

AMENDMENT TO RULES COMMITTEE PRINT 118-

36

OFFERED BY MR. STEUBE OF FLORIDA

At the end of subtitle H of title V, add the following new section:

1 **SEC. 5___ . PROHIBITION ON AVAILABILITY OF FUNDS FOR**
2 **RACE-BASED THEORIES IN DEPARTMENT OF**
3 **DEFENSE EDUCATION ACTIVITY SCHOOLS.**

4 (a) PROHIBITION.—None of the funds authorized to
5 be appropriate by this Act or otherwise made available for
6 the Department of Defense Education Activity may be ob-
7 ligated or expended—

8 (1) to promote the race-based theories described
9 in subsection (b); or

10 (2) to compel teachers or students to affirm,
11 adhere to, adopt, or process beliefs in a manner that
12 violates title VI of the Civil Rights Act of 1964 (42
13 U.S.C. 2000d et seq.).

14 (b) RACE-BASED THEORIES DESCRIBED.—The race-
15 based theories described in this subsection are the fol-
16 lowing:

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

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

3 (3) The Declaration of Independence, the Con-
4 stitution of the United States, or The Federalist Pa-
5 pers are fundamentally racist documents.

6 (4) An individual's moral character or worth is
7 determined by the individual's race, color, or na-
8 tional origin.

9 (5) An individual, by virtue of the individual's
10 race, is inherently racist or oppressive, whether con-
11 sciously or unconsciously.

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

16 (7) An individual, by virtue of the individual's
17 race, should be actively or passively discriminated
18 against or receive adverse treatment to achieve di-
19 versity, equity, or inclusion.

20 (8) An individual should feel discomfort, guilt,
21 anguish, or any other form of psychological distress
22 on account of the individual's race, color, or national
23 origin.

24 (9) Virtues such as merit, excellence, hard
25 work, fairness, neutrality, objectivity, and racial

1 colorblindness are racist or in any way discrimina-
2 tory, or were created by members of a particular
3 race, color, or national origin to oppress members of
4 another race, color, or national origin.

5 (10) Any usage of “antiracism” as a concept
6 that incorporates “equity” theory, which necessarily
7 connotes a form of systemic racism, or any usage of
8 “antiracism” that explicitly or implicitly promotes
9 racial discrimination as necessary to advance equity
10 and any form of justice.

11 (c) RULES OF CONSTRUCTION.—

12 (1) PROTECTED SPEECH NOT RESTRICTED.—
13 Nothing in this section shall be construed to restrict
14 the speech of a student, teacher, or any other indi-
15 vidual outside of a school setting.

16 (2) ACCESS TO MATERIALS FOR THE PURPOSE
17 OF RESEARCH OR INDEPENDENT STUDY.—Nothing
18 in this section shall be construed to prevent an indi-
19 vidual from accessing materials that advocate theo-
20 ries described in subsection (b) for the purpose of
21 research or independent study.

22 (3) CONTEXTUAL EDUCATION.—Nothing in this
23 section shall be construed to prevent a school from
24 stating theories described in subsection (b) or as-
25 signing materials that discuss such theories for in-

1 classroom educational purposes in contexts that
2 make it clear the school does not sponsor, approve,
3 advocate, or endorse such theories or materials and
4 in contexts that clearly state such theories originally
5 derive from Marxist ideology.

6 (d) INVESTIGATION AND PENALTY.—

7 (1) INVESTIGATION.—Notwithstanding any
8 other provision of the law, any individual who is em-
9 ployed by or contracted to work for the Department
10 of Defense Education Activity shall be subject to in-
11 vestigation under title VI of the Civil Rights Act of
12 1964 (42 U.S.C. 2000d et seq.) if the Secretary of
13 Defense suspects that such individual promotes,
14 practices, or advocates for race-based theories re-
15 ferred to in subsection (b).

16 (2) PENALTY.—Notwithstanding any other pro-
17 vision of the law, in the event the Secretary of De-
18 fense determines that an individual employed by or
19 contracted to work for the Department of Defense
20 Education Activity has promoted, practiced, or advo-
21 cated for race-based theories referred to subsection
22 (b), the Secretary—

23 (A) shall impose on such individual a man-
24 datory minimum penalty that includes—

1 (i) an immediate 10 percent salary re-
2 duction for the remainder of the calendar
3 year; and

4 (ii) a 30-day suspension without pay;
5 and

6 (B) may terminate the employment or con-
7 tract of such individual.

8 (e) PROMOTE DEFINED.—In this section, the term
9 “promote”, when used with respect to a race-based theory
10 described in subsection (b), means—

11 (1) to include such theories or materials that
12 advocate such theories in curricula, reading lists,
13 seminars, workshops, trainings, meetings, gath-
14 erings, or other educational or professional settings
15 in a manner that could reasonably give rise to the
16 appearance of official sponsorship, approval, or en-
17 dorsement;

18 (2) to contract with, hire, invite, or otherwise
19 engage speakers, consultants, diversity trainers, and
20 other persons for the purpose of advocating such
21 theories;

22 (3) to compel students to profess a belief in
23 such theories; or

1 (4) to segregate students or other individuals by
2 race in any setting, including in educational or train-
3 ing sessions.

