AMENDMENT TO DIVISION A OF RULES

COMMITTEE PRINT 117–12

(LABOR, HHS, EDUCATION APPROPRIATIONS
DIVISION)

OFFERED BY MR. ROY OF TEXAS

At the end of division A (before the short title) insert the following:

Sec. ______. (a) Prohibition on Award of Funds to Certain Elementary and Secondary Schools.—None of the funds made available by this Act to a State or local educational agency may provided to an elementary school or secondary school that promotes the race-based theories described in subsection (c) or compels teachers or students to affirm, adhere to, adopt, or process beliefs in a manner that violates title VI of the Civil Rights Act of 1964.

(b) Prohibition on Award of Funds to Certain Institutions of Higher Education.—None of the funds made available by this Act may be provided to an institution of higher education that promotes the race-based theories described in subsection (c) or compels teachers or students to affirm, adhere to, adopt, or process
beliefs in a manner that violates title VI of the Civil Rights Act of 1964.

(c) RACE-BASED THEORIES DESCRIBED.—The race-based theories described in this subsection are the following:

(1) Any race is inherently superior or inferior to any other race, color, or national origin.

(2) The United States is a fundamentally racist country.

(3) The Declaration of Independence or Constitution of the United States are fundamentally racist documents.

(4) An individual’s moral character or worth is determined by the individual’s race, color, or national origin.

(5) An individual, by virtue of the individual’s race, is inherently racist or oppressive, whether consciously or unconsciously.

(6) An individual, because of the individual’s race, bears responsibility for the actions committed by other members of the individual’s race, color, or national origin.

(d) RULES OF CONSTRUCTION.—

(1) PROTECTED SPEECH NOT RESTRICTED.—Nothing in this section shall be construed to restrict
the speech of a student, teacher, or any other individual outside of a school setting.

(2) ACCESS TO MATERIALS FOR THE PURPOSE OF RESEARCH OR INDEPENDENT STUDY.—Nothing in this section shall be construed to prevent an individual from accessing materials that advocate theories described in subsection (e) for the purpose of research or independent study.

(3) CONTEXTUAL EDUCATION.—Nothing in this section shall be construed to prevent a covered school from stating theories described in subsection (e) or assigning materials that advocate such theories for educational purposes in contexts that make it clear the school does not sponsor, approve, or endorse such theories or materials.

(e) DEFINITIONS.—In this section:

(1) COVERED SCHOOL.—The term “covered school” means an elementary school, a secondary school, or an institution of higher education.

(2) ESEA TERMS.—The terms “elementary school”, “local educational agency”, “secondary school”, and “State” have the meanings given those terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).
(3) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given that term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(4) PROMOTE.—The term “promote”, when used with respect to a race-based theory described in subsection (c), means—

(A) to include such theories or materials that advocate such theories in curricula, reading lists, seminars, workshops, trainings, or other educational or professional settings in a manner that could reasonably give rise to the appearance of official sponsorship, approval, or endorsement;

(B) to contract with, hire, or otherwise engage speakers, consultants, diversity trainers, and other persons for the purpose of advocating such theories;

(C) to compel students to profess a belief in such theories; or

(D) to segregate students or other individuals by race in any setting, including in educational or training sessions.