become and that is our concern here. They've provided division and not truly promoting free speech and equitable hiring practices.

COLLIER: Well, does this bill deal with free speech?

KUEMPEL: This bill doesn't touch free speech—it promotes free speech.

COLLIER: It promotes free speech?

KUEMPEL: Yes, ma'am.

COLLIER: Okay, and I think there was a provision in the bill that talked about—well, can you tell me how it promotes free speech?

KUEMPEL: Well, I should say, academic free speech.

COLLIER: Whose academic free speech?

KUEMPEL: Those in academia.

COLLIER: Well, wouldn't it be for a certain class of people?

KUEMPEL: I would assume it would be for all those in academia.

COLLIER: For all people, and so, that gets me to the point that I was going to ask you about. How will this bill promote the first purpose—it says "the purpose of higher education institutions"? If you look on page 1 of your bill—of the committee substitute—you see that part in there that talks about what it is supposed to promote, "higher education purposes"?

KUEMPEL: Yes, ma'am.

COLLIER: I'm trying to figure out how this bill correlates with the purpose of higher education. By eliminating diversity, equity, and inclusion offices, how do you propose that higher education institutions are to promote intellectual inquiry and academic freedom so that all students are equipped for participation in the workforce and the betterment of society?

KUEMPEL: I think it's just that. Just revert back to—what we are doing is going back. We are closing DEI offices. And I can think we can all agree on diversity and academic free speech—that they will not be limited in this legislation.

COLLIER: Then going back to the question about intellectual diversity so that all students are respected and educated. This is one of the higher education purposes according to the committee substitute—the bill that is in front of us. I'm trying to figure out how we are accomplishing that. Is there going to be something that tracks any type of reduction in recruitment or hiring of individuals that reflect the great diversity of Texas?

KUEMPEL: I would suggest that we are able through—be happy to include everybody, but you know, as we move on through studies and making sure that we continue to do—I mean, we can track that. I'm sure we can get data from the coordinating board, or whomever, to see where those track and those efforts.

COLLIER: Well, thank you, I appreciate you saying that because I just don't want us to go backwards. And so, if there is a way for us to track it—

KUEMPEL: Ms. Collier, I agree with you. We can kind of consider this as a fresh start going forward.

COLLIER: Okay, and would you be amenable to considering doing some type of study or tracking mechanism on top of what you are doing here? That way we don't go backwards.

KUEMPEL: Well, today no, but I will make that commitment in the interim, certainly, to do something like that.

COLLIER: But if there is an amendment that deals with that. Would you be willing to consider that? It doesn't change your bill it just says that we track the data.

KUEMPEL: Ms. Collier, I would be happy to talk to you about that.

COLE: This bill is very dangerous to our state. It hurts diversity, equity, and inclusion throughout the state to our flagship colleges and will hurt them in recruiting efforts. I ask you to vote yes on the amendment striking the enacting clause.

REPRESENTATIVE WALLE: Representative Cole, you mentioned earlier that you graduated from The University of Texas, is that correct?

COLE: I graduated from The University of Texas in accounting for undergrad, and I also graduated there for law school.

WALLE: And at the time—and even currently—at many institutions of higher education like UT and others, we've had an issue with recruiting faculty, staff, deans, and administrators of color to those institutions—not just UT, but all institutions of higher education in the State of Texas. Is that correct?

COLE: That is very correct. We only had one professor that was African American at the law school at the time I attended.

WALLE: And part of the rationale for having DEI offices was to remedy past, but sometimes current, inequities in higher education and their hiring practices, is that correct?

COLE: Yes. The inequities were very apparent.

WALLE: They were more prevalent some time ago, but they're still prevalent in certain aspects today. Is that correct?

COLE: Yes. They're very prevalent today as well.

WALLE: Would you agree that even the percentage of faculty and staff at all institutions of higher education in Texas—some are in the single digits, is that correct?

COLE: Yes. The faculty and staff are greatly lower.

WALLE: Right. And that matters because as this state has increased to close to 30 million people that diversity has increased, is that correct?

COLE: Yes. We continue to see a rapid disparity.

WALLE: And the rapid increase in diversity also poses some challenges in trying to get students admitted from Texas schools into these universities, is that correct?

COLE: Yes. It puts a big damper on recruitment efforts with other flagship universities and colleges.

WALLE: Right. What I'm getting at is if you don't have a diverse pool of faculty and staff to recruit and that can relate to students from a growing, diverse population, how are these institutions going to be able to attract these students and get them into these schools if they don't have diverse faculty, staff, and administrators? Do you believe the elimination of these DEI offices would inhibit that ability to one, with this rapidly growing diverse population, recruit and retain a diverse faculty? Is that fair to say?

COLE: I think that's fair to say. If we don't have diverse staff it will be difficult to recruit diverse students.

WALLE: In fact—and this is a statement that I've made many times—our children can't be who they can't see. Is that correct?

COLE: That is very true. You need role models.

WALLE: And you need diverse faculty and staff and administrators at these institutions of higher education, not solely for the purpose of them coming from a diverse background, but also because they are actually qualified. These are people that have earned the ability to work as professors, to work as administrators, and to work as deans. Is that not correct?

COLE: That is true. The diverse faculty is competent and not assuming that they come without merit.

WALLE: These offices are intended to recruit and retain folks that are qualified. That's the baseline. They merit the qualifications to be at the staff level, but it just so happens that they might be a woman of color, a man of color, or somebody from a different gender or sex, is that correct?

COLE: Or disabled.

WALLE: They could be disabled. They could be a veteran. Is that correct? Because you also have veterans' offices in a lot of institutions of higher education, is that correct?

COLE: Yes, you do have veterans' offices and services for disabled individuals.

WALLE: And we make a concerted effort to recruit veterans to institutions of higher education and to recruit folks who are disabled. Is that correct?

COLE: Yes we do, along with other disadvantaged groups.

WALLE: Are you familiar with Heman Sweatt?

COLE: Heman Sweatt, yes, I am.

WALLE: And you understand and I know you're very aware of Mr. Sweatt and him being denied entrance to The University of Texas law school, is that correct?

COLE: Yes, because they didn't want an African American in the law school.

WALLE: Where did the law school end up being created?

COLE: In Houston, Texas.

WALLE: And what's the name of that law school?

COLE: The Texas Southern University Law School.

WALLE: He was denied admission, right?

COLE: And so they built a whole school.

WALLE: They created what was alleged to be a "separate but equal"—and we know it was not equal—separate law school at Thurgood Marshall School of Law, is that correct, in Houston?

COLE: Yes, the Thurgood Marshall Law School. They created a whole new university so that he would not attend The University of Texas.

WALLE: But he was qualified, correct?

COLE: He was qualified.

WALLE: But for the color of his skin, he was not admitted into that university?

COLE: The sole reason he was not admitted was because of the color of his skin.

WALLE: What we want to do is learn that history. Isn't it true we need to learn that history? DEI offices are premised so that we don't repeat that ugly history that we have in this state, is that correct?

COLE: DEI offices are meant to educate so that we do not make the same mistakes that we have made in the past.

[Amendment No. 1 failed of adoption by Record No. 1860.]

[Representative Cole moved to print all remarks on **CSB 17**.]

[Amendment No. 2 by Schaefer was laid before the house.]

REPRESENTATIVE SCHAEFER: The senate sent over a strong bill and I appreciate the work of the House Higher Education Committee and Mr. Kuempel on this bill. But unfortunately some of the strong provisions in the senate bill have been removed. The senate bill had said, "We got holes in the chicken coops. We're going to put wire up around the chicken coop and we're going to put the farmer in charge of guarding the chicken coop." The bill, as it stands before the house right now, has holes cut in the fence and the fox guarding the hen house. This amendment—and some of the others—will attempt to put the fence back up and put the farmer back in charge.

One of the issues this amendment addresses is that the house version of the bill basically allows DEI policies to be initiated if they're part of quote "institutional policy." That institutional policy language did not appear in the senate. It now appears in the house. In other parts of the bill where it says, "Well, if there's a grant for an accreditation agency that wants a reason—you can do it." So you can put it into institutional policy. The house version also removed the words "special benefits or promoting DEI policies." This amendment puts that back in there to strengthen it. The original bill allowed the attorney general to review these trainings that the institutions were going to do so that the fox didn't guard the hen house. But here the house version has taken that out. So that's why I have brought this amendment to put those strong provisions back into the bill.

REPRESENTATIVE HARRISON: The senate bill, when it came over, prohibited required diversity training. Without this amendment will universities be able to continue requiring this expensive and counterproductive training?

SCHAEFER: I believe they will. There are a number of gaps that have been cut into this prohibition that now will allow clever lawyers to essentially walk through a wide open door to reinstitute these policies as long as they comply with an institutional policy which complied with the grant or complied with something an accreditation agency did. So it's sort of some clever legal wording that opens the door right back up to those kinds of things.

HARRISON: So without your amendment—to summarize—that divisive training would still be allowed to continue under this version of the bill?

SCHAEFER: I believe so.

HARRISON: Okay, so Representative Schaefer, you may or may not be aware that The University of Texas has about as many DEI administrators and staff as it does history professors. Will your amendment help return universities to their original mission of educating students as opposed to separating them based on the color of their skin?

SCHAEFER: This amendment helps get this bill back to the original purpose which was to focus on education and not focus on characteristics and things that are prohibited by law—to be given preferential treatment or special benefits.

HARRISON: The University of Texas's "You Belong Here" diversity action plan, you may or may not know, includes the separating of minority students from the campus community as a whole to, "improve the campus climate." Without this amendment, would these highly divisive practices be able to continue?

SCHAEFER: I think they would. I think DEI ultimately separates people into groups and then tries to give special benefits here or special preferences there. That's not what we need. We need to look past those characteristics and to look at the human, look at the individual, look at the student based on their merit and not on these immutable characteristics.

HARRISON: I agree with that. And DEI employees on college campuses in Texas vastly outnumber—I was shocked to learn this—the number of employees dedicated to helping students with disabilities and to implementing the Americans with Disabilities Act. For example—this is just staggering—at both The University of Texas and at Texas Tech University there are 300 percent the number of faculty and staff pursuing and promoting DEI than there are implementing the Americans with Disabilities Act. Without this amendment, would these universities be able to continue allowing and supporting these large DEI bureaucracies?

SCHAEFER: I think this amendment is needed to close the gap that was created in this bill to get at the problem we are trying to address.

HARRISON: Okay, so to summarize points from our discussion here: Are public universities in the State of Texas using tax dollars to promote DEI?

SCHAEFER: Absolutely. Millions of dollars.

HARRISON: Millions of dollars. Are our constituents—struggling taxpayers, people who are having a hard time putting food on the table and gas in the tank and paying their property tax bill—do you believe, Representative Schaefer, that they want their tax dollars going to fund DEI on college campuses in Texas?

SCHAEFER: Absolutely not.

HARRISON: Without this amendment, does this bill ban all DEI in the State of Texas?

SCHAEFER: No.

HARRISON: So without amendments, would any one of our colleagues be able to go home and look their constituents in the eye and say that they banned DEI on college campuses in the State of Texas?

SCHAEFER: Not under this version of the bill.

HARRISON: Okay so a no vote on your amendment—just to be clear to our colleagues—would be a vote to allow the continued taxpayer subsidized DEI on college campuses?

SCHAEFER: That's my belief.

HARRISON: That's my belief, too. Thank you, Representative Schaefer, for bringing these amendments. If you oppose DEI, the only correct thing to do is to vote yes on these amendments.

REPRESENTATIVE GERVIN-HAWKINS: Representative Schaefer, you're saying that DEI creates challenges and is problematic. I've talked to several of the university presidents and they're saying that the number of minority students is decreasing, not increasing. Are you aware of that fact or do you have different numbers?

SCHAEFER: I'd love to see your numbers. I think there's challenges with college enrollment across the board. If you look at the national trends, university enrollment has been declining across the board. So I think it's a nationwide challenge across everybody.

GERVIN-HAWKINS: My question directly is people of color. Do you see that number decreasing?

SCHAEFER: I have not seen that study.

GERVIN-HAWKINS: Mr. Schaefer, one of the things that I would like to also ask is do you know why DEI programs were developed?

SCHAEFER: I'm sure they have good intentions behind it, but at the end of the day I think you'd agree with me that it's wrong to give people preferential treatment based upon their race, sex, color, or ethnicity. Wouldn't you agree with that?

GERVIN-HAWKINS: I don't disagree with that at all. I agree with you wholeheartedly. But DEI doesn't mean that. Could you define DEI for us, as you see it?

SCHAEFER: I think DEI has been used to separate people into groups and to focus on someone's race or focus on someone's sex in ways that provide preferential treatment or special benefits. And by very definition when you do that, you are excluding somebody.

GERVIN-HAWKINS: So it is your belief the university has taken on practices that have discriminated against a certain population?

SCHAEFER: Absolutely.

GERVIN-HAWKINS: What evidence do you have of that?

SCHAEFER: I think that's not necessarily the subject to my amendment, but I think you can actually look at a number of the studies that have been done. There's actually a lack of results. DEI programs are not having a positive impact on Texas campuses. According to an official survey from Texas A&M that was

conducted by the administration, 55 percent of Black students in 2019 felt that they belonged at Texas A&M—down 27 points from a few years prior. So the DEI programs were instituted, and yet these students had a feeling like they didn't belong. So if you look at the results—

GERVIN-HAWKINS: Thank you, Mr. Schaefer, I think I've got your point.

[Representative Gervin-Hawkins raised a point of order against further consideration of Amendment No. 2 under Rule 11, Section 2, of the House Rules on the grounds that the amendment is not germane. The point of order was withdrawn.]

[Amendment No. 3 by Dutton was laid before the house.]

REPRESENTATIVE DUTTON: I hope you've had a chance to look at this amendment to the amendment.

I've been listening to the debate and I'm not sure what the amendment does. I'm really trying to understand it. One of the things it appears to me to say is that in Texas we can have an all-Anglo college that has all-Anglo teachers, all-Anglo students, all-Anglo administrators and that's acceptable. If that's what this amendment says then I hope you'll vote for the amendment to the amendment.

[Representative Kuempel moved to postpone consideration of **CSSB 17** until 3 p.m. today.]

[Amendment No. 3 was withdrawn.]

[Amendment No. 2 was withdrawn.]

[Representative Neave Criado raised a point of order against further consideration of **CSSB 17** under Rule 4, Section 40, and Rule 11, Section 2, of the House Rules on the grounds that the committee substitute is not germane. The point of order was withdrawn.]

[Amendment No. 4 by Kuempel was laid before the house.]

KUEMPEL: This amendment makes a number of perfecting changes. First, we ensure that promoting the differential treatment and providing special benefits to individuals on the basis of their race, sex, color, or ethnicity is captured in the definition of a DEI office. For further oversight, any policies, procedures, or trainings designed or implemented in reference to race, color, sex, or ethnicity must also be approved by the Higher Education Coordinating Board. Additionally, the state auditor will conduct a compliance review of each institution of higher education once every four years. If the state auditor finds that an institution of higher education is not in compliance with this act then the institution of higher education will have 180 days to cure the violation. If the institution of higher education fails to cure the violation they will be ineligible for funding increases in exceptional items in the following biennium. This amendment amends Subsection (c) of the bill, replacing the existing language with the provision that affirms the ability of the institution of higher education or their employees to submit a statement to a grant provider or accrediting agency that highlights the institutions work of supporting first-generation college students, low-income students, or underserved student populations. Lastly, the

amendment allows a student or employee of the institution that is required to participate in DEI training to bring action against the institution for injunctive or declaratory relief.

COLLIER: I just wanted to go over the part where you said you're removing—on page 4, lines 1 through 12, correct? That deals with "the governing board of an institution of higher education may approve the institution's implementation of a program." You're going to delete that section, is that correct?

KUEMPEL: Correct.

COLLIER: Okay, so one of the items in here in the bill before us says that "the governing board may approve an institution's implementation of a program if the board determines that the program is necessary for the institution to comply with the terms of a grant awarded by a contract with the federal government, a private entity, or nonprofit organization." You are removing that. And so my concern is that there's not going to be coverage for our universities to comply with the terms of a grant.

KUEMPEL: Ms. Collier, I understand. We don't think it's necessary. We've applied for grants in the past. This bill maintains requirements already enshrined in federal law so whatever information universities collect would still be consistent with what the federal government requires.

COLLIER: Well, it's not only the federal government because in the original it said nonprofits and private entities. They give grants too so—

KUEMPEL: We would say that, to our understanding, applying for those grants would be satisfactory with—

COLLIER: A statement?

KUEMPEL: The statement. Yes, ma'am. Faculty research is completely exempt from this bill, so grant funds are unaffected.

COLLIER: Well, it's not just research grants there's different types of grants that are available to help improve or encourage a diverse population. So my concern here is that we are eliminating funding opportunities for our universities for those types of grants that may require more than a statement. I understand what you're saying. Your understanding is that most grants just require a statement, but how do we have evidence of compliance beyond a statement?

KUEMPEL: Again, we could just read the part of the amendment that says for the diversity statement—to apply for it we can, in our diversity statement, say that the institutions work on supporting first generation, low income students, and underserved student populations certifies compliance with state and federal antidiscrimination laws.

COLLIER: So if there is an audit—which I don't have a problem with the audit part because you're saying that there should be an audit. If the audit reveals that there is no compliance, how do we—

KUEMPEL: We're just not aware of any grants that—

COLLIER: I know you're not aware. But there are some that exist that may require actual compliance. What use is it for them to apply if they can't comply?

KUEMPEL: We're just not aware of any of those that address your question.

COLLIER: That's why we need to be concerned. Because if you're not aware there may be some that exist and we may be limiting opportunities for our universities to apply for funding that may rely on certain programs or representation to show evidence of compliance. I understand you're saying that they just want a statement that says, "We agree to promote or look out for or encourage first-generation college students." Yes, that's a statement, but what do you do to show that they are complying with that statement? Is there anything in this—

KUEMPEL: I just don't have an example and we think what we've put in the amendment is satisfactory to apply for those grants and ultimately receive them.

COLLIER: Well, you can apply for them, but it doesn't mean that you're complying. Then you have somebody who's not in compliance because they don't have evidence that they've complied beyond a statement. And so this is where I'm concerned that there may be a claw back and our universities have to turn dollars in because they can't prove that they've complied. So I want to know if there's been a contemplation to add to your amendment that they have to comply. If they are awarded a grant they should be able to comply with the terms of that grant. That's what I'm asking. Because it was in your original bill—in this one it was there. There were protections in place. Now they've been removed.

KUEMPEL: In conversations with stakeholders and others involved we do believe that with the language in the amendment we will be able to satisfy the applying to and receiving those grants.

COLLIER: You'll be able to satisfy compliance with the statement?

KUEMPEL: Applying in compliance with state and federal antidiscrimination laws.

COLLIER: So then is it your position that if a private entity or nonprofit has certain requirements in it that deal with increasing diversity at the university through certain programs, that they should not apply for those because it's not aligned with—

KUEMPEL: Yeah, we love diversity. We don't have a problem with diversity.

COLLIER: I understand that. I understand, thank you. But in terms of applying for a private entity grant or a nonprofit organization's grant that may require more than a statement to ensure that the goals of that grant are being—

KUEMPEL: We just haven't seen any testimony or anybody suggest that we may not be eligible for those grants.

COLLIER: No, no, I'm asking you how would they comply with those? Because it seems like you've eliminated them. They're no longer a focus.

KUEMPEL: I would say that we are not eliminating them.

COLLIER: Well, they're not specifically mentioned in this new amendment that you have. You only say state and federal antidiscrimination laws. You don't say the terms of a grant from a nonprofit or a private entity. So if those grants that help cover gaps in funding that our universities have—if those grants have certain conditions and terms that relate to increasing diversity or increasing population for certain students, are you saying that those universities just shouldn't apply for them because they're not going to be able to show compliance?

KUEMPEL: No, ma'am. We still believe that with the language in this amendment they will still be able to apply for those grants.

COLLIER: Yes, I understand about applying for them, but it doesn't do them any good if they apply and they can't comply because they don't have anything other than a statement. If I just have a statement that says, "We support diversity," but I don't show them how I support diversity then I am not in compliance.

KUEMPEL: I think you can show compliance through state law and federal law.

COLLIER: Okay, so help me understand. What state law would show compliance?

KUEMPEL: Number one, the first antidiscrimination law.

COLLIER: Antidiscrimination laws which protect whom?

KUEMPEL: Those discriminated against.

[Representative Collier raised a point of order against further consideration of Amendment No. 4 under Rule 11, Section 6(e), of the House Rules on the grounds that the amendment is a substantial substitute and was not timely filed. The point of order was withdrawn.]

[Representative Zwiener raised a point of order against further consideration of Amendment No. 4 under Article VIII, Section 6, of the Texas Constitution on the grounds that the amendment authorizes appropriations for more than two years. The point of order was withdrawn.]

[Representative Neave Criado raised a point of order against further consideration of Amendment No. 4 under Rule 11, Section 2, of the House Rules on the grounds that the amendment is not germane. The point of order was withdrawn.]

[Amendment No. 5 by Collier was laid before the house.]

COLLIER: This amendment aims to redefine the purpose of DEI offices and clarify what they should and should not do. Throughout this process it has become evident there's been a misunderstanding about the role of these offices. They are not meant to provide preferential treatment or label individuals as racist or sexist. It's time we set the record straight and establish the true functions of a DEI office. So what does a properly functioning DEI office do? Well first and foremost, it promotes academic freedom and intellectual inquiry by embracing diverse perspectives. It recognizes that a meaningful discussion should include all

voices and ideas, regardless of social, political, religious, or any other background. This is about inclusion, not exclusion. We want to ensure that everyone's viewpoint is respected and heard.

Now let's address what this amendment prohibits. We are in agreement with the committee substitute that preferential, adverse, or different treatment based solely or significantly on an individual's race, sex, color, ethnicity, national origin, or other factors should not be allowed. We want to eliminate any form of discrimination from these offices and ensure fairness in hiring, employment, and admission decisions. But let's not overlook the vital role that DEI offices play in supporting students, faculty, and administration members in confidential and informed ways. These offices provide a safe space for individuals with disabilities, veterans, first-generation college students, parents, and those from rural communities, among others to seek assistance and guidance. Without these supports, our state's workforce will lose out on the valuable contributions of these individuals. Moreover, we must recognize the opportunity DEI offices have to foster constructive conversations among students from different perspectives. Instead of focusing solely on division, let's empower these offices to work towards unity. They can facilitate dialogue and understanding, helping us find common ground and build a stronger, more cohesive society.

In conclusion, this amendment is about setting clear parameters for DEI offices and prohibiting any form of discrimination. It ensures that these offices embrace diversity and promote academic freedom. It recognizes their crucial role in supporting individuals from various backgrounds and encourages them to foster constructive conversations that bring us together. Let's take this opportunity to redefine the purpose of DEI offices, promote inclusivity, and strengthen our state's commitment to equality. Together we can create a future where everyone's voice is heard, respected, and valued. Members, I urge you to support this amendment.

KUEMPEL: Respectfully oppose.

COLLIER: This is the story of our life where we don't get meaningful reasoning as to why we are being rejected or opposed. We need to know why this type of provision, which will promote inclusivity and will ensure that everyone's voice is heard—why is that a problem? We're not hearing that. We just continue to hear, "You lose, we win," without having meaningful discussions. How will this truly impact our universities and those students and our future generations? Without these offices that promote and foster these conversations and help show the diverse strength of Texas, we stand to lose. I ask that you support this amendment that would ensure that our universities reflect the diverse and rich nature of our state.

[Amendment No. 5 failed of adoption by Record No. 1896.]

COLLIER: I have grave concerns about the impact this amendment will have on the funding for our universities. Many of our universities rely on Title III, Title V, and Title VI funding grants. This provision, this amendment, removes those protections that were in the original bill that allow our universities to comply with any of the terms and conditions of those types of grants. As you know, many of

our universities don't get 100 percent funding from the state, not even from the federal government. So there are gaps and needs that our universities have to meet the requirements to provide a quality education. They look to nonprofits, they look to private corporations, and they even look for other grants to help cover those gaps. But that money has conditions. In order to comply with those conditions you have to show evidence that you are complying—it may be more than just a statement. You heard the author of the amendment state that they're not aware of a grant that requires more than a statement. That doesn't mean that doesn't exist. There are grants out there that require more than a statement when it comes to showing compliance. These universities will be noncompliant with those grants or ineligible for those grants. So even though this amendment says that they can apply for grant funding, it does no good if I can't comply with the terms of that grant funding—that has been removed.

Now, if we go back to the original bill that was before us there was a provision in there that would have covered this. That has since been removed. There is no protection for our universities. I am very concerned that some of our universities will close down because they do not have the appropriate and necessary funding to function. We need to be very aware. We're leaving them—right at the end of the session where we can't even provide help—so when this bill becomes effective they will be left high and dry and without funding and opportunities. They may even have to eliminate or send back dollars because they are noncompliant as a result of this amendment. We need to be aware of what we are about to do. We are not protecting our universities. We're not giving them the exception to comply or the ability to comply, in fact we are eliminating that.

REPRESENTATIVE ROSENTHAL: I actually would really like to make this body aware of what you're saying right now. Is it my understanding that you're saying that this amendment could cost these universities in terms of the federal funding that we receive?

COLLIER: Yes, absolutely.

ROSENTHAL: Any idea on that magnitude of that funding? How much money are we standing to lose by incorporating this amendment right now?

COLLIER: Millions. In fact, it's so grave that universities could close down because of the gap in funding, especially with Title III that helps HBCUs. They have terms and conditions. We know all money is not free. There are certain things that you have to do to qualify and remain eligible, especially for those dollars that require repeated applications. While I may be able to apply in year one I may not show compliance in year three. And my failure to show compliance removes my eligibility for that funding and may make me noncompliant to the point where I have to send dollars back to the granter, the federal government, whoever. Another thing this amendment does is it removes the ability of someone to become compliant with private dollars. So we have to be very concerned. These options will no longer be available for our institutions of higher education.

ROSENTHAL: Thank you. I think it's really important for us to understand if there's real money on the line and if amendments like this could literally close down universities in Texas. Thank you for bringing that.

COLLIER: Let's just be on record. Let's be aware of what we're doing to these universities. We're eliminating their option. We're removing their local control on how they're going to handle their universities. We're not promoting freedom, we're restricting freedom by implementing the provisions of this amendment that would force our universities to decline dollars that could help them succeed. I ask that you vote against this amendment.

[Amendment No. 4 was adopted by Record No. 1897.]

[Amendment No. 6 by V. Jones was laid before the house.]

REPRESENTATIVE V. JONES: Members, this is a very simple amendment that simply states that none of the provisions of this section shall be inconsistent or conflict with the Constitution of the United States and the State of Texas and all federal and state antidiscrimination laws. This clarifying amendment would add that none of these provisions would be inconsistent and would ensure that the bill remains within the boundaries of constitutional legality and aligns with existing legal frameworks providing a safeguard against any potential constitutional challenges. The need for legal consistency in regard to the proposed amendments cannot be understated. Existing laws have already seen numerous cases where we face scrutiny, underscoring an imperative of clarity and alignment with state and federal laws. What we want to do is make sure that this bill continues to fall within our state laws. I know many of you have different opinions about this, but I think that, hopefully, this will be something that will be acceptable to the body and acceptable to the author.

KUEMPEL: I respectfully oppose.

[Amendment No. 6 failed of adoption by Record No. 1898.]

[Amendment No. 7 by C. Morales was laid before the house.]

REPRESENTATIVE C. MORALES: Currently, there are DEI offices already in place on campuses and those should not be disrupted in their operations. DEI offices go back as early as 1948 and are important tools to increase diversity on college campuses. With this amendment, this bill would only prohibit the establishment of new diversity, equity, and inclusion offices on a public university campus. We would keep the offices that are existing currently under this amendment.

KUEMPEL: I'm going to oppose this amendment because it changes the idea of what we're doing in closing all the offices, so I respectfully oppose.

C. MORALES: Members, all this amendment seeks to do is to protect existing DEI offices. While I recognize the intention to prohibit the establishment of new DEI offices on our public university campuses, it is important to consider the impact on existing DEI offices that have already been put in place, along with the dedicated employees who work tirelessly to support the students. These DEI offices have a team of committed professionals who have built relationships,

developed programs, and provided essential guidance to students from diverse backgrounds. It would be unjust to subject these employees to the risk of job loss due to the implementation of this legislation. Furthermore, let us reflect on the authority to dictate to colleges and universities that they are mistaken in establishing these DEI offices. We have not personally experienced the environments on these campuses, nor do we possess intimate knowledge of the motivations that led to the creation of these offices. How can we then legislate with such confidence as if we had walked in their shoes and possessed complete understanding? It is essential to recognize the autonomy and expertise of these institutions in determining the need for DEI offices. They have made these decisions based on their unique context, challenges, and aspirations for fostering inclusive learning environments. Disregarding their judgement and imposing our own beliefs would be an act of overreach. In light of these considerations, I respectfully urge you to vote yes on this amendment.

[Amendment No. 7 failed of adoption by Record No. 1899.]

[Amendment No. 8 by Bernal was laid before the house.]

REPRESENTATIVE BERNAL: This is actually a very simple amendment. So much of what we've been talking about today has to do with allowing students to stand on their own and that we want to focus on the merit of an individual student and now allow their background somehow to influence the way that they are treated by a university or a college. That's what this amendment does in terms of admissions. What it says is that no Texas university shall give preference to a student based on the relationship of an alumnus or a donor. In other words, if you want my kid to stand on their own and if you went to Texas A&M or UT then your child shouldn't get any special preference in going to UT or A&M because that has nothing to do with their merit. They didn't earn that. I know you worked hard for it, but my kid should not have to compete with yours just because you went to A&M or UT and I didn't. So all this does is enshrine the equal treatment of students all the way to the very end. If we are going to focus on merit and if we are going to focus on individuality then you should vote for this amendment. Not only vote for it, but vote for it enthusiastically.

KUEMPEL: This bill addresses that it does not affect admissions, so I will respectfully oppose.

[Amendment No. 8 failed of adoption by Record No. 1900.]

[Amendment No. 9 by Toth was laid before the house.]

REPRESENTATIVE TOTH: **CSSB 17**, as it's been changed from the engrossed version from the senate, still allows universities to give preference based on sexual orientation and gender identity. This amendment strengthens the bill and prevents further discrimination against Texans that do not meet the required DEI policy.

COLLIER: Chair Kuempel, I want to just make sure I understand what this amendment is doing in terms of changing the provisions of this bill. Can you explain to me what is being added?

KUEMPEL: Between "ethnicity" and "or", we're adding "sexual orientation" or "gender identity."

COLLIER: To what?

KUEMPEL: That's just what the amendment does. I'm not adding the amendment, Mr. Toth is.

COLLIER: I'm just trying to figure out. You said that it adds sexual orientation and gender identity to what provisions?

KUEMPEL: Let Mr. Toth explain his amendment.

COLLIER: Okay.

TOTH: Yes.

COLLIER: Okay, thank you. I'm trying to figure out what your amendment is attempting to do. What are you adding?

TOTH: Do you have the bill in front of you?

COLLIER: I do not. Oh, the bill? Yes, hang on. I don't have your amendment in front of me. Okay. I'm ready.

TOTH: Okay. So go to page 3, line 9.

COLLIER: And this is as amended? Because I only have the original bill in front of me. I don't have the Kuempel Amendment in front of me.

TOTH: It doesn't affect that portion of it.

COLLIER: Okay. So where are you at on page 3? You're saying that a DEI office—

TOTH: Let me go ahead and read clause (D) to you, it gives "preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution." It just simply adds sexual orientation and gender identity to that list.

COLLIER: Oh, so you're talking about you cannot give preference on the basis of race, sex, color, ethnicity, gender identity, or sexual orientation?

TOTH: Yes, ma'am.

COLLIER: Or national origin to an applicant. So you're saying that—

TOTH: Well, no, national—that was already in there.

COLLIER: No, no, no. I'm just reading as a whole.

TOTH: Correct.

COLLIER: And you're saying that the governing board of an institution of higher education shall ensure that the institution—each unit of the institution does not, except as required by federal law—so the federal law does require that they give consideration for sexual orientation. Then they can ignore your provision?

TOTH: In the future, if that's deemed unconstitutional and it's challenged by the courts, obviously, if that's deemed in the future, is correct.

COLLIER: And the same for gender identity?

TOTH: Correct.

COLLIER: The same reasoning along those lines. So you're saying that they cannot give preference—

TOTH: This is in keeping with *Bostock*. It's also in keeping with federal and state antidiscrimination law.

COLLIER: Okay. So establish or maintain a diversity, equity, and inclusion office—

TOTH: We're simply saying you can't give preferential treatment based on these things in the bill that are already in the bill.

COLLIER: Is that happening now?

TOTH: I'm going to keep this based on the subject of the amendment. I'm not going to make any comments based on what's currently happening or not happening.

COLLIER: Well, I'm just trying to figure out what we're trying to address by adding those two provisions.

TOTH: I'm making sure that DEI also includes—as we say no to DEI, that we also include sexual orientation and gender identity.

COLLIER: There's an issue with that being included in consideration for applicants? Is that what you're concerned about? Now there exists an issue or a problem with considering one's sexual orientation or gender identity?

TOTH: Ma'am, this is what the original bill looked like as it came over from the senate and I'm reestablishing that. We want to make sure that everybody has the equal opportunity and that no one gets preferential treatment.

COLLIER: Well, who's left? Who's left?

TOTH: No one gets preferential treatment. No one should get preferential treatment.

COLLIER: Okay. Is there anyone else that you haven't accounted for? What about veterans? Did you want to include them?

TOTH: Should they get preferential treatment? Should you, just because you're a veteran, should you get preferential treatment over somebody else?

COLLIER: Is that a no? Would you accept a friendly amendment to add veterans there?

TOTH: No.

COLLIER: No?

TOTH: You'd have to ask the author of the bill if he wants to accept that amendment.

COLLIER: Okay. I just don't know what you're trying to fix here when—because I don't think anyone's doing that.

REPRESENTATIVE ZWIENER: Representative Toth, you just said this amendment had to do with consistency with the *Bostock* decision. Could you tell me a little bit about that decision?

TOTH: So it's *Bostock v. Clayton* and it dealt with Title VII. And it makes sure that the bill adheres to the state and federal Antidiscrimination Act of 1964 which is what *Bostock* spoke to.

ZWIENER: Discrimination in regards to which protected groups?

TOTH: That you don't discriminate against people, period. And the bill already states different classes. Let me read it to you again. The bill requires that we adhere to Supreme Court rulings which is *Bostock*.

ZWIENER: So the *Bostock* decision, if I remember correctly, applies to sexual orientation and gender identity. Is that your recollection as well?

TOTH: The whole idea is that I am not establishing anything new, I am not doing anything new. I am simply saying that no one gets preferential treatment.

ZWIENER: Okay, you said this was for consistency with *Bostock*. Do you agree with me that the *Bostock* decision is relevant to sexual orientation and gender identity—

TOTH: And you can't discriminate against that, correct?

ZWIENER: So you agree that we should not discriminate against sexual orientation and gender identity?

TOTH: And this bill does not do that. This amendment does not do that. What the bill does, it simply says that you can't offer preferential treatment based on these things.

ZWIENER: So your position is that your amendment is making sure that there cannot be discrimination based on sexual orientation or gender identity?

TOTH: There should be no discrimination.

ZWIENER: Does that apply to athletics at institutions of higher education?

TOTH: That you shouldn't discriminate against them?

ZWIENER: Yes.

TOTH: Of course. We should not be discriminating.

ZWIENER: So your position is that we should not discriminate against gender identity in athletics at institutions of higher education?

TOTH: Representative, let's keep the discussion to this amendment.

ZWIENER: You told me the purpose of your amendment is to protect from this type of discrimination at institutions of higher education. Isn't that correct?

TOTH: This is about employment practices. You're deviating into a different area of law.

ZWIENER: The bill is quite a bit broader, I believe.

TOTH: This portion of the bill—let's look at this portion of the bill again. Do you have a copy in front of you?

ZWIENER: I do not, but I've reviewed it extensively.

TOTH: Would you like to take time to go get one?

ZWIENER: I would not.

[Representative J.E. Johnson raised a point of order against further consideration of Amendment No. 9 under Rule 11, Section 2, of the House Rules on the grounds that the amendment is not germane. The point of order was withdrawn.]

[Amendment No. 9 was withdrawn.]

[Amendment No. 10 by J.D. Johnson was laid before the house.]

REPRESENTATIVE J.D. JOHNSON: This amendment is adopting policies and procedures. Under Subsection (b)(2), a governing board of an institution of higher education must solicit, consider, and incorporate public comment and input from the institution's community. Transparency—transparency is all that this is asking for. The amendment simply seeks to add public input in the process of developing the policies and procedures that would be in place for anyone who violates **CSSB 17**. We are simply wanting to be transparent. That's what's most important. We want to make sure if we are going to put rules in place—let's be a governing body of law and order and transparency. This is a simple amendment and it certainly should be acceptable, simply because we are asking for transparency. By seeking and considering incorporated public comment and input, the board can make a more informed and inclusive decision regarding discipline policies and procedures for violators. We don't want a board just to simply say, "You got to go because you violated it," but the person who violated it doesn't even know what they violated. So let us come up with some policies and procedures that would certainly make sure that we are able to be transparent, so that people understand. We don't want to start having a process by which we are harming our universities because our professors don't know the rules because we refuse to give it to them. So again, this is a transparency amendment.

KUEMPEL: I am going to oppose the amendment because I think we have the assurances of public comment in place so far. So I respectfully oppose the amendment.

J.D. JOHNSON: Respectfully, to my colleague, he said he "thinks." There is no public comment in place. I'm simply asking that we have something in place that would give public comment to give an opportunity for transparency. This is not a time just to simply say, "I think I know or I may." No. These are peoples' livelihoods at stake here. Let's be serious about making sure that they know what and how they will be impacted. You can't send a professor into a classroom—you can't put information out there and they don't know what's going on. So please. It's not there—let's put in public comment.

[Amendment No. 10 failed of adoption by Record No. 1901.]

[Representative Zwiener raised a point of order against further consideration of **CSSB 17** under Rule 4, Section 32(c)(5), of the House Rules on the grounds that the comparison section of the bill analysis is substantially or materially misleading. The point of order was withdrawn.]

[Amendment No. 11 by Talarico was laid before the house.]

REPRESENTATIVE TALARICO: All day we have been talking about fairness in institutions of higher education and not giving preferential treatment. This would just expand that to make sure we are not giving preferential treatment to any child or grandchild of a member of the legislature.

REPRESENTATIVE HINOJOSA: Representative Talarico, let me make sure I understand your amendment. So what you are saying is under this bill, since we are not giving preference for race, ethnicity, gender, we are also not going to give preference to the children or grandchildren of legislators of this body. Is that correct?

TALARICO: That's right. If we're not going to give preferential treatment to folks who come from a disadvantaged background then we shouldn't give preferential treatment to folks who come from an advantaged background.

HINOJOSA: I think you have a good amendment. Thank you.

[Representative Cain raised a point of order against further consideration of Amendment No. 11 under Rule 11, Section 2, of the House Rules on the grounds that the amendment is not germane. The point of order was withdrawn.]

KUEMPEL: Members, I don't believe Mr. Talarico's amendment has anything to do with DEI offices. We have admissions in the bill, so I would leave it to the will of the house.

TALARICO: I've heard many times on this microphone today on this bill that we don't want to give preferential treatment to anyone. If that's true for students from disadvantaged backgrounds then that should be true for students from advantaged backgrounds. That would include any of our children or grandchildren. I urge you to vote yes on the amendment.

[Amendment No. 11 failed of adoption by Record No. 1902.]

[Amendment No. 12 by Howard was laid before the house.]

REPRESENTATIVE HOWARD: I actually want to first say I very much appreciate what Chairman Kuempel has done to try to help us have a better bill on the house side than came to us from the senate. I sincerely appreciate that. That being said, I still look at this as a bill that is a solution in search of a problem. If we're going to be talking about preferential treatment, which indeed I consider DEI to be something that just helps us achieve the goals that we have for our state—of encouraging all students to participate in higher education. Some students require more assistance than others. That's just the nature of the way that it is.

But we want to call it preferential so I'm going to be looking at the fact here that women increasingly outpace men in college graduation and enrollment rates. According to the National Student Clearinghouse Research Center, women accounted for nearly 60 percent of all college students by the end of the 2021/2022 academic year. Women's rise in education can be easily explained by the passage of Title IX in 1972, the promotion of gender equality in education since then, and gains made in the labor force participation over the last few decades. Women have outnumbered men in terms of student population consistently since 2000. In 2016, the number of women enrolled in juris doctorate programs moved past 50 percent for the first time. Female enrollees then proceeded to outnumber male enrollees in 2017, 2018, 2019, and 2020. In 2021, women once again outnumbered men in law school classrooms. Specifically, women made up 55.29 percent of all students in ABA-approved law schools. The proportion of women students has been rising over recent years, from 46.9 percent in 2015 to 49.5 percent in 2018. And in 2019 women comprised 50.5 percent of all medical school students. In fall 2020, female students made up 58 percent of total undergraduate enrollment. Women made up 58 percent of total undergraduate enrollment. According to the Bureau of Labor Statistics among 2021 high school graduates aged 16 to 24, the college enrollment rate for young women was at 69.5 percent in October 2021 and continued to be higher than the rate for young men, which was 54.9 percent. According to the Pew Research Center, women have overtaken men and now account for more than half of the college educated labor workforce in the United States. Women's labor force participation was 57.4 percent in 2019, up from 57.1 percent in 2018. Men's labor force participation—which has always been much higher than that for women—was flat: 69.2 percent and 69.1 percent.

This is an amendment that says we will not give preferential treatment to men in terms of their application process to higher education institutions or engage in any promotional activities that encourage men to apply for mentorship programs, educational programs, athletics, or any other student activities or programs.

KUEMPEL: I do believe that this bill—well, I know that this bill does not affect the application process so I'll respectfully oppose.

ZWIENER: Representative Kuempel, I know you were just about to talk about the application process, but my reading of Representative Howard's amendment is that it also includes promotional activities that encourage men to apply for mentorship programs, educational programs, other student activities. Now, other sections of the bill as it stands do limit the ability of universities to do these programs on the basis of race and ethnicity. Isn't that correct?

KUEMPEL: We are promoting diversity as we—the bill proposes to close DEI offices, but maintains student activities, applications, and recruitment all as it is.

ZWIENER: So my understanding of Representative Howard's amendment is it just makes sure that some of those DEI activities don't occur specifically for men as they make up a smaller and smaller percentage of universities.

KUEMPEL: It applies to everybody.

ZWIENER: So why not accept this amendment that provides some intellectual consistency throughout the bill?

KUEMPEL: Because I think we're consistent in the legislation in that it applies towards everybody.

ZWIENER: If the bill is going to limit DEI activities directed at ethnicity, race, and sexual orientation, why not also limit it for activities specifically targeted to men?

KUEMPEL: I think the bill covers everybody equally.

HOWARD: Quite frankly, as we said, this is really not about preferential treatment. That's not what this is about at all. We have goals in this state to try to educate the Texas population to be able to join our workforce and to be educated in our higher education institutions. We have a duty to ensure that the future of the State of Texas and our economics are supported by having an educated workforce. We have a diverse population that requires that we do different things within our institutions to encourage students from a wide cross section of our state to participate in higher education. That is all that this should be about. This is not about preferential treatment that's denying one population over another. This is about making sure that all Texans can get the jobs that we need. We do not have the workforce right now. We do not have it. And the demographics of our state are such that we have to do all we can to encourage all students in this state, regardless of their particular circumstances, to be able to attend higher education so that we can have that educated workforce pipeline.

ZWIENER: Representative Howard, I know both you and I wish we weren't having this conversation on the house floor at all right now and are supportive of diversity, equity, and inclusion programs in our universities. Given that this legislation is specifically targeting programs designed for people of color, for first-generation college students, for our Hispanic communities, and for students who are gender diverse or LGBTQ, do you think your amendment adds some intellectual consistency to this bill?

HOWARD: It adds consistency in the fact that we're trying, as the bill states, to not give preferential treatment to any particular demographic of our state. I quite frankly believe that the bill is not necessary and that we need to be encouraging all Texans to attend higher education so that we can have the educated workforce we need. But in order to be consistent, we don't want to give preferential treatment to anyone. And the fact is that more women than men are attending higher education right now. Let's not put anything in place that gives preferential treatment to men. If we're going to be doing it for anyone else then we might as well do it for the men as well.

ZWIENER: Thank you, Representative Howard, for your amendment.

[Amendment No. 12 failed of adoption by Record No. 1903.]

[Amendment No. 13 by Neave Criado was laid before the house.]

REPRESENTATIVE NEAVE CRIADO: The first part of the bill, in Section 50.001, talks about how public institutions of higher education must be committed to creating an environment of intellectual inquiry, academic freedom, and intellectual diversity so that all students are respected and educated regardless of race, sex, or ethnicity. What this amendment does is it will include in part of the bill that the governing board will ensure that the institutions do not hire a person with known ties to a hate group or domestic terrorist organizations.

I want to talk about that because DPS's Texas domestic terrorism threat assessment in January 2020 said, "Domestic terrorism poses a persistent and very real threat to the State of Texas." One of their main types of domestic terrorism includes "racially motivated." They cited the example where the recent loss of the 22 lives were because of a suspected domestic terrorist who opened fire on families El Paso. It also discusses, based on the prevalence of recently conducted attacks nationwide, that "white and racially motivated" is currently the most violently active domestic terrorism type. This is from DPS. On university campuses, there have been instances where groups and individuals are posting flyers around a university. For example, at Texas State University there was a large banner hanging from the library that read, "America is a white nation." It was 10 feet wide by three feet tall and it was by an organization that was a fascist, white-nationalist group.

COLLIER: I appreciate you bringing this amendment because we want to make sure that our universities are being fair and even and not hiring individuals who participate or belong to domestic terrorist organizations. What we learned from the January 6 attack—the insurrection on our nation's Capitol—is that those individuals do exist and they work. They work in everyday jobs. So all you're asking, to my understanding, is that we do not allow or provide a space for our universities to have those types of individuals employed.

NEAVE CRIADO: That's absolutely correct—

COLLIER: There's no space for those individuals here?

NEAVE CRIADO: They shouldn't be hired in universities if they are a focus, for example, in DPS's domestic terrorism threat assessment. There are articles that show how white supremacist groups are trying to recruit on college campuses. There are articles that show Texas universities are not immune from these white supremacist groups. A lot of these white supremacist groups have been targeting—even nationwide. Colleges and universities saw a seven percent increase of incidents where there was white supremacists campus recruiting across the country and those incidents were in the 2018-2019 academic year. It said that the uptick comes on top of a massive 77 percent of instances in white supremacists recruiting on campus during the previous academic year. This is an issue that we want to make sure—if we're eliminating diversity, equity, and inclusion practices we need to ensure that we are not bringing on board, and universities are not hiring, people who have ties to these specific hate groups that have these criminal connections. That's why I'm bringing up this amendment.

COLLIER: You don't want us to roll back any type of progress that we have made. By eliminating these offices that prohibit that type of behavior, you're concerned that we open ourselves up to more?

NEAVE CRIADO: That's correct. The message that we are sending by eliminating diversity, equity, and inclusion practices is a slap in the face to people of color, to people who look like you and me, to students who look like you and me, and to employees at universities who look like you and me. We want to ensure that these universities are not bringing in people who want to target us and who believe in white supremacy, that they are better than us. That's why we're bringing in this amendment.

COLLIER: There is a way to test it because, as you said, DPS has a record. So there is a way for us to know who those individuals are before they are hired. You are not creating any new practices. It's in existence and we want to make sure that it's used.

NEAVE CRIADO: Correct.

COLLIER: I think you have a very valid amendment that we should all be very supportive of because what you are doing is ensuring that all of our universities promote antidiscrimination policies that are not to the detriment of the people that they serve. You're just saying if we're going to have antidiscrimination policies this should be one of them?

NEAVE CRIADO: Correct.

KUEMPEL: I'm going to oppose this. It does not further the purpose of the bill.

[Amendment No. 13 failed of adoption by Record No. 1904.]

[Amendment No. 14 by Zwiener was laid before the house.]

ZWIENER: This is a simple amendment that adds to the purposes for which an institution of higher education exists in Texas. Representative Kuempel made some good changes in the committee substitute to the purposes of an institution of higher education to include a place that can support an environment with academic freedom and intellectual inquiry, as well as a place where students have the opportunity to learn and succeed without regard to their identity or their political affiliation or social background.

My amendment simply adds another category for the type of environment that Texas universities should be seeking to create. It's an environment with racial, ethnic, and religious diversity that reflects the racial, ethnic, and religious diversity of the State of Texas. I know that we all celebrate diversity in this building. I know that the background and purpose of this bill actually really speaks to wanting to work towards the goal of diversity and that we're just having a disagreement with how. So I believe that this amendment should be acceptable to the members of this body. If we really do want universities that reflect the people of the State of Texas, if we want universities that include our increasingly diversifying state then this should be an easy addition to the purposes.

Texas, members, is now a minority-majority state. There are more people in the State of Texas who are not white, non-Latino than who are and we want that reflected in our institutions of higher education. As many of y'all know, I am currently a student at The University of Texas Law School and I don't see that diversity yet in my classroom, despite ongoing efforts made by the university. And so for us to make sure that we continue to achieve that goal of every single student having access to higher education regardless of the color of their skin or their ethnic background, we should enshrine that goal in this legislation as well.

REPRESENTATIVE GOODWIN: Representative Zwiener, it sounds like your amendment just says that our public universities should reflect the diversity of the state, is that correct?

ZWIENER: Yes. My amendment simply says that part of the purpose of the universities here in Texas is to create an environment that reflects the diversity that we all live around every single day.

GOODWIN: So do you think that is what we have currently? Do you think that our universities reflect the diversity of our state currently?

ZWIENER: I think our state universities—our public universities—have made great strides, but quite frankly I do not think we are there yet. I certainly in my time on a campus now notice that my classmates and my professors are disproportionately white. Of course, there's a number of historical reasons that lead into that. I hope that we can stay focused on the goal of making sure that door is open to everyone because you and I both know that the color of your skin, your ethnic background, your religious background, those have nothing to do with your actual inherent ability to succeed at an institution of higher education. So if there's no difference in inherent ability then the question we're left with is "What's getting in the way?" How do we help to keep moving forward in getting rid of those barriers so that the face of our universities truly represents the face of Texas.

GOODWIN: The author of the bill said that the DEI programs that he's aware of were not effective. And so that's one of the reasons for the bill—we're spending a lot of money on DEI departments that really aren't improving the diversity in our universities. Do you agree with that premise?

ZWIENER: I don't agree with that, but I don't think it actually has much to do with this particular amendment. While the author and I disagree on the effectiveness of DEI programs—according to him and according to the bill's background and purpose. We agree that diversity—racial, ethnic, and religious diversity—are important goals in our institutions of higher education. My amendment doesn't prescribe any particular way of achieving that goal, it just puts into statute that it is one of the purposes of our institutions of higher education—to serve students regardless of their racial, ethnic, and religious diversity and to try and foster an environment that reflects that diversity.

GOODWIN: Well, I agree with the goal. I think that we all agree that our universities ought to reflect the makeup of the state. I will support your amendment.

COLLIER: I appreciate you bringing this amendment because all you're asking is that we have student populations or faculty that reflect the racially diverse makeup of Texas, right?

ZWIENER: Absolutely. I want to make sure that our faculty, our staff, and our students move towards that goal of reflecting the face of Texas.

COLLIER: So are you familiar with the student population of African Americans at The University of Texas?

ZWIENER: I'm not advised of that number. Are you, Representative Collier?

COLLIER: My understanding is that the population has been stagnant. They have not increased the student population. And I'm very concerned that if we eliminate policies and procedures that promote diversity then it's going to be even worse. We're not going to have progress if we eliminate these programs and policies that are geared towards increasing diversity at these universities. I definitely want to make sure that we have a provision in place because my understanding is that the African American population in Texas is over 12 percent and at The University of Texas it's about five or six percent.

ZWIENER: That's very concerning that it's about half, especially since we know our proportions of our population for people of color are actually higher among younger, college-age groups. So I'm concerned, especially if that number is remaining stagnant, when we know that almost all of the growth in Texas between the 2010 and the 2020 census was due to growth among the African American population and the Hispanic population. That growth should be reflected in our halls of higher education. I think that if we want to see that growth continue, if we want to see it be reflected, and if we want to see the gains of the past few decades continue or to break stagnation patterns that you've brought up then we need to make it clear that a core goal—a core purpose—of our institutions of higher education is to reflect the face of the people of Texas.

COLLIER: In fact, that would promote equity. It would promote equity if we did that.

ZWIENER: It would build equity and it would make sure that young people across Texas regardless of their race, ethnicity, or religious background have the same access to education—one of the best educations in the world—and the same stepping stones to go on and succeed in the workforce and the rest of their lives.

COLLIER: Thank you so much. I appreciate your amendment and I'll be voting for it.

ZWIENER: Members, everyone today has said that we all agree that our universities should be diverse places where all Texans are welcome and celebrated. Members, if that's the case, this amendment should be an easy yes vote because all my amendment does is say it's part of the purpose of our institutions of higher education to build an environment that reflects the racial, ethnic, and religious diversity that is here in Texas.

KUEMPEL: I think this amendment is just contrary to what we're trying to do here. We're eliminating DEI offices and at the same time promoting recruitment for everybody. So I'll respectfully oppose.

ZWIENER: Members, I'm going to be frank. I'm a little confused about why Representative Kuempel is opposing this amendment. My amendment does not reverse any of the substantive provisions in the bill regarding diversity, equity, and inclusion offices. All my amendment does is says one of the purposes of our institutions of higher education is to represent the people of Texas. If we do not want to go back to a day where our institutions are segregated, if we do not want to go back to a day where the number of people of color in our universities was breathtakingly low, then we should vote yes on this amendment. We should add this to this bill. The only reason not to take this amendment is if the intent of this bill is in fact discriminatory. And that is what multiple folks have stood up here today and said that no, the intent of this bill is not discriminatory. So if the intent of this bill is to try and preserve diverse student bodies and faculty bodies at our universities, vote yes. If you don't support diverse student bodies, vote no. It's as simple as that.

[Amendment No. 14 failed of adoption by Record No. 1905.]

[Amendment No. 15 by Garcia was laid before the house.]

REPRESENTATIVE GARCIA: This amendment would strike on page 4, line 2, the word "may" and substitute it with "shall" because this is a very simple amendment. What happens here is it changes something that could be very consequential. It strikes "may" and substitutes it with "shall" to make the approval of DEI offices that are required by grants and accreditors mandatory rather than permissive. If these grants and accreditors require a college or a university to have a DEI office in order to be approved, why would the text of this bill imply that a board could just refuse the establishment? This is a very easy part of the bill to fix and it ensures that those DEI offices that are required by grants, accreditors, et cetera not have any road blocks to them. Members, I urge you to vote yes on this amendment.

KUEMPEL: Just changing a "may" to a "shall" where our intent is to better leave the decision to the governing board so I'll respectfully oppose.

GARCIA: You know I'm new here. I just got here. I've never served in politics before. As I've been listening to the arguments and the debates around diversity, equity, and inclusion I had to take myself back to basics because I almost felt like it was something that I didn't understand. Listening to the very polarizing conversations around here based on something that I don't understand to be bad. Diversity—it says diversity is "the state of being diverse in variety." Do we not want that? Equity—equity is being fair and impartial. Is that not our job as legislators? Inclusion is the action or state of including or being included with the group or structure. Are we not inclusive? I'm so confused what the fight is over diversity, equity, and inclusion. And forgive me, I'm trying really hard not to get emotional, but this is something that has become very emotional because this is an attack on me as an essential person. And I'm going to tell you how in so many

ways. When I look at everything in the bill and who this impacts—it impacts a veteran, it impacts somebody who's economically disadvantaged, it impacts somebody who is of color, it impacts somebody with a disability. I have all of those things and I'm not the only one in here. My baby boys are 20 years old. They have autism. These DEI offices are here to help people like them—to help adults like them just try to live like normal. We're seeking to be normal.

COLLIER: Thank you for your comments and your passionate advocacy for this provision. You just mentioned something about your twins. You said that they're not only disabled, they're also people of color?

GARCIA: Yes, ma'am.

COLLIER: And so by eliminating the DEI policies and procedures, you're eliminating one opportunity that they would have—one avenue—to have equity by eliminating those offices. Right now, they would have a provision under the ADA, which is what Chair Kuempel said is still valid, but by removing the DEI office and policies and procedures, you're eliminating alternative avenues for them. So they do not have the same opportunities that they would have if this bill did not pass. Is that right?

GARCIA: Absolutely ma'am. And I'll tell you: my boys worked very hard to become high school graduates. They graduated from high school through general education. It was not easy for them. It was very difficult. We just got to the point that they want to go to college. They want to be like the other kids. We're working on that. My oldest son got accepted to A&M San Antonio and we're hoping to send the twins there as well because they have a wonderful diversity, equity, and inclusion program that not only would help them as students with special needs, but also help them navigate the system of being a university student. This hits me particularly hard because I needed those services as a veteran with PTSD when I left the military and went back to college. This is terrifying to me as a mother to special needs children. And I have to be honest with you and let you know that now my decision has to be seriously considered for the safety of my sons. Because without having those people in place at the DEI office, the things that they offer help them navigate being a college student. Without that, I'm not sure how they'd be able to navigate.

COLLIER: Because one other thing you said—you identified what makes us a rich state. It's because of the diversity. But if we eliminate these offices with the policies and procedures, we will not be able to have people in place that can identify and actually understand the challenges and differences that are associated with our cultural and historical background because they will not be able to recognize when somebody may seem angry, but they're really hungry or when somebody may seem angry, but maybe they lost their job. People respond to different situations differently. The whole point of this diversity, equity, and inclusion was to help those people identify cultural, racial, and gender differences so that way they're not being penalized for being themselves.

GARCIA: Absolutely. And you said angry. You mentioned that word—angry. I want to tell you my twins are very expressive and a lot of time their expressions are confused for anger. They're not angry, they just don't know how to express themselves.

COLLIER: Or maybe we speak a little louder as a person of color because we're not heard. I'm going to say that again. Maybe it could be that sometimes people of color speak louder because they're not heard. It doesn't mean that they're being offensive. It's just they want to be heard and that's the opportunity that these DEI offices provide.

[Amendment No. 15 failed of adoption by Record No. 1906.]

[Amendment No. 16 by Manuel was laid before the house.]

REPRESENTATIVE MANUEL: This amendment clarifies that discussions of various forms of discrimination and systematic inequalities are still permitted. I know some people say it's already in the bill, but this is just trying to clarify to make sure that it's evident and clear. The reason that I'm asking this, I think, is that since we're making a drastic change to our education system that has not been changed in this way I think this is just a safe way to make sure everyone knows what we're doing and why we're doing it, but also more importantly so that people can still have the same discussions on campus.

REPRESENTATIVE BUCY: Just to clarify, what you're doing with this amendment is guaranteeing that it is still a free speech space and the curriculum is not being hit—we can teach history, teach facts, and teach what is going on? Is that correct?

MANUEL: Correct, yes.

BUCY: And you've been told by the bill author that this is protected and you want to make sure that it's spelled out?

MANUEL: Yes, the author says he believes it is in the bill. I just am asking if can just clarify and make sure that our universities—

BUCY: The bill author thinks it's already in there and we're doubling down and making sure this happens?

MANUEL: Right, exactly.

BUCY: Well, it's a good amendment. Let's make sure it gets on.

KUEMPEL: I'd respectfully oppose this amendment. This bill does nothing to instruction or curriculum. Thank you.

MANUEL: I'm just going to say it just like this: I think it's very important. Those who do not know their history are doomed to repeat it—women's suffrage, how we have moved so far to make sure that we have protected adults with intellectual disabilities, the very criminal justice reform work that we've done here in this body. All I'm asking is making sure that on university campuses that students, professors, and everyone on campus knows exactly what they are still able to talk about. When we're making big changes like this—when we've made them to different pieces of legislation—we have always complained that when we're

making changes this drastically at a whim when we know people do not always pay attention to what is happening here in this body. If we're not doing that we could be leaving a gap where people are not going to know what they can talk about. And all this is clarifying and saying please allow us to be able to let people know they still have their right to free speech and history is not being blocked.

Let's remember this, more importantly, that I always tell people that some people don't know. One of the worst massacres of lynchings in this country happened in California and it was to Chinese immigrants. And it was all because of false information because someone thought that they had murdered a sheriff's officer and a worker in the late 1800s. How many of us are going to be able to make sure that something like that doesn't happen if we're not ensured that we can talk about certain things? I don't want to take much of your time. I know that everyone's tired and people are confused and they are already set in stone. But please, please, I am desperately asking you. History is the most important thing. If we lose it, if people fear to talk about it, then we lose everything that we hold of value.

[Amendment No. 16 failed of adoption by Record No. 1907.]

[Amendment No. 17 by J. Jones was laid before the house.]

J. JONES: Universities require that student organizations update their registration every year in order to be recognized. However, because of the transition of student organizations and the fee requirements attached to those registrations, their registration is not always up to date. These student organizations may still have their money tied up with the university, so this would harm student organizations unnecessarily simply because their registration is not up to date. "Recognized by" is ambiguous because universities communicate that registration is how the universities recognize student organizations. The amendment for **CSSB 17** reads as follows: On page 4, lines 18 through 19, strike "registered with or recognized by an institution of higher education." And I believe this amendment prevents unnecessary harm to student organizations that may be tied to their registrations.

As a person who was a member of very many student organizations when I was at the University of Houston—I'm a member of a sorority and continue to be, I was a member of the Black Student Union, and I was a member of MASO, the Mexican American Student Organization. I know that going to a PWI, it was difficult to find people who looked like me, who made me feel comfortable. Most of my professors did not look like me. In fact, the only professors that I had who looked like me were in the African American Studies Department, and so I felt lonely. When I joined MASO, the Mexican American Student Organization, it helped me to understand the unique challenges with the Hispanic culture and I also learned that Hispanic people aren't all from Mexico—which I actually thought before I went to the University of Houston. So that helped me understand unique issues. That was important. I had the opportunity to march with Cesar Chavez as a member of MASO. I had no idea—as a Black person from Third Ward, Houston, Texas—the issues with people who picked fruit and who had pesticides that were harmful, that caused them to have higher instances of health

defects because of that. It was my ability to join these organizations to teach me the special interests of these organizations. And again, I'll go back to MASO. I did not have any idea that a lot of the kids who were Hispanic, their parents didn't speak English which meant that their parents couldn't even help them study in school. Think about it. You speak Spanish and your kids go to schools where you speak English and you can't help your kids because you don't speak English. I think that it enlarges what we understand as college students because we are in college so that we can learn, so that we can be more productive citizens, and so that we can be tolerant and appreciate other people.

So I absolutely believe that this is a commonsense amendment that makes sure that we don't discriminate against students and that we are supportive of the student organizations that they join, or that we join, to help us feel like we are a meaningful and integral part of our university environment and that we learn about people other than ourselves. Because the world needs to be bigger than just us. And so we need to protect that. My mom went to an HBCU and my dad went to an HBCU. I can tell you the kinds of support that my mother explained to me she had at an HBCU I had to go and find student organizations to try to find that support. I'm asking you to vote in favor. I'm asking you to vote in favor of this amendment because it is important that students in educational environments that are not surrounded by people who look like them, with similar backgrounds, are able to join organizations to help them to fit in and to learn about people who are different than themselves.

KUEMPEL: I'm going to respectfully oppose this amendment. The bill does nothing to restrict student services nor student organizations.

J. JONES: And I will urge you again that this body—it shouldn't matter. It should not be a D and a R debate. This should be about what's the most important for our students. I mean, the truth is we learn white history all day, every day at schools. Why can we not learn about people other than what I guess is—I don't even want to know that it's called normal? But I think that what we should do in this body is to support our students and to make sure that they are well-rounded students. I am hopeful that moving forward the students don't make decisions like we are making in this body where we look at some political party and we vote a political party. Because colleges and universities should be about more than that, and organizations that help us learn about the broader world are very important. I urge you to vote yes on this amendment.

[Amendment No. 17 failed of adoption by Record No. 1908.]

[Amendment No. 18 by Neave Criado was laid before the house.]

NEAVE CRIADO: This amendment is in the section regarding the types of programs that are going to be exempted. What I'm proposing is that if there are programs at universities that are promoting and trying to support and uplift women in STEM—science, technology, engineering, and mathematics fields—that we want to protect those programs and make sure that they are not subject to the provisions of this bill. We want to close the STEM gender gap by providing young girls and women with an environment that nurtures and expands

their passion for these fields. We need more women to enter STEM fields. So these programs must include women from different communities and we want to foster education in the STEM workforce. Universities all over Texas have created programs to attract these women into these fields and so that's why we want to protect these programs. Increasing gender diversity in these STEM fields leads to improved research outcomes as the perspectives of women in these fields can provide unique insights into research questions. So I request that you support these programs for women in STEM.

KUEMPEL: I respectfully oppose this amendment because it creates curriculum requirements outside of the bill.

NEAVE CRIADO: Support women in STEM.

[Amendment No. 18 failed of adoption by Record No. 1909.]

[Amendment No. 19 by Flores was laid before the house.]

REPRESENTATIVE FLORES: This amendment is a simple amendment. The bill currently includes exceptions that are numbered one through seven. This would add an additional number to those exceptions. This one would amend **CSSB 17** on page 4, between lines 24 and 25, by inserting the following appropriately numbered subdivision and renumbering subsequent subdivisions accordingly. It would include instruction, programming, or training for which attendance is voluntary and that is intended to explain topics from the perspective of a group that is historically underrepresented in higher education.

So let me explain why. This amendment would clarify that voluntarily attended programming in education would be more reflective of marginalized groups. In other words, teaching history in a way that reflects the stories of ethnically diverse folks, disabled folks, veterans, and other underrepresented people in the United States. When I came to the university, it was an opportunity to learn from others. This is a great opportunity that gives us the ability to learn from other Texans and about the histories that makeup our big, wonderful state. This would include volunteer attended instruction and programming that would include the stories, histories, and experiences of a wide variety of groups that should be promoted—especially at our institutions of higher education—so that students have the ability to learn about the numerous people that exist in the Texas population. This addition would give schools the freedom to host programming and instruction sessions on relevant topics so individuals attending or working for a university have the option to learn more about populations unlike their own, thereby enhancing diversity. A simple amendment. I ask that you please consider supporting this amendment.

KUEMPEL: I respectfully oppose the amendment because it creates curriculum requirements and training programs outside of the scope of the bill.

FLORES: Again, members, this would just expand the list of exceptions. This would allow for voluntarily attended programming and topics that would allow folks the opportunity to participate in programming and instruction sessions. It would just give them the opportunity to learn more about our differences and what we have in common. Please vote for this amendment. Thank you.

[Amendment No. 19 failed of adoption by Record No. 1910.]

[Amendment No. 20 by J.D. Johnson was laid before the house.]

J.D. JOHNSON: It's going to come as a little bit of a surprise to you, but this amendment wants to add admissions to this bill. Over and over again I've heard that everyone should be hired on their merit—they should be hired based on their ability to do a job. And that is the same message that we must send to all of the students: If you want to be accepted into this university, you need to get in based on your academic prowess and the merit by which you can. If you want to go to A&M, you must meet the student qualifications for admission—UT, Texas Tech, U of H, Texas Southern, Prairie View, Texas State, UNT, and all of them. Let's make sure that we're being consistent in how we are laying our bills because I think it's important that we have to send a message. Because if we start telling students as they are trying to get into school, "Oh it's okay, we're going to let you in based on this requirement, but we are not going to hire you in the same manner. We let you in because of a quota or because you played a sport." But when it comes time to hire, we are not going to do the same. You have to get hired on your merit, then you must get in the school on your merit.

So this amendment is right in line with what the author is trying to do. It is right in line with those of you who have voted against every amendment I have asked to do. Let's be fair across the board. Let's make sure that we have the same standard for our students that we have for our employees. I know that may come as a surprise to some of you, but it's for a particular reason. Because when we look at what we're doing—we're making exceptions. We make exceptions for athletes. We are saying for athletes, "You don't have to meet our academic standards. You don't have to be qualified to get into this school. The only thing you must is know how to put a basketball in a hoop, run around that track really fast, throw a football really far, or catch that football because we do understand that you're going to make us millions upon millions upon millions of dollars." I don't think it's fair that we're making exceptions for some but then holding accountable everyone else. It is those same students—because when you look at the number of student athletes that are on college campuses—they are taking the place or the opportunity for an academic student to be able to get in because they can run a football. But the student that had a 4.0 couldn't get in because there was no space available for him because they had to get the football player in. So I'm asking that you look at the amendment. Don't just simply look at the fact that I'm a democrat. I'm with you on this. I'm with you on this. Let's be consistent. Let's be fair across the board.

J. JONES: Representative Johnson, are you asking in this amendment that if the goal of this bill is so that we have vigorous intellectual equity—I think that's the way to say it—then we should not allow special admissions based on athletic ability? Is that what you're saying?

J.D. JOHNSON: Yes, that's exactly what I'm saying. We're doing a disservice to those students that got in based on their athletic abilities. But we have looked at the studies over and over and over again. The number of athletes that don't graduate from school within a four year period actually hurts the university's

graduation rates and pulls it down. That affects their formula funding. And so if we're serious about making sure every student graduates from school on time, which is part of the formula funding, then we should make sure that every student gets into that university based on the university's academic standards first.

J. JONES: So I just want to make sure I understand. We don't judge student athletes based on their athletic ability purely. We compare the student athletes to whatever the regular admissions are for non-athletes. Is that what this amendment does?

J.D. JOHNSON: Yes. That's exactly what it does. It says to those students that based on the academic standards set forth by that university—whichever university it is—you'll find that 80 percent of the student athletes don't qualify for the university. They only get in based on their athletic prowess. And again, we're hurting that student because we know the numbers are staggering from those that don't graduate because those students cannot handle the academic rigor.

Now, what I'm saying is that the athlete needs to go to the school by which they can academically qualify for and they can take their talent to the school that allows them to get in. So if the criteria to get in is 2.5 and a 900 on the SAT—whatever that academic standard is for that university—then they should be able to qualify and get into there. But stop allowing students into the university because it's hurting our universities the same way the author and many of my colleagues right now are saying that DEI hurts schools as well. We're saying DEI hurts schools because we're hiring people based on race, gender, orientation, and so forth and so on. This is what the author is saying is happening now. And so we don't want to continue to hurt universities. Let's make sure that those universities' academic prowess meets the same level of athletic prowess. Let's make sure that they marry each other because I don't think it's fair that anybody—based on what the author is saying—anybody deserves any special treatment simply because they can run a football, catch a football, or put a ball in a hoop.

I think this is in line with what the author and those who want to dismantle DEI. I think they should accept this because it is consistent. It is very consistent with how we're trying to meet the needs of the student to make sure the student is in an environment that is on par with where they are and then can help them to the graduation level that they need to be in. It is my opinion that when you get into a school where you can qualify then your academic track will be easier and you will make sure that you can graduate on time and it will not hurt your university because the formula funding says that graduation rates within four years is how they are rated. So this amendment would make sure that universities' graduation rates will not suffer because they allowed some student to come in that did not qualify. Now, yes this amendment may and certainly will hurt universities in their athletic departments. There may be some that may frown on this. There may be some that frown on me that says, "Wait a minute. You're taking away an opportunity from a student that could get into a UT that otherwise could not get into an A&M, or a Texas Tech, or a U of H." I'm trying to make

sure that we're being fair to the student as well as the same way that they want to be fair to the employee. My amendment just simply says, "Let's make sure that we address the student's needs as well."

J. JONES: Well, I don't know what help means, but I certainly believe that if football players and basketball players in revenue-generating sports are totally judged before they get in on their academic prowess it could end up costing the UTs, the A&Ms, the Big 12s, and the SEC schools a lot of money—millions. I think they're probably going to vote against it because it's going to hurt their pocketbooks. But I understand what you're trying to do.

J.D. JOHNSON: But I'm simply wanting to be fair. That's what the body is for. This body is supposed to make sure that across the board—we don't make differences. We don't say, "Okay, we want to stop the practice of hiring people that don't deserve to be hired because you're hiring them based on race, gender, and sexual orientation versus the students by simply saying 'Well, you may not qualify, but we're going to let you in because you'll make us a ton of money.'" That's not what we're supposed to do. I'm wanting to be fair and I think this body needs to take a hard look at what I'm trying to do. Being fair across the board to make sure your son or your daughter does not lose the opportunity of being admitted. Because when you look at the number of athletes that are on these campuses, they can be into the hundreds. Hundreds. Which means that's another student that did not get in simply because you allowed an athlete to take the place of an academic student. I don't think that that's fair. Those athletes need to make sure that they're going to schools that they qualify for so they can graduate on time.

KUEMPEL: I respectfully oppose this amendment. Admissions policies are outside the scope of this bill.

J.D. JOHNSON: Again, members, I'm not quite sure why we're at this point of saying we don't want to be fair and consistent. We want to be fair and we want to be consistent. I'm trying to be fair and I'm trying to be consistent. If we're saying no one should be able to get a job based on something, it's the same as saying we shouldn't allow students into universities, because you're hurting the formula funding for those universities. You're taking money out of those universities' hands. So let's make sure that we don't do that. Let's make sure we don't do that. Allow those students to get into universities where they can matriculate and succeed. And maybe if they go to a Texas Southern, where the academic standards may not be as rigorous as A&M—that student athlete can go to Texas Southern and bring his or her GPA up and then they can transfer, but they got into the university on their merit. Because that is what we used to do. We used to only admit students based on their academic merit. It wasn't based on whether or not you can just play ball. You had to qualify for the school. And there are schools around this nation that you have to qualify academically to get in, as well as athletically. And so this is just simply being fair. Let's not put money—let's not put money over our students. Let's not say, "Okay, you can play football so we're

going to let you in, although we know academically you don't qualify. But you are going to bring us a lot of money so we're going to put aside that." That's not fair, that's not equitable. That's not what we should be trying to achieve.

So again, I'm asking you to think about your son, your daughter, your niece, your nephew, or your neighbor that didn't get into the school of their choice because some athlete got in because they could play ball. That's not fair. Because the same way we're upset when somebody took somebody's job because they were a woman, because they were Black, because they were Hispanic—you complain and now you're dismantling DEI. So let's keep with that same spirit and that same energy. Let's not show the contradiction. Let's not keep with the hypocrisy. Let's be fair to everyone. As legislators we're supposed to legislate for all, not some. We're supposed to be impartial. Right now, it looks like we're being a little partial. So let's not do that. Please, think about it. Before you push that button without even listening to me and you just simply push the red button, think about do we want the best for our students and for our universities? Do we want them to be successful? Should athletes that we gave hundreds of thousands of dollars to still walk away from that university without a degree? The only thing they were able to contribute was they added you a Big 12 championship or they added you an SEC championship, so you put that buck out there and you said, "Go run for me. Go play for me. I'll let you in. Don't worry about it." We're doing a disservice to students if we do this.

Think about it. Make sure. You can vote yes on this. It's not going to get you—this is not going to get you—because you can still vote for the bill. You can still vote for the bill. Voting for this amendment to make sure you're fair to all students is not going to get you primaried. They're not going to get you primaried. So it's okay to make decisions on your own—to think and say, "That's the right thing to do." All students should be treated equally.

[Amendment No. 20 failed of adoption by Record No. 1911.]

[Amendment No. 21 by M. González was laid before the house.]

REPRESENTATIVE M. GONZÁLEZ: Our wonderful chairman, Representative Gary VanDeaver, did great work in **HB 8** where we passed the Community College Finance Commission. We're doing major investments in community colleges. Our community colleges are the entry point for our diverse communities and communities of color. We are asking for our community colleges to be exempt from this bill so we can honor our investments.

KUEMPEL: I respectfully oppose this amendment.

M. GONZÁLEZ: If we're making financial investments in our community colleges, then we have to equally make sure that we are setting them up for success to accomplish the goals that we are setting them up for. I hope that you will support your local community colleges and community college students.

[Amendment No. 21 failed of adoption by Record No. 1912.]

[Amendment No. 22 by Neave Criado was laid before the house.]

NEAVE CRIADO: This amendment adds to the list of programs. We want to make sure that there specific programs that guarantee pivotal student services are not going to be affected by this bill. We want to reinforce and encourage higher education institutions to continue their pre-college and pre-professional outreach programs.

There are four different types of programs that we're trying to add here. One is the admissions, recruitment, and outreach efforts to attract new students. These types of programs benefit students like those from rural areas or even first-generation students. I'll give you an example: The Division of Diversity and Community Engagement at UT Austin, for example, has a program. Their pre-college initiatives reach communities that are statewide to foster this culture of academic excellence and success for underrepresented students in our state. Also, The University of Texas Law School has a pipeline program that does outreach to high school and college students for first generation and low income. They help them with mentoring and scholarship support and information. These are just two programs. There are countless programs—higher education programs—across the state that support and promote underrepresented students, and so this amendment will ensure that we protect those.

The second subsection here applies to career counseling centers to ensure that these students also get resources and support and access to diversity fellowships and internships at major Fortune 500 companies. If we have these career programs at universities, we want to ensure that when they are helping students of color, women, and others get scholarships to these types of programs that the bill does not prohibit them from doing that. Google, for example, has a BOLD internship that is aimed for students who are underrepresented in technology. Kirkland and Ellis, which is a top law firm in the country, has diversity fellowships and scholarships for law students. We want Texas students to be able to have assistance from the universities to apply to these programs. In addition, the third subsection deals with services for international students or exchange students. We don't want these types of programs to get caught up in this legislation. Texas is one of the most popular states in the country for international students. And we want to ensure—whether they're international students, Ph.D. students in Texas for at least five years, or if they're just here for an undergraduate semester-long program—that Texas sets the standard and that we're not eliminating programs to support international students or exchange students.

And then finally the fourth prong under the amendment is a program to orient incoming first-year or transfer students to campus life. These are programs that we know work, that are there to support students, and I want to ensure that these programs are not getting caught up in the whole debate that we're having today.

KUEMPEL: I respectfully oppose this amendment because it creates an orientation program requirement outside the scope of the bill.

[Amendment No. 22 failed of adoption by Record No. 1913.]

[Amendment No. 23 by Kuempel was laid before the house.]

KUEMPEL: This amendment allows the Higher Education Coordinating Board to do an impact study after this bill is passed. It also allows institutions of higher learning to make reasonable efforts so that each employee of that institution whose position is otherwise eliminated as a result of the implementation of this legislation is offered reassignment to a position of similar pay at the institution. And it moves the effective date to January 1, 2024.

[Amendment No. 23 was adopted.]

NEAVE CRIADO: This is a regretful day in this chamber. This chamber has, before today, prioritized the strength of our public universities—this chamber that in the past has allocated billions of dollars into the Texas University Fund to ensure that our state remained the intellectual capital of the world. I stand before you in opposition to this legislation—legislation that goes contrary to the votes of this chamber to support and uphold our public schools of thought and legislation that threatens to defund our public universities for working towards our stated goals of 60 percent by 30. Today's a regretful day for those of us in this body. This body, in 2015, pledged to vault the standings of our public colleges and universities into top ranks. This legislation unravels the investment that this legislature has made to public colleges over generations—investments that have taken our state to hold the largest number of Tier I and Tier II research universities in this nation.

This legislation threatens those victories all out of fear of what—diversity? Fear of equity, of inclusion? Do we fear these three because we perceive a threat? A threat to what? A threat to whom? Diversity is not a threat. Equitable access to education is not a threat. Inclusion is not a threat. We turn our cheek away from the real threats that our communities face—the threats of gun violence, the threats of poverty and housing insecurity, and the threat of illiteracy. Not even a generation ago, men in positions of power used institutional violence for political and educational control. Mexican Americans, Black Texans, and other communities have been terrorized, abused, neglected, and wrongfully profiled for decades in this state. And why are we back at square one after all of the civil rights victories that we have overcome and won? This legislation is rolling us back to a time when not even water fountains were equally accessible.

Let's be honest because this legislation is telling us that Texans fear diversity. This legislation shows us that folks are so afraid of inclusive practices in public universities that they're willing to go as far as defunding our public universities. And yet we sit here with each other as colleagues—looking at each other in our eyes and working side-by-side while voting for legislation that hurts students who look like me and students who look like our colleagues. The choice we are being offered here is clear. We are either supporting equality through diversity or punishing it, censoring it, and suppressing it. And I ask you to reflect on what DEI practices mean. What is the absence of diversity? The absence of diversity is white supremacy. The absence of equity is inequality and the absence of inclusion is segregation.

This legislation cuts our legs from underneath us and blames us for not standing taller. The goal of this legislation is to curtail the increasing number of young Latinos and Black students enrolling in and graduating from public

universities. This legislation punishes students looking to pull themselves up by their bootstraps for needing a little extra support and this legislation defunds public universities who look to provide that support. I ask you to consider the harmful effects of what defunding these universities means for helping the least of these. And that's why I oppose this legislation.

J.D. JOHNSON: To all of my members and colleagues that have worked and fought so hard to make education at higher institutions a better place, I don't think that we've done that today. Calling or saying DEI is something that it is not, is why we are here today. The misinformation campaign has said to us that DEI takes away the opportunity for qualified candidates to be hired versus based on race, based on creed, based on sexual orientation. DEI is not a mandate. The department itself simply offers the opportunity for people in this state to have a better understanding of the institution. It is saying that we are inclusive, you are welcome—you are welcome to come to this institution. Because for so many years we have forgotten how we got here.

From the time education and colleges and universities in this state were founded, for over 100 years they were only for white people to attend. Which meant Hispanics, Asians, Blacks, and sometimes even women could not go to school. Only for the last 40, 45 years have we been inclusive. And there are still problems. There are some of you in this room that have tasted segregation. While you saw it, for those that had to live it it's a lot different. And we're pretending as if everything is all good now—everything is all better. We're saying we're looking for opportunities for everybody to have an equal and fair playing field. DEI never mandated one university to hire anyone based on their skin color. DEI, that department, simply said to those that may not have thought that they were welcome: You are welcome to come to this institution. We will embrace you. They hire people based on that, but now we're here where we're saying we don't want that. We no longer want you in our institution talking about race, talking about gender, or talking about sexual orientation. We simply want you to come and be ready to do academic work. Well, I offered an amendment today that makes sure we have a playing field that was equal and somehow, some way we overlooked it and moved on.

I'm saddened by the fact that while we do understand one another, we can talk and we have dialogue, and we get to a point where we say, "I do understand you," but we still simply ignore one another and move on because we're worried about the next election and we're worried about being primaried. And that's so unfortunate because the people of this state will lose. This state will lose hundreds upon hundreds of millions of dollars because DEI no longer is in place to simply say we embrace diversity. It does not mandate that you create it. It says that you're simply embracing it. That's what DEI is. It simply says to those that may be hearing-impaired, that we will put subtitles so that you could see. That is what DEI is about. It simply says that when you are in a wheelchair, that we will create a ramp so that you can be included and so that you feel welcome to come to our institution. That's what DEI is. For the visually impaired, when you create Braille, that is what it's for. It has nothing to do with race, but we keep talking

about race. But we're forgetting who we're hurting because it also says to the people with disabilities: You are welcome to come to our institution. We welcome your mind, we welcome your spirit, and we welcome everything about you.

So while we're sitting here and we have gotten the misinformation, it's now time that you get the real information. Remember, doing this will hurt this state by the tune of hundreds of millions of dollars to your institutions. And I hope at some point that we wake up and realize that the votes that we take simply because somebody asks us to can hurt the ones that we truly love.

REPRESENTATIVE SHERMAN: Before I begin my speech, I really want to express my sincere gratitude for this house—republicans and democrats who prayed for me. You prayed for me and you prayed for me fervently. Some of you came by my desk and prayed for me and I'm grateful for your prayers. I also want to thank you because some of you prayed that I would come back. Thank you for bringing me back this late evening to be here with you tonight. Thank you.

This morning, as I was preparing my breakfast at the hotel—it's a buffet that they provide, Chairman Burns. As I was looking over the food and putting things on my plate, I heard a woman's voice speaking and she was describing the food that was on the buffet. I heard her say "this bacon looks good" and then she got to the melons and she said, "the melons look good." She got to where I was at the oatmeal. She never described the oatmeal. She never described the hash browns. She described the eggs. I realized she never described the sausage, she never described the grits. She only described the things that she saw to mention to the person who was with her. I wondered in my mind, why is this middle aged white woman describing the things in the buffet like a realtor does when they're showing you a house as if you don't know—this is the kitchen, this is the master bedroom. And then I realized, Representative Toth, the person she was talking to was blind. He couldn't see anything on the menu. He could only depend on her to describe what was on the menu. Meaning that he could only eat what she had described.

Let me express my deep gratitude for the opportunity to address this very respected group of my colleagues. You worked hard to get here and I know this opportunity and privilege was not afforded to my grandfather. To be able to stand here and speak to you. The author of this bill said that we love diversity. We want to make sure that no one gets preferential treatment. Legislators are sent here, I believe, to address problems, concerns, issues, challenges, and opportunities in our society. But I want to know for all clarification: What is the problem that we are addressing in this bill? What is the challenge that we are addressing in this bill?

Normally, as you know, we here in this body are very deliberative. We don't respond quickly to issues like Uvalde and Allen, Texas or El Paso, Santa Fe. We don't respond without being very thoughtful. So I said, "How long has DEI been a problem? When did it become a problem? What advocacy group came before this body or its members to say DEI is a problem?" This bill says we must close DEI offices. I want to remind you again that earlier it was said, "We love diversity." Who is the "we"? What is your definition of love? Meaning, how do you show love? What is your definition of diversity? What groups are included in

diversity to you? Same old. Same old. I implore you to ask: Do you perceive DEI as an intentional program? Our sergeant-at-arms of this very house is the epitome of DEI and she is exceptionally qualified, but she is not the first woman to have been more than qualified to be sergeant-at-arms. No progress without being intentional. Racism in our past was intentional. Integrity must be intentional. Inclusiveness must be intentional, and diversity—in a world that has a past of being intentionally racist—must be intentional.

You know, intentionality will make you consider other people. Consider that there's sausage on the buffet too. Consider that there are grits on the buffet too. Being intentional will make you listen even when you don't agree with a person who is addressing you. How many constituents that live in your districts are Black? The speaker, whom I have a huge respect for, stated at the time he was campaigning for speakership "In Texas, we set politics aside and we work for the benefit of all Texans. Leadership" he said, "must be diverse, it must look like Texas, and give a meaningful voice to the different people from across the state." Imagine a voice that would not have to beg or plead to be heard—a voice like the 32 percent of African Americans who live in your district, the 22 percent of African Americans who live in your district. What if they didn't have to beg and plead and ask you just to consider them. The NFL, 20 years ago this year, began the Rooney Rule and it only said they had to consider. Before then, there were no African Americans as head coach and no African Americans in the front office. That first year of the Rooney Rule there were still no African Americans because all they had to do was just consider them. So that means, Mr. Speaker, as I come to my close I thank you so much because I just believe when I came here that people would not vote party, but they would vote for the people. I know this is huge because here we vote party and not people. I just ask you to consider the people in your district that may not look like you. God bless you and thank you so much.

STATEMENT OF LEGISLATIVE INTENT

COLLIER: Chair Kuempel, do the provisions of this bill prohibit a grant recipient from seeking an amendment, exemption from, and/or alteration to the terms of an existing grant to ensure compliance with the contracted and/or eligible services?

KUEMPEL: No, ma'am.

[CSSB 17, as amended, was passed to third reading by Record No. 1914.]