

AMENDMENT NO. _____ Calendar No. _____

Purpose: To limit the availability of grant funds for entities that adopt certain policies and requirements relating to diversity, equity, and inclusion.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

S. _____

To authorize the Secretary of Health and Human Services to award grants to schools of medicine or osteopathic medicine at historically Black colleges and universities and other minority-serving institutions for the purpose of increasing enrollment of medical students.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. BUDD

Viz:

1 On page 9, after line 6, insert the following:

2 “(h) LIMITATION ON AVAILABILITY OF FUNDS FOR
3 CERTAIN ENTITIES.—

4 “(1) IN GENERAL.—Notwithstanding any other
5 provision of law, no entity shall be eligible to receive
6 an award under this section, unless the entity cer-
7 tifies to the Secretary that the entity does not, and
8 will not, do any of the following:

9 “(A) Direct, compel, or incentivize stu-
10 dents, faculty, or staff of the applicable school

1 of medicine or school of osteopathic medicine to
2 personally state, pledge, recite, affirm, or other-
3 wise adopt any of the following tenets:

4 “(i) That any sex, race, ethnicity, reli-
5 gion, color, or national origin makes an in-
6 dividual a member of oppressed or oppres-
7 sor categories.

8 “(ii) That individuals should be ad-
9 versely treated on the basis of their sex,
10 race, ethnicity, religion, color, or national
11 origin.

12 “(iii) That individuals, by virtue of
13 sex, race, ethnicity, religion, color, or na-
14 tional origin, are inherently responsible for
15 actions committed in the past by other
16 members of the same sex, race, ethnicity,
17 religion, color, or national origin.

18 “(iv) That the United States is sys-
19 temically, structurally, or institutionally
20 racist, or that racism is weaved into the
21 ‘ordinary business of society’, or that the
22 United States is an oppressive nation.

23 “(B) Take any action that would deprive
24 or tend to deprive a medical student of edu-
25 cational opportunities or otherwise adversely af-

1 fect their status as a student, on the basis of
2 race, color, or ethnicity, including—

3 “(i) making a distinction or classifica-
4 tion of students of the applicable school of
5 medicine or school of osteopathic medicine
6 on the basis of race, color, or ethnicity;

7 “(ii) establishing a privilege or benefit
8 for students solely on the basis of race,
9 color, or ethnicity;

10 “(iii) providing a course of instruction
11 for students solely on the basis of race,
12 color, or ethnicity; or

13 “(iv) otherwise distinguishing students
14 by race, color, or ethnicity.

15 “(C) Require a course of instruction or
16 unit of study at the applicable school of medi-
17 cine or school of osteopathic medicine directing
18 or otherwise compelling students, faculty, or
19 staff to personally state, pledge, recite, affirm,
20 or otherwise adopt any of the tenets specified in
21 paragraph (1).

22 “(D) Establish, maintain, or contract with
23 a diversity, equity, and inclusion office, or any
24 other functional equivalent of such an office, to

1 basis of their race, sex, ethnicity, color, or
2 national origin.

3 “(iii) That individuals, by virtue of
4 race, sex, ethnicity, color, or national ori-
5 gin, bear collective guilt and are inherently
6 responsible for actions committed in the
7 past or present by other members of the
8 same race, ethnicity, color, or national ori-
9 gin.

10 “(B) DIVERSITY STATEMENT.—The term
11 ‘diversity statement’ means any written or oral
12 statement that—

13 “(i) discusses the immutable charac-
14 teristics, including race, sex, color, eth-
15 nicity, or country of origin of any applicant
16 for enrollment, admission, employment, or
17 advancement at an institution of higher
18 education;

19 “(ii) affirms that individuals of any
20 race, sex, ethnicity, color, or national ori-
21 gin are inherently superior or inferior;

22 “(iii) affirms that individuals should
23 be adversely or advantageously treated on
24 the basis of their race, sex, ethnicity, color,
25 or national origin; or

1 “(iv) affirms that individuals, by vir-
2 tue of race, sex, ethnicity, color, or na-
3 tional origin, bear collective guilt and are
4 inherently responsible for actions com-
5 mitted in the past by other members of the
6 same race, ethnicity, color, or national ori-
7 gin.

8 “(C) INSTITUTION OF HIGHER EDU-
9 CATION.—The term ‘institution of higher edu-
10 cation’ has the meaning given that term in sec-
11 tion 102 of the Higher Education Act of 1965.

12 “(3) RULES OF CONSTRUCTION.—Nothing in
13 this subsection shall be construed—

14 “(A) to prohibit an eligible entity from—

15 “(i) providing instruction about
16 unique medical needs or conditions that
17 may be related to an individual’s sex, race,
18 or other characteristics; or

19 “(ii) collecting and maintaining demo-
20 graphic data on students solely for infor-
21 mational purposes;

22 “(B) in the case of an entity with a reli-
23 gious mission, to require or incentivize the enti-
24 ty to take any action that is contrary to the te-
25 nets of such religion; or

1 “(C) to restrict or prohibit—

2 “(i) the exercise of First Amendment
3 rights by anyone lawfully present on the
4 grounds of the eligible entity;

5 “(ii) academic instruction at such an
6 eligible entity, except to the extent re-
7 quired under paragraphs (1)(B)(3) and
8 (1)(C);

9 “(iii) research operations at an eligi-
10 ble entity;

11 “(iv) the operations of student organi-
12 zations at such an eligible entity;

13 “(v) the invitation of lecturers and
14 other guest speakers to such an eligible en-
15 tity; or

16 “(vi) the ability of an eligible entity to
17 comply with Federal and State anti-dis-
18 crimination laws.”.