



EQUAL TREATMENT IN FEDERAL PROGRAMS ACT

A BILL

To prohibit discrimination and preferential treatment based on race, color, national origin, sex, religion, and other protected characteristics by government entities and recipients of federal funds; to eliminate the use of facially neutral criteria as proxies for such discrimination; to prohibit compelled affirmation of divisive concepts that stereotype individuals; to require proof of intentional discrimination for civil rights liability and eliminate disparate impact liability that does not require such proof; to identify and eliminate federal provisions authorizing preferences; and to provide enforcement mechanisms and remedies for violations.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Equal Treatment in Federal Programs Act”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

- (1) The Constitution requires that government entities treat individuals equally without regard to race, color, national origin, sex, or religion.
- (2) In *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. 181 (2023), the Supreme Court reaffirmed that governmental racial classifications are subject to strict scrutiny and are permissible only when narrowly tailored to achieve a compelling governmental interest.
- (3) The Equal Protection Clause of the Fourteenth Amendment and Title VI of the Civil Rights Act of 1964 prohibit discrimination on the basis of race, color, or national origin by government entities and recipients of federal financial assistance.
- (4) Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in education programs or activities receiving federal financial assistance;
- (5) Title VII of the Civil Rights Act of 1964 prohibits employment discrimination and requires proof of intentional discrimination for liability.
- (6) The Supreme Court has held that proof of discriminatory purpose or intent is required to establish an equal protection violation (*Washington v. Davis*, 426 U.S. 229 (1976));

Village of Arlington Heights v. Metropolitan Housing Dev. Corp., 429 U.S. 252 (1977)).

- (7) Unlawful proxy discrimination occurs when government entities intentionally use facially neutral criteria that function as substitutes for explicit consideration of protected characteristics (*Personnel Administrator of Massachusetts v. Feeney*, 442 U.S. 256 (1979)); *Yick Wo v. Hopkins*, 118 U.S. 356 (1886).
- (8) Various federal programs, regulations, and practices currently employ criteria and methodologies that serve as proxies for discrimination based on race, color, national origin, sex, religion, or other protected characteristics
- (9) Such proxy discrimination violates constitutional and statutory guarantees of equal treatment regardless of whether the discrimination is accomplished through explicit classifications or through ostensibly neutral proxies.
- (10) Government entities have increasingly required employees and participants in government programs to affirm ideological concepts regarding race, sex, and identity that violate individual freedom of conscience and compel belief in divisive concepts.
- (11) Training programs and policies that stereotype individuals based on protected characteristics or that compel affirmation of concepts that certain races, sexes, or other groups are inherently oppressed or privileged violate equal protection principles and individual liberty.
- (12) Concepts such as meritocracy, colorblindness, individual achievement, and objectivity are fundamental to American constitutional principles and shall not be disparaged as inherently discriminatory by government entities.
- (13) Statistical disparities in outcomes, standing alone, do not establish discrimination and may result from numerous neutral factors including individual choices, qualifications, preparation, and preferences.
- (14) Disparate impact liability, which imposes liability based solely on statistical outcomes without proof of discriminatory intent, is inconsistent with constitutional equal protection principles and has been misused to compel discriminatory preferences.
- (15) Federal civil rights laws were intended to eliminate intentional discrimination, not to mandate proportional representation or outcomes across groups.

(b) PURPOSE.—The purposes of this Act are to:

- (1) Prohibit all forms of discrimination, including proxy discrimination, by government entities and recipients of federal funds.
- (2) Eliminate preferential treatment based on protected characteristics.
- (3) Prohibit government entities from compelling belief in or affirmation of divisive concepts that stereotype individuals based on protected characteristics.
- (4) Identify and eliminate federal statutory and regulatory provisions that authorize, encourage, or require preferences based on protected characteristics.

- (5) Clarify that proof of intentional discrimination is required for civil rights liability and that statistical disparities alone are insufficient.
- (6) Eliminate disparate impact liability that does not require proof of discriminatory intent.
- (7) Ensure that federal programs operate on principles of equal treatment, individual merit, and content-neutral criteria; and
- (8) Provide clear enforcement mechanisms and remedies for violations.

SEC. 3. DEFINITIONS.

In this Act:

(a) COVERED ENTITY.—The term “covered entity” means:

- (1) Any department, agency, or instrumentality of the United States Government.
- (2) Any State or local government receiving federal financial assistance.
- (3) Any entity, including nonprofit organizations, educational institutions, contractors, or grantees, that receives federal financial assistance.
- (4) Any third-party entity that receives funds from an entity described in paragraphs (a)(1) through (a)(2) or (a)(3) for the purpose of administering programs or activities.
- (5) Any private entity to the extent it is performing a governmental function or acting under the color of law.

(b) DISCRIMINATION.—The term “discrimination” means:

- (1) Any preference, advantage, benefit, burden, or detriment to individuals based on protected characteristics.
- (2) Proxy discrimination as defined in subsection (c).
- (3) Any practice that has the purpose or intent of providing preferential treatment based on protected characteristics.

(c) PROXY DISCRIMINATION.—The term “proxy discrimination” means the intentional use of facially neutral criteria, standards, or practices that function as substitutes for explicit consideration of protected characteristics. A covered entity engages in proxy discrimination when:

- (1) The entity uses a facially neutral factor that closely correlates with a protected characteristic.
- (2) The entity used the factor, in whole or in significant part, because of that correlation, with the purpose or effect of advantaging or disadvantaging individuals based on the protected characteristic.

Examples of proxy discrimination include, but are not limited to:

- (A) **Identity-Based Experience Requirements:** Requiring or giving preference to narratives, statements, or evidence of "lived experience," "personal background," "overcoming obstacles," "cultural background," or similar criteria when such requirements are designed to advantage individuals based on protected characteristics.
- (B) **Diversity Statements:** Requiring or scoring applicants based on statements regarding past or planned contributions to diversity, equity, inclusion, or related concepts, when such statements serve as proxies for protected characteristics.
- (C) **Cultural Competency Proxies:** Using requirements for "cultural competence," "cross-cultural skills," "multicultural awareness," or similar criteria that are structured to advantage individuals based on protected characteristics.
- (D) **Geographic or Institutional Targeting:** Implementing recruitment, outreach, or selection strategies that target specific geographic areas, institutions, educational institutions, zip codes, or organizations chosen primarily because of their demographic composition rather than other legitimate, non-discriminatory factors.
- (E) **Statistical Balancing:** Using demographic goals, targets, benchmarks, or statistical measures of representation as factors in decision-making regarding the distribution of benefits, opportunities, or resources.
- (F) **Presumptions Based on Group Membership:** Employing presumptions about individuals' experiences, perspectives, or qualifications based on their membership in groups defined by protected characteristics.

(d) **PROTECTED CHARACTERISTIC.**—The term "protected characteristic" means race, color, national origin, sex (including gender identity, sexual orientation pregnancy, religion, ancestry, ethnicity, and any other characteristic that would trigger heightened scrutiny under the Equal Protection Clause of the Fourteenth Amendment or comparable constitutional provision.

(e) **PREFERENTIAL TREATMENT.**—The term "preferential treatment" means any action that grants an advantage, benefit, or favorable consideration to an individual or group based on a protected characteristic, including but not limited to:

- (1) Using protected characteristics as a plus factor or tiebreaker in decisions.
- (2) Establishing set-asides, quotas, goals, or targets based on protected characteristics.
- (3) Granting additional points, weight, or consideration based on protected characteristics.

- (4) Providing separate programs, tracks, or opportunities available only to individuals with particular protected characteristics.
- (5) Using higher or lower standards or qualifications for individuals with particular protected characteristics compared to the standards or qualifications for others.

(f) FEDERAL FINANCIAL ASSISTANCE.—The term “federal financial assistance” has the meaning given that term in applicable civil rights statutes, including Title VI of the Civil Rights Act of 1964, and includes grants, loans, loan guarantees, contracts, subsidies, insurance, and any other form of federal funding or support.

(g) PROHIBITED CONCEPTS.—The term “prohibited concepts” means the divisive concepts listed in Section 4(c) that government entities are prohibited from promoting, requiring, as a condition of employment or participation, or instructing as truth.

(h) SUSPECT TERMS AND PROGRAMS.—The term “suspect terms and programs” includes programs, initiatives, requirements, or criteria using the following or related terminology:

- (1) Diversity, Equity, and Inclusion (DEI).
- (2) Diversity, Equity, Inclusion, and Accessibility (DEIA).
- (3) Diversity, Equity, Inclusion, and Belonging (DEIB).
- (4) “Disadvantaged” or “underrepresented” when such terms are defined by or correlated with protected characteristics.
- (5) “Underserved communities” when defined by protected characteristics.
- (6) “Environmental justice” when used as a proxy for protected characteristics.
- (7) “Social vulnerability” when defined by protected characteristics.
- (8) Any euphemistic or coded language that serves as a substitute for protected characteristics.

(i) INTENTIONAL DISCRIMINATION.—The term “intentional discrimination” means discrimination that is the result of purposeful or deliberate action based on a protected characteristic. Statistical disparities or disparate impact, standing alone, do not establish intentional discrimination.

(j) DISPARATE IMPACT.—The term “disparate impact” means a facially neutral policy or practice that has a disproportionate beneficial or adverse effect on persons of a particular protected characteristic, without regard to whether such effect resulted from intentional discrimination.

SEC. 4. PROHIBITION ON DISCRIMINATION, PREFERENTIAL TREATMENT, AND COMPELLED BELIEF.

(a) NON-DISCRIMINATION AND NON-PREFERENTIAL TREATMENT MANDATE.—A covered entity shall not engage in discrimination, or grant preferential treatment to, any individual or group on the basis of a protected characteristic in connection with:

- (1) Employment, including recruitment, hiring, promotion, demotion, termination, compensation, performance evaluation, professional development, or any other term or condition, or privilege of employment.
- (2) Contracting or procurement, including the solicitation, award, administration, denial, or performance of any contract, subcontract, grant, or agreement.
- (3) Any education program or activity, including admissions, enrollment, scholarships, academic programs, or any educational opportunity receiving Federal financial assistance.
- (4) The provision of any service, benefit, license, certification, or authorization funded in whole or in part by federal funds.
- (5) Instruction or training provided to employees, contractors, or program participants; or
- (6) Any entitlement, license, certification, or authorization provided by government.

(b) SPECIFIC PROHIBITIONS.—No covered entity shall:

- (1) Establish or maintain demographic goals, targets, benchmarks, quotas, or statistical measures of representation.
- (2) Require, request, or consider diversity statements, cultural competency narratives, or similar materials that serve as proxies for protected characteristics.
- (3) Grant preferences or award additional points, weight, or consideration based on protected characteristics or proxies thereof.
- (4) Use “disadvantaged,” “underrepresented,” “underserved,” or similar status designations when such designations are defined by or function as proxies for protected characteristics;
- (5) Target programs, services, or opportunities to specific geographic areas, institutions, or organizations chosen because of their demographic composition.
- (6) Require individuals to attend training, instruction, or counseling that promotes prohibited concepts as defined in subsection (c).
- (7) Condition employment, promotion, advancement, or participation in any program on affirmation of, agreement with, or adherence to prohibited concepts.
- (8) Compel speech, belief, or expression regarding matters of race, sex, or other protected characteristics.
- (9) Create hostile or discriminatory environments through policies or practices that stereotype individuals based on protected characteristics.

(c) PROHIBITED CONCEPTS IN GOVERNMENT INSTRUCTION AND TRAINING.—A covered entity shall not promote, require as a condition of employment or participation in any program, or instruct as truth any of the following concepts:

- (1) That any race, sex, ethnicity, ancestry, or other protected characteristic is inherently superior or inferior to another.
- (2) That individuals are inherently oppressive, privileged, racist, sexist, or biased, whether consciously or unconsciously, solely by virtue of their membership in a group defined by a protected characteristic.
- (3) That individuals are inherently oppressed, underprivileged, free of bias, or incapable of success, solely by virtue of their membership in a group defined by a protected characteristic.
- (4) That individuals bear collective guilt or are responsible for past actions committed by other members of the same group defined by a protected characteristic.
- (5) That an individual's moral character, worth, prospects in life, or capacity for achievement are necessarily determined by their membership in a group defined by a protected characteristic.
- (6) That the United States of America or its founding institutions are fundamentally, systemically, or irredeemably racist, sexist, or otherwise discriminatory.
- (7) That concepts such as meritocracy, colorblindness, individual achievement, objectivity, work ethic, rationality, or equal treatment under law are inherently racist, sexist, oppressive, or discriminatory constructs created to maintain the power of particular groups.
- (8) That an individual, by virtue of their protected characteristic, is inherently complicit in the oppression of others or bears personal responsibility for systems of oppression.
- (9) That an individual should be discriminated against or receive adverse treatment because of their protected characteristic.
- (10) That an individual should feel discomfort, guilt, anguish, or psychological distress solely because of their protected characteristic.
- (11) That virtues such as hard work, rational thinking, emphasis on the nuclear family, belief in progress, or respect for authority are specific to any particular race or ethnicity or are evidence of racial or ethnic oppression.
- (12) That individuals cannot treat others without regard to race, sex, or other protected characteristics, or that individuals should be judged by their group identity rather than their individual character and merit.

(d) CLARIFICATION REGARDING ACADEMIC FREEDOM AND INSTRUCTION.—Nothing in subsection (c) shall be construed to prohibit:

- (1) Teaching or discussing historical events, including past or present discrimination, slavery, racial segregation, the civil rights movement, women's suffrage, religious persecution, or other injustices, provided such teaching does not promote prohibited concepts.

- (2) Engaging in academic discussions, scholarly analysis, or critical examination of theories regarding racism, sexism, or other forms of bias or prejudice, provided such discussion:
 - (a) Does not compel belief in or affirmation of prohibited concepts.
 - (b) Presents multiple perspectives.
 - (c) Distinguishes between academic theories and factual assertions.
 - (d) Does not stereotype individuals based on protected characteristics.
- (3) Instruction about the historical, social, legal, or economic context of inequality, discrimination, or civil rights, provided it does not lead to stereotyping individuals based on protected characteristics or compel belief in prohibited concepts.
- (4) Publication and presentation of academic viewpoints by faculty employed by postsecondary institutions in scholarly settings, provided such expression does not constitute compelled speech directed at students or employees.
- (5) Teaching about the Constitution, founding documents, civil rights laws, and legal principles regarding equal protection and non-discrimination.
- (6) Discussion of ongoing debates about public policy, social issues, or legal questions related to equality and civil rights, provided multiple viewpoints are presented and students or employees are not compelled to adopt particular viewpoints.
- (7) Training regarding legal obligations under federal and state civil rights laws, provided such training accurately reflects the law and does not promote prohibited concepts.

(e) PROTECTION OF INDIVIDUAL CONSCIENCE AND EXPRESS.

- (1) No covered entity may compel any employee, contractor, student, or program participant to:
 - (a) Affirm, adopt, or adhere to prohibited concepts.
 - (b) Make statements regarding their identity, privilege, oppression, bias, or position in systems of power.
 - (c) Participate in training, instruction, or activities that promote prohibited concepts.
 - (d) Disclose personal beliefs regarding race, sex, or other protected characteristics.
- (2) No covered entity may penalize, discipline, demote, terminate, deny opportunities to, or otherwise disadvantage any individual for:
 - (a) Declining to affirm or express agreement with prohibited concepts.
 - (b) Expressing disagreement with prohibited concepts.

- (c) Declining to participate in programs that promote prohibited concepts.
 - (d) Expressing belief in principles of colorblindness, equal treatment, individual merit, or similar concepts.
- (3) Nothing in this section shall compel government entities to provide platforms or opportunities for expression that disrupt essential governmental functions or educational activities.

SEC. 5. PROHIBITION ON PROXY DISCRIMINATION.

(a) **GENERAL RULE.**—A covered entity may not intentionally treat individuals differently on the basis of a protected characteristic through the use of facially neutral criteria as proxies for such protected characteristic.

(b) **PROXY USE STANDARD.**—The use of a facially neutral factor by a covered entity shall be considered unlawful proxy discrimination if:

- (1) The factor closely correlates with a protected characteristic; and
- (2) The covered entity used the factor, in whole or in significant part, because of that correlation, with the purpose of advantaging or disadvantaging individuals based on the protected characteristic.

(c) **DISPARATE IMPACT NOT SUFFICIENT.**—Statistical disparities in outcomes or effects, standing alone, shall not be sufficient to establish liability for proxy discrimination under this section or intentional discrimination under any provision of this Act, the Constitution, or federal civil rights law. Proof of discriminatory intent or purpose is required.

(d) **CAUSE OF ACTION FOR PROXY DISCRIMINATION.**—An action at law, suit in equity, or other proper proceeding for redress may be brought by any person or group of persons injured by a covered entity's unlawful proxy discrimination as defined by this Section.

(e) **BURDEN OF PROOF.**

- (1) **Prima Facie Case:** A plaintiff may establish a prima facie case of proxy discrimination by demonstrating by a preponderance of the evidence that:
 - (A) A covered entity used a facially neutral factor that closely correlates with a protected characteristic.
 - (B) Such use resulted in a disparate outcome based on that characteristic.
 - (C) There is sufficient direct or circumstantial evidence from which a trier of fact could reasonably infer that the covered entity was aware of the correlation and the disparate outcome and proceeded with the use of the factor because of that correlation.

- (2) **Evidence of Intent:** Evidence that may support an inference of intentional proxy discrimination includes, but is not limited to:
- (A) Direct statements by officials indicating intent to achieve demographic outcomes.
 - (B) Training materials, guidance documents, internal communications, or strategic plans revealing discriminatory purpose.
 - (C) Statistical evidence showing that the neutral criterion correlates with protected characteristics to a degree unlikely to occur absent intentional design.
 - (D) Adoption of the facially neutral criterion following elimination of explicit characteristic-based preferences.
 - (E) Disparate application of ostensibly neutral criteria based on protected characteristics.
 - (F) Departure from normal procedures or standards in adopting the criterion.
 - (G) Legislative or administrative history revealing discriminatory intent.
 - (H) The existence of a pattern of similar actions by the covered entity.
 - (I) Lack of legitimate, non-discriminatory justification for the criterion's design or application.
- (3) **Burden Shift:** Upon establishment of a prima facie case, the burden of persuasion shifts to the covered entity to prove by clear and convincing evidence that:
- (A) The factor was not used as a proxy for the protected characteristic and its selection was not influenced by the correlation with the protected characteristic; or
 - (B) The policy or practice pursued a legitimate and compelling governmental objective unrelated to achieving demographic outcomes based on protected characteristics, and the means chosen were narrowly tailored to achieve that objective, with no less discriminatory and equally effective alternatives reasonably available.
- (4) **Pretext:** If a covered entity articulates a legitimate justification, a plaintiff may demonstrate that the proffered justification is pretextual and that the true purpose was to use the factor as a proxy for a protected characteristic.

(f) **REMEDIES.**—Courts may grant the following remedies for violations of this Section:

- (1) Declaratory and injunctive relief.
- (2) Compensatory damages.
- (3) Reasonable attorney's fees and costs to prevailing plaintiffs.

- (4) Such other equitable relief as the court deems appropriate.

SEC. 6. ELIMINATION OF DISPARATE IMPACT LIABILITY.

(a) INTENT REQUIREMENT FOR CIVIL RIGHTS LIABILITY.

- (1) Liability under federal civil rights law requires proof of intentional discrimination. Statistical disparities in outcomes, standing alone, are insufficient to establish discrimination.
- (2) No provision of federal law shall be interpreted to impose liability based solely on disparate impact or statistical disparities without proof that the challenged policy or practice was adopted or maintained with discriminatory purpose or intent.

(b) REPEAL AND LIMITATION OF DISPARATE IMPACT PROVISIONS.

- (1) **Title VII of the Civil Rights Act of 1964:** Section 703(k) of Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e-2(k)), insofar as it establishes liability based solely on disparate impact without a finding of intentional discrimination, is hereby repealed.
- (2) **Title VI of the Civil Rights Act of 1964:** No regulation, guidance, or interpretation of Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.) shall establish liability based solely on disparate impact. Title VI prohibits only intentional discrimination.
- (3) **Fair Housing Act:** Section 804 of the Fair Housing Act (42 U.S.C. § 3604), insofar as it has been interpreted to establish liability based solely on disparate impact, shall require proof of intentional discrimination.
- (4) **General Limitation:** Liability based solely on a theory of disparate impact, without proof of intentional discrimination, shall not be permissible under any Federal civil rights statute, unless such statute expressly and unambiguously authorizes liability based solely on disparate impact through clear statutory text enacted after the effective date of this Act.

(c) PROHIBITION OF DISPARATE IMPACT REGULATIONS AND GUIDANCE.

- (1) No Federal agency shall promulgate any rule, regulation, or guidance that:
 - (A) Treats disparate impact or statistical disparities as equivalent to intentional discrimination.
 - (B) Creates a presumption of discrimination based solely on statistical disparities.
 - (C) Requires entities to take action to eliminate statistical disparities absent evidence of intentional discrimination.

(D) Imposes liability or adverse consequences based solely on statistical outcomes.

(2) Any existing regulation or guidance inconsistent with this subsection is hereby rescinded and shall have no further force or effect.

(d) NO PRIVATE RIGHT OF ACTION FOR DISPARATE IMPACT ALONE.—No person may bring a civil action under Federal law based solely on a theory of disparate impact without alleging and proving intentional discrimination as defined by this Act.

(e) AFFIRMATIVE DEFENSE.—In any civil action alleging discrimination, it shall be an affirmative defense that the challenged policy or practice:

(1) Was adopted and is maintained without discriminatory purpose.

(2) Serves a legitimate, substantial, and non-discriminatory objective; and

(3) Is narrowly tailored to achieve that objective.

The existence of statistical disparities alone shall not negate this defense.

(f) CLARIFICATION OF LEGITIMATE CRITERIA.—Government entities and private entities may use criteria that produce statistical disparities, provided such criteria:

(1) Are not adopted or maintained with discriminatory purpose.

(2) Are substantially related to legitimate governmental or business objectives.

(3) Are applied uniformly without regard to protected characteristics; and

(4) Are not designed or intended as proxies for protected characteristics.

Examples of legitimate criteria include, but are not limited to: qualifications, skills, experience, education, test scores, performance metrics, creditworthiness, criminal history (where job-related), and other objective, merit-based factors.

SEC. 7. IDENTIFICATION AND ELIMINATION OF DISCRIMINATORY PROVISIONS.

(a) COMPREHENSIVE REVIEW REQUIRED.—Within 180 days of enactment, the Attorney General, in consultation with the heads of all federal agencies, shall:

(1) Conduct a comprehensive review of the United States Code, Code of Federal Regulations, and all agency guidance documents, manuals, policies, and practices.

(2) Identify all provisions that authorize, encourage, require, or permit discrimination, preferential treatment, or proxy discrimination as defined in this Act.

(3) Identify all provisions that establish or permit liability based solely on disparate impact.

- (4) Identify all training programs, policies, or practices that promote prohibited concepts as defined in Section 4(c).
- (5) Prepare a detailed report for Congress listing all identified provisions, programs, and practices.
- (6) Recommend legislative action to repeal or amend statutory provisions.
- (7) Issue guidance to all federal agencies regarding compliance with this Act.

(b) **KNOWN PROBLEMATIC STATUTORY PROVISIONS.**—Without limitation, the review shall specifically examine the following statutory provisions and similar provisions:

(1) Small Business Administration:

- (A) 15 U.S.C. § 637(a) (8)(a) Business Development Program).
- (B) 15 U.S.C. § 644(g) (Small Disadvantaged Business Program).
- (C) 15 U.S.C. § 637(m) (Women-Owned Small Business Program).
- (D) 15 U.S.C. § 657q (Service-Disabled Veteran-Owned Small Business Program insofar as it creates preferences beyond legitimate veteran status considerations).
- (E) Any provisions defining “socially and economically disadvantaged” based on presumptions related to protected characteristics.

(2) Transportation and Infrastructure:

- (A) 49 U.S.C. § 47107(e) (Airport Improvement Program DBE requirements).
- (B) 23 U.S.C. § 140 (Highway DBE program).
- (C) 49 U.S.C. § 5332 (Federal Transit Administration DBE requirements).
- (D) 49 C.F.R. Part 26 (Disadvantaged Business Enterprise regulations).

(3) Agriculture:

- (A) 7 U.S.C. § 2003 (Socially Disadvantaged Farmer and Rancher Program).
- (B) 7 U.S.C. § 2279 (Outreach and assistance for socially disadvantaged farmers).
- (C) Provisions defining "socially disadvantaged" based on protected characteristics.

(4) Financial Institutions and Community Development:

- (A) 12 U.S.C. § 2901 et seq. (Community Reinvestment Act provisions used to implement demographic targeting).
- (B) 42 U.S.C. § 5301 et seq. (Community Development Block Grant provisions allowing demographic targeting).

(C) Dodd-Frank Act provisions establishing offices focused on demographic outcomes.

(5) Education:

(A) 20 U.S.C. § 1067 et seq. (Programs for Historically Black Colleges and Universities).

(B) 20 U.S.C. § 1101 et seq. (Hispanic-Serving Institutions).

(C) 20 U.S.C. § 1059c (Alaska Native and Native Hawaiian-Serving Institutions).

(D) 20 U.S.C. § 11611 (Minority-serving institutions programs).

(E) Any provisions allowing consideration of race, sex, or other protected characteristics in student admissions, scholarships, or programming.

(6) Healthcare:

(A) 42 U.S.C. § 254c-14 (National Health Service Corps preference provisions based on demographics).

(B) 42 U.S.C. § 293 et seq. (Health professions education programs allowing preferences).

(C) Affordable Care Act provisions allowing or encouraging demographic preferences.

(7) Environmental Programs:

(A) Executive Orders and statutory provisions establishing "environmental justice" programs that use demographics as targeting criteria.

(B) 42 U.S.C. § 4321 et seq. (National Environmental Policy Act provisions used for demographic impact analysis).

(C) Any provisions defining "disadvantaged communities" based on demographics.

(8) Defense Contracting:

(A) 10 U.S.C. § 4901 et seq. (Defense contractor diversity requirements).

(B) Provisions establishing numerical goals based on business owner demographics.

(9) Federal Employment:

(A) 5 U.S.C. § 7201 (Antidiscrimination policy provisions used to justify preferences).

(B) Executive Orders establishing diversity goals or requirements in federal hiring.

(C) OPM guidance on diversity and inclusion in federal employment.

(10) Broadcasting and Communications:

(A) 47 U.S.C. § 309(j)(4)(D) (FCC spectrum auction preferences).

(B) Any FCC policies granting preferences based on protected characteristics.

(c) **KNOWN PROBLEMATIC REGULATORY PROVISIONS.**—The review shall specifically examine regulations including:

(1) Equal Employment Opportunity Commission:

(A) 29 C.F.R. Part 1608 (Affirmative Action Appropriate Under Title VII).

(B) Regulations permitting or encouraging demographic-based employment preferences.

(C) Guidance on diversity and inclusion initiatives.

(2) Office of Federal Contract Compliance Programs:

(A) 41 C.F.R. § 60-2 (Affirmative Action Program regulations).

(B) Regulations requiring demographic goals and timetables.

(C) Executive Order 11246 implementing regulations.

(3) Department of Transportation:

(A) 49 C.F.R. Part 26 (DBE Program regulations).

(B) Regulations establishing demographic goals in federally-assisted programs.

(4) Department of Education:

(A) 34 C.F.R. § 100 et seq. (Title VI regulations allowing race-conscious programming).

(B) Dear Colleague letters and guidance documents encouraging diversity considerations.

(C) Regulations implementing programs for minority-serving institutions.

(5) Department of Housing and Urban Development:

(A) 24 C.F.R. Parts 1-1000 (Provisions implementing demographic preferences).

(B) Affirmatively Furthering Fair Housing regulations.

(C) Disparate impact regulations under the Fair Housing Act.

(6) Small Business Administration:

(A) 13 C.F.R. § 124 (8(a) Business Development Program regulations).

(B) 13 C.F.R. § 127 (Women-Owned Small Business Program regulations).

(C) Regulations defining disadvantaged status based on protected characteristics.

(7) Department of Justice:

(A) Guidance on disparate impact under Title VI and Title VII.

(B) Guidance on diversity in law enforcement.

(C) Pattern or practice investigation criteria using demographic statistics.

(8) National Institutes of Health and National Science Foundation:

(A) Grant application scoring criteria that reward diversity statements.

(B) Requirements for diversity plans as part of research proposals.

(C) Fellowship and training grant provisions considering protected characteristics.

(9) Financial Regulatory Agencies (Federal Reserve, OCC, FDIC, CFPB):

(A) Regulations implementing disparate impact standards.

(B) Diversity and inclusion requirements for regulated entities.

(C) Examination criteria considering demographic outcomes.

(d) SUSPECT GUIDANCE DOCUMENTS AND POLICIES.—The review shall examine agency guidance including:

(1) Diversity, equity, and inclusion strategic plans at federal agencies.

(2) DEI, DEIA, and DEIB implementation guidance and requirements.

(3) Training materials on implicit bias, microaggressions, systemic racism, white privilege, or similar concepts that promote prohibited concepts.

(4) Hiring guidance that encourages consideration of demographic goals.

(5) Grant-making guidance that encourages consideration of applicant demographics or diversity plans.

(6) Contracting guidance establishing or encouraging demographic preferences.

(7) Any policy requiring diversity statements from applicants or employees.

(8) Any policy establishing demographic representation goals or targets.

(e) AGENCY ACTION REQUIRED.

(1) Within 270 days of enactment, each federal agency shall:

(A) Review all programs, regulations, guidance, training materials, and practices for compliance with this Act.

(B) Rescind or revise any non-compliant regulations and guidance.

- (C) Cease implementation of any programs that violate this Act.
 - (D) Eliminate any training programs that promote prohibited concepts.
 - (E) Remove requirements for diversity statements or similar materials.
 - (F) Eliminate demographic goals, targets, or benchmarks.
 - (G) Report to Congress and the Attorney General on actions taken.
- (2) No agency may continue to implement any program, policy, regulation, or guidance identified as non-compliant beyond 270 days after enactment.
 - (3) Agencies shall establish compliance procedures and designate officials responsible for ensuring adherence to this Act.

SEC. 8. ENFORCEMENT AND REMEDIES.

(a) PRIVATE RIGHT OF ACTION.

- (1) **Standing:** Any individual aggrieved by a violation of this Act may bring a civil action in federal district court. An individual is aggrieved if they:
 - (A) Were subject to discrimination or preferential treatment based on a protected characteristic.
 - (B) Were required to affirm, express agreement with, or participate in programs promoting prohibited concepts.
 - (C) Were denied opportunities, benefits, or equal treatment because of proxy discrimination; or
 - (D) Were otherwise injured by violations of this Act.
- (2) **Venue and Jurisdiction:** Actions may be brought in any United States District Court with jurisdiction over the defendant. Federal courts shall have original jurisdiction over actions arising under this Act.
- (3) **Remedies:** In any action brought under this subsection, the court may:
 - (A) Grant declaratory relief.
 - (B) Grant preliminary and permanent injunctive relief.
 - (C) Award compensatory damages for actual injuries.
 - (D) Award liquidated damages equal to compensatory damages in cases of willful violations.
 - (E) Award punitive damages in cases of egregious or malicious violations.
 - (F) Award reasonable attorney's fees and costs to a prevailing plaintiff.
 - (G) Order reinstatement, promotion, or other equitable employment relief.

- (H) Order policy changes and implementation of compliance measures.
- (I) Grant such other relief as the court deems appropriate.
- (4) **Class Actions:** Actions may be brought individually or as class actions where appropriate under Federal Rule of Civil Procedure 23.
- (5) **No Exhaustion Requirement:** Plaintiffs are not required to exhaust administrative remedies before bringing suit under this Act, though they may elect to do so.

(b) FEDERAL ENFORCEMENT.

(1) **Attorney General Authority:** The Attorney General may bring civil actions to enforce this Act against covered entities, including actions for:

- (A) Pattern or practice violations.
- (B) Systemic discrimination or preferential treatment.
- (C) Widespread promotion of prohibited concepts.
- (D) Violations of Section 6 (disparate impact provisions).
- (E) Failure to comply with Section 7 (elimination of discriminatory provisions).

(2) **Investigation Authority:** The Attorney General may:

- (A) Conduct investigations into potential violations.
- (B) Issue subpoenas for documents and testimony.
- (C) Require periodic reports from covered entities.
- (D) Conduct compliance reviews.
- (E) Issue findings and recommendations.

(3) **Federal Agency Responsibilities:**

- (A) Any federal agency receiving a complaint alleging violation of this Act shall refer the complaint to the Attorney General within 30 days.
- (B) Agencies shall cooperate with Attorney General investigations.
- (C) Agencies shall investigate complaints within their jurisdiction and may initiate compliance reviews of covered entities receiving federal financial assistance.
- (D) Agencies shall maintain records of complaints and investigations.

(4) **Coordination:** The Attorney General shall coordinate with federal agencies to ensure consistent enforcement and interpretation of this Act.

(C) ADMINISTRATIVE REMEDIES.

(1) **Sanctions for Violations:** Covered entities found to have violated this Act shall be subject to:

- (A) Suspension or termination of federal financial assistance.
- (B) Debarment from federal contracting for a period determined appropriate by the sanctioning authority.
- (C) Civil penalties not to exceed \$100,000 per violation, with each day of a continuing violation constituting a separate violation.
- (D) Mandatory compliance plans subject to federal oversight.
- (E) Required training for officials and employees on obligations under this Act.
- (F) Monitoring and reporting requirements.

(2) **Procedures:** Before imposing sanctions, agencies shall:

- (A) Provide written notice of alleged violations.
- (B) Provide opportunity for hearing in accordance with the Administrative Procedure Act (5 U.S.C. § 554).
- (C) Issue written findings and conclusions.
- (D) Provide opportunity for corrective action before imposing sanctions, where appropriate.

(3) **Immediate Suspension:** In cases of egregious or ongoing violations causing irreparable harm, agencies may immediately suspend federal funding pending resolution of proceedings, provided due process protections are afforded.

(4) **Graduated Sanctions:** Agencies should employ graduated sanctions proportionate to the severity and duration of violations, with more severe sanctions for repeat or willful violations.

(d) WHISTLEBLOWER PROTECTIONS.

(1) **Prohibition on Retaliation:** No covered entity shall retaliate, engage in discrimination, intimidate, threaten, coerce, or engage in any other adverse action against any individual who:

- (A) Reports or complains about violations of this Act to supervisors, agency officials, law enforcement, Congress, or the media.
- (B) Participates in investigations, proceedings, or litigation under this Act.
- (C) Opposes practices made unlawful by this Act.

- (D) Refuses to participate in training or programs that violate this Act.
- (E) Declines to affirm or express agreement with prohibited concepts.
- (F) Assists others in exercising rights under this Act.

(2) **Protected Activities:** Protected activities include, but are not limited to:

- (A) Filing complaints internally or with federal agencies.
- (B) Testifying in investigations or legal proceedings.
- (C) Discussing violations with colleagues, legal counsel, or media.
- (D) Refusing to implement discriminatory policies.
- (E) Advocating for compliance with this Act.
- (F) Bringing a cause of action under this Act.

(3) **Adverse Actions:** Prohibited adverse actions include, but are not limited to:

- (A) Termination, demotion, or suspension.
- (B) Denial of promotion, pay increase, or benefits.
- (C) Negative performance evaluations.
- (D) Hostile work environment or harassment.
- (E) Blacklisting or interference with employment opportunities.
- (F) Any action that would dissuade a reasonable person from engaging in protected activity.

(4) **Remedies for Retaliation:** Individuals subjected to retaliation may bring civil actions for:

- (A) Reinstatement to former position or substantially equivalent position.
- (B) Back pay with interest.
- (C) Compensatory damages for emotional distress and other injuries.
- (D) Punitive damages in cases of willful or malicious retaliation.
- (E) Reasonable attorney's fees and costs.
- (F) Any other appropriate relief.

(5) **Burden of Proof:** In retaliation claims:

- (A) The plaintiff must establish by a preponderance of the evidence that a protected activity was a contributing factor in the adverse action.
- (B) If established, the defendant must prove by clear and convincing evidence that it would have taken the same action in the absence of the protected activity.
- (C) Temporal proximity between protected activity and adverse action may support an inference of retaliation.

(e) **STATUTE OF LIMITATIONS.**

- (1) **General Rule:** Actions under this Act must be brought within four years of the date the alleged violation occurred or, in the case of continuing violations, within four years of the last act constituting the violation.
- (2) **Discovery Rule:** The statute of limitations begins to run when the plaintiff knew or reasonably should have known of the violation.
- (3) **Continuing Violations:** Each day that a discriminatory policy or practice remains in effect constitutes a continuing violation.
- (4) **Tolling:** The statute of limitations shall be tolled during:
 - (A) Any period when the plaintiff is pursuing administrative remedies.
 - (B) Any period when the defendant fraudulently conceals the violation.
 - (C) Any period of minority or legal incapacity.

(f) **RELATIONSHIP TO OTHER LAWS.**

- (1) **Cumulative Remedies:** Remedies under this Act are cumulative and do not preclude remedies available under other federal or state laws.
- (2) **No Preemption of Greater Protection:** Nothing in this Act shall be construed to preempt state or local laws that provide equal or greater protection against discrimination.
- (3) **Supremacy:** To the extent state or local laws conflict with this Act by authorizing or requiring conduct prohibited by this Act, this Act shall supersede such laws.

SEC. 9. REPORTING REQUIREMENTS.

(a) **ANNUAL AGENCY REPORTS.**—Each federal agency shall submit an annual report to Congress and the Attorney General detailing:

- (1) Steps taken to ensure compliance with this Act.
- (2) All programs, policies, regulations, and guidance reviewed for compliance.

- (3) All programs, policies, regulations, and guidance rescinded, revised, or maintained.
- (4) Complaints received alleging violations of this Act, including:
 - (A) Number and nature of complaints.
 - (B) Disposition of complaints.
 - (C) Time to resolution.
- (5) Results of investigations and compliance reviews.
- (6) Enforcement actions taken, including sanctions imposed.
- (7) Training provided to agency personnel regarding this Act.
- (8) Challenges encountered in implementation.
- (9) Recommendations for improving compliance.
- (10) Any requests for statutory amendments needed to achieve full compliance.

(b) ATTORNEY GENERAL REPORT.—The Attorney General shall submit an annual report to Congress detailing:

- (1) Enforcement actions brought under this Act.
- (2) Outcomes of litigation, including settlements and judgments.
- (3) Patterns of violations identified across agencies or sectors.
- (4) Compliance rates among covered entities.
- (5) Agency cooperation with enforcement efforts.
- (6) Recommendations for legislative or regulatory changes.
- (7) Best practices for compliance.
- (8) Emerging issues or challenges in implementation.
- (9) Coordination efforts with federal agencies.
- (10) Resources needed for effective enforcement.

(c) CONGRESSIONAL OVERSIGHT.

- (1) The Committees on the Judiciary of the House of Representatives and the Senate shall conduct oversight hearings at least annually regarding implementation of this Act.
- (2) Agencies shall make officials available to testify before Congress regarding compliance efforts.

(3) Congress may request additional reports or information as needed for oversight purposes.

(d) **PUBLIC ACCESSIBILITY.**—All reports required by this Section shall be made publicly available on agency websites within 30 days of submission to Congress, except for information properly classified or protected by privacy laws.

SEC. 10. PERMISSIBLE CLASSIFICATIONS AND ACTIVITIES.

(a) **LEGITIMATE GOVERNMENT CLASSIFICATIONS.**—Nothing in this Act shall be construed to prohibit:

(1) **Veteran Status:** Classifications based on actual veteran status for veterans' benefits, preferences, or programs, provided such classifications:

(A) Do not incorporate race, sex, or other protected characteristics beyond veteran status itself.

(B) Are narrowly tailored to serve the compelling government interest in fulfilling obligations to those who have served in the armed forces.

(C) Do not use veteran status as a proxy for protected characteristics.

(2) **Age Classifications:** Age classifications rationally related to legitimate governmental objectives in programs specifically designed for minors, elderly persons, or other age-based categories, provided such programs:

(A) Do not incorporate race, sex, or other protected characteristics.

(B) Serve legitimate purposes related to age-appropriate services or developmental needs.

(C) Are substantially related to achievement of program objectives.

(3) **Disability Accommodations:** Programs, accommodations, and services designed to ensure accessibility and equal opportunity for individuals with disabilities under the Americans with Disabilities Act and Rehabilitation Act, provided such programs:

(A) Do not incorporate race, sex, or other protected characteristics unrelated to disability.

(B) Provide reasonable accommodations for known disabilities.

(C) Ensure equal access and opportunity.

(4) **National Security Classifications:** Classifications narrowly tailored to serve compelling national security interests, subject to strict scrutiny, provided such classifications:

- (A) Are essential to national security.
- (B) Are narrowly tailored with no less restrictive alternatives.
- (C) Are subject to regular review and sunset provisions where appropriate.

(5) **Citizenship Requirements:** Requirements that individuals be U.S. citizens or lawful residents for certain benefits, positions, or programs, where such requirements serve legitimate governmental interests.

(b) **TRULY NEUTRAL CRITERIA.**—Nothing in this Act prohibits the use of criteria that are:

- (1) Genuinely neutral with respect to protected characteristics.
- (2) Not designed, intended, or maintained to serve as proxies for protected characteristics.
- (3) Supported by legitimate, substantial, non-discriminatory justifications directly related to programmatic objectives.
- (4) Applied uniformly without regard to protected characteristics.
- (5) Based on individual merit, qualifications, performance, or other objective factors.

Examples of permissible neutral criteria include:

- (A) Educational qualifications and academic performance.
- (B) Work experience and professional accomplishments.
- (C) Skills, abilities, and competencies.
- (D) Test scores and standardized assessments.
- (E) Performance evaluations and productivity metrics.
- (F) Licensure and professional certifications.
- (G) Criminal history where job-related and consistent with business necessity.
- (H) Credit history where substantially related to the position.
- (I) Physical or mental qualifications essential to job performance.
- (J) Language proficiency where required for the position.

(c) **ECONOMIC DISADVANTAGE PROGRAMS.**—Programs may consider economic disadvantage, poverty, or similar criteria provided that:

- (1) Such criteria are defined without reference to protected characteristics.
- (2) Eligibility is determined through neutral economic measures such as:
 - (A) Income and assets.

- (B) Participation in means-tested programs.
 - (C) Employment status.
 - (D) Educational attainment of parents (for student programs).
 - (E) Tax returns and financial documentation.
- (3) Economic measures are applied uniformly to all applicants.
- (4) The program is not targeted to geographic areas or institutions selected because of demographic composition.
- (5) The program does not use proxies such as “lived experience,” “overcoming obstacles,” or similar criteria that correlate with protected characteristics.
- (6) Eligibility thresholds and criteria are published and transparent.
- (d) **COLLECTION OF DEMOGRAPHIC DATA.**—Nothing in this Act prohibits:
- (1) **Statistical Reporting:** Collection and reporting of demographic data for statistical purposes, civil rights enforcement, or compliance monitoring, provided such data:
 - (A) Are not used to grant preferences or make decisions about individuals.
 - (B) Are collected voluntarily where possible.
 - (C) Are protected from improper disclosure.
 - (D) Are used solely for legitimate statistical, research, or civil rights enforcement purposes.
 - (2) **Civil Rights Enforcement:** Collection of demographic data necessary to enforce federal civil rights laws prohibiting intentional discrimination.
 - (3) **Research:** Collection of demographic data for bona fide research purposes, subject to appropriate confidentiality protections and institutional review board oversight.
- (e) **RELIGIOUS ORGANIZATIONS.**—Nothing in this Act shall be construed to:
- (1) Prohibit religious organizations from giving preference in employment to members of their own religion, as permitted by Title VII of the Civil Rights Act of 1964.
 - (2) Require religious organizations to take actions contrary to their religious tenets.
 - (3) Interfere with the free exercise of religion protected by the First Amendment and Religious Freedom Restoration Act.
- (f) **SEX-SPECIFIC PROGRAMS WHERE LEGALLY PERMISSIBLE.**—Nothing in this Act prohibits sex-specific programs, facilities, or services where:
- (1) Sex-specific classifications serve important governmental objectives.

- (2) The classifications are substantially related to achievement of those objectives.
- (3) Such programs are consistent with Title IX and other applicable law, including:
 - (A) Sex-separated athletic teams and competitions.
 - (B) Sex-separated facilities (restrooms, locker rooms, housing).
 - (C) Programs addressing sex-specific health concerns.
 - (D) Single-sex educational institutions or programs where legally permissible.

(g) LAW ENFORCEMENT AND PUBLIC SAFETY.—Nothing in this Act prohibits:

- (1) Use of protected characteristics in suspect descriptions based on witness accounts or physical evidence.
- (2) Consideration of protected characteristics where necessary for undercover operations or intelligence gathering, subject to appropriate oversight and narrow tailoring.
- (3) Collection of demographic data to monitor for discriminatory policing practices.

(h) EXPRESSION AND VIEWPOINT DIVERSITY.—Nothing in this Act shall be construed to prohibit:

- (1) Academic inquiry, research, or scholarly discourse on any topic.
- (2) Expression of diverse viewpoints on matters of public concern.
- (3) Discussion, debate, or advocacy regarding public policies, including civil rights policies.
- (4) Teaching of history, including controversial or difficult topics, provided such teaching does not compel belief in prohibited concepts or stereotype individuals.

SEC. 11. SEVERABILITY.

If any provision of this Act, or the application thereof to any person or circumstance, is held invalid or unconstitutional, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected and shall remain in full force and effect.

SEC. 12. RULE OF CONSTRUCTION.

(a) LIBERAL CONSTRUCTION FOR RIGHTS PROTECTION.—This Act shall be construed liberally to effectuate its purposes of eliminating discrimination, preferential treatment, and compelled belief in prohibited concepts.

(b) NO INFERENCE FROM SPECIFIC EXAMPLES.—The inclusion of specific examples of prohibited conduct shall not be construed to limit the general prohibitions of this Act. The examples are illustrative and not exhaustive.

(c) **CONSISTENCY WITH CONSTITUTIONAL PRINCIPLES.**—This Act shall be construed consistently with constitutional principles of equal protection, free speech, free exercise of religion, and individual liberty.

(d) **NO WEAKENING OF EXISTING PROTECTIONS.**—Nothing in this Act shall be construed to diminish protections against intentional discrimination provided by existing federal civil rights laws, except as specifically provided in Section 6 regarding disparate impact liability.

SEC. 13. SUPERSESSION OF CONFLICTING LAW.

(a) **FEDERAL LAW.**—To the extent any provision of federal law conflicts with this Act, this Act shall supersede such provision, except:

- (1) The Constitution of the United States shall always supersede this Act.
- (2) Nothing in this Act shall diminish protections against intentional discrimination in existing civil rights statutes beyond what is expressly provided in Section 6.

(b) **EXECUTIVE ORDERS.**—Any Executive Order that conflicts with this Act is hereby revoked to the extent of such conflict. Federal agencies shall not enforce or implement Executive Orders to the extent they conflict with this Act.

(c) **REGULATIONS AND GUIDANCE.**—Any federal regulation or guidance that conflicts with this Act is hereby rescinded and shall have no further force or effect.

(d) **CONTRACTS AND GRANTS.**

- (1) **Existing Obligations:** Nothing in this Act shall be construed to invalidate or require modification of contracts or grants lawfully executed before the effective date of this Act.
- (2) **Future Obligations:** All contracts, grants, and agreements executed, renewed, or substantially modified after the effective date of this Act shall comply fully with this Act.
- (3) **Compliance Clauses:** All federal contracts and grants executed after the effective date shall include clauses requiring compliance with this Act.

(e) **STATE AND LOCAL LAW.**

- (1) **No Preemption of Greater Protection:** This Act does not preempt state or local laws that provide equal or greater protection against discrimination, preferential treatment, or compelled belief.
- (2) **Preemption of Conflicting Requirements:** To the extent state or local laws require covered entities to engage in conduct prohibited by this Act, such laws are preempted.

- (3) **Funding Conditions:** State and local governments receiving federal financial assistance must comply with this Act as a condition of receiving such assistance.

SEC. 14. EFFECTIVE DATE.

(a) **GENERAL EFFECTIVE DATE.**—Except as otherwise provided below, this Act shall take effect 180 days after the date of enactment.

(b) **IMMEDIATE EFFECT PROVISIONS.**—The following provisions shall take effect immediately upon enactment:

- (1) Section 7(a) (Comprehensive Review Required).
- (2) Section 9 (Reporting Requirements).
- (3) Section 7(d) (Suspect Guidance Documents and Policies), to the extent requiring agencies to cease dissemination of new guidance promoting prohibited concepts.

(c) **REGULATORY AND GUIDANCE RESCISSION.**—The rescission of conflicting regulations and guidance required by Section 7(e) shall take effect 270 days after enactment. Federal agencies shall publish notices of rescinded regulations and guidance within 30 days of such rescission.

(d) **TRAINING PROGRAM CESSATION.**—Within 60 days of enactment, all federal agencies and covered entities shall:

- (1) Review all training programs for compliance with Section 4(c).
- (2) Cease conducting training programs that promote prohibited concepts.
- (3) Develop compliant training programs on civil rights obligations under this Act.

(e) **TRANSITION PERIOD FOR CONTRACTS AND GRANTS.**

- (1) Covered entities shall have 180 days from the effective date to bring existing programs into compliance with this Act.
- (2) Federal agencies shall provide technical assistance to covered entities during the transition period.
- (3) Good faith efforts to comply shall be considered in enforcement actions for violations occurring during the first year after the effective date.

SEC. 15. APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act, including:

- (1) Funds for the Attorney General to conduct reviews, investigations, and enforcement actions.
- (2) Funds for federal agencies to conduct compliance reviews and provide technical assistance.
- (3) Funds for development of training materials and programs.
- (4) Funds for public education regarding rights and obligations under this Act.

APPENDIX A: ILLUSTRATIVE EXAMPLES OF PROHIBITED AND PERMISSIBLE CONDUCT

PROHIBITED CONDUCT.

Example 1: Diversity Statements as Proxies.

Prohibited: A university receiving federal funds requires faculty applicants to submit a statement describing how their "cultural background and lived experiences inform their teaching approach and will contribute to campus diversity." Applications are scored based on these statements, with higher scores given to narratives describing experiences with marginalization or identity-based challenges.

Why Prohibited: This requirement functions as a proxy for race, ethnicity, sex, and other protected characteristics by rewarding narratives intrinsically tied to such characteristics. It violates Section 4(b)(3) and Section 5.

Example 2: Geographic Targeting Based on Demographics.

Prohibited: A federal grant program announces it will "prioritize applications from organizations serving communities in zip codes 10001, 10025, and 10030" where these zip codes were selected through analysis showing high concentrations of particular racial or ethnic populations.

Why Prohibited: Geographic targeting based on demographic composition serves as a proxy for race or national origin. It violates Section 4(b)(6) and Section 5.

Example 3: Cultural Competency as Proxy.

Prohibited: A healthcare provider receiving Medicare/Medicaid funds requires all job candidates to demonstrate "cultural humility and understanding of systemic barriers faced by

marginalized communities” and evaluates candidates based on their ability to discuss personal experiences with such communities, with scoring rubrics that effectively advantage candidates from particular backgrounds.

Why Prohibited: The requirement is structured to function as a proxy for race, ethnicity, or other protected characteristics. It violates Section 4(b)(3) and Section 5.

Example 4: Overcoming Obstacles Narratives.

Prohibited: A scholarship program asks applicants to describe “obstacles you've overcome due to your background or identity” and gives preference to applicants who describe identity-based challenges, with evaluation guidelines indicating that experiences with racism, sexism, or discrimination should be weighted heavily.

Why Prohibited: This criterion is designed to advantage applicants based on protected characteristics by using narrative proxies. It violates Section 4(b)(3) and Section 5.

Example 5: Statistical Balancing in Contracting.

Prohibited: A state DOT receiving federal highway funds maintains a “goal of awarding 20% of contracts to DBE firms” where DBE status is determined based on the race, ethnicity, or sex of business owners.

Why Prohibited: This constitutes preferential treatment and discrimination based on protected characteristics in contracting. It violates Section 4(a) and (b)(2).

Example 6: Institutional Targeting Based on Demographics.

Prohibited: A federal agency directs recruiting resources exclusively to “Historically Black Colleges and Universities, Hispanic-Serving Institutions, and Tribal Colleges” not based on program relevance or educational quality, but to achieve demographic outcomes in hiring.

Why Prohibited: Institutional targeting based on demographic composition serves as a proxy for race and ethnicity. It violates Section 4(b)(6) and Section 5.

Example 7: Compelled Affirmation of Prohibited Concepts.

Prohibited: A government agency requires all employees to complete training teaching that “whiteness is inherently linked to systems of oppression” and requires employees to sign acknowledgments that they understand and will work to dismantle such systems.

Why Prohibited: This compels belief in and affirmation of prohibited concepts, specifically that individuals are inherently oppressive based on their race. It violates Section 4(c)(2) and (e).

Example 8: Diversity Committee Membership Based on Identity.

Prohibited: A university creates a “Diversity and Inclusion Committee” and specifies that membership must include “representatives from underrepresented minority groups” with seats designated for particular racial or ethnic groups.

Why Prohibited: This constitutes preferential treatment and explicit classification based on protected characteristics. It violates Section 4(a) and (b)(1).

Example 9: Disparate Treatment in Evaluation.

Prohibited: A grant-making agency uses different scoring standards for applications from “underrepresented” groups, where underrepresented status is defined based on the race or sex of organizational leadership.

Why Prohibited: This grants preferential treatment based on protected characteristics. It violates Section 4(a) and (b)(4).

Example 10: Demographic Goals in Hiring.

Prohibited: A federal contractor establishes a goal of ensuring its workforce is “representative of the community's demographics” and tracks progress toward demographic targets, making hiring decisions with these targets in mind.

Why Prohibited: This establishes demographic goals and uses them in employment decisions, constituting preferential treatment. It violates Section 4(b)(2) and (b)(1).

PERMISSIBLE CONDUCT.

Example 1: Economic Disadvantage Programs.

Permissible: A scholarship program considers genuine economic disadvantage measured by family income, participation in SNAP or free/reduced lunch programs, first-generation college status, and similar economic indicators applied uniformly without regard to race, sex, or other protected characteristics.

Why Permissible: The program uses truly neutral economic criteria that are not proxies for protected characteristics and are applied uniformly. See Section 10(c).

Example 2: Merit-Based Selection.

Permissible: A hiring process evaluates candidates based on subject-matter expertise, teaching effectiveness measured by student outcomes, research quality measured by peer review and citations, and professional accomplishments, without requiring statements about diversity, cultural background, or identity-based experiences.

Why Permissible: The process uses neutral, merit-based criteria directly related to job performance. See Section 10(b).

Example 3: Broad Geographic Recruiting.

Permissible: A recruiting program announces opportunities at a wide range of institutions across all regions of the country, selected based on program relevance, academic quality, size, and geographic distribution without considering demographic composition.

Why Permissible: Geographic diversity pursued for legitimate reasons unrelated to demographics is permissible. See Section 10(b).

Example 4: Teaching History of Discrimination.

Permissible: A university course teaches the history of slavery, Jim Crow, the civil rights movement, women's suffrage, and ongoing debates about racial justice, presenting multiple perspectives and historical evidence without requiring students to affirm that America is irredeemably racist or that individuals of certain races are inherently oppressive.

Why Permissible: Teaching history and presenting academic perspectives is protected under Section 4(d)(1) and (2), provided it does not compel belief in prohibited concepts.

Example 5: Veteran Preferences.

Permissible: A government agency provides hiring preferences for veterans based solely on their veteran status, applying the preference uniformly to all veterans regardless of race, sex, or other protected characteristics.

Why Permissible: Veteran status classifications are permitted under Section 10(a)(1).

Example 6: Disability Accommodations.

Permissible: A university provides reasonable accommodations for students with documented disabilities, including extended test time, accessible facilities, and assistive technology, based on individual need without regard to race or other protected characteristics.

Why Permissible: Disability accommodations are expressly permitted under Section 10(a)(3).

Example 7: Objective Skills Testing.

Permissible: An employer uses standardized skills assessments, work samples, and structured interviews with objective scoring criteria to evaluate job candidates. The assessment produces statistical disparities in pass rates across different demographic groups, but the employer adopted the assessment to measure job-relevant skills and applies it uniformly.

Why Permissible: Use of objective, job-related criteria is permissible even if statistical disparities result, provided no discriminatory intent exists. See Section 6(f) and Section 10(b).

Example 8: Economic Targeting of Distressed Areas.

Permissible: An economic development program targets assistance to census tracts with high poverty rates, low median incomes, and high unemployment, using economic criteria applied uniformly without consideration of demographic composition.

Why Permissible: Economic criteria that are truly neutral are permissible. See Section 10(c).

Example 9: Civil Rights Training on Legal Obligations.

Permissible: A government agency provides training on legal obligations under Title VI, Title VII, Title IX, and this Act, explaining prohibited conduct, providing examples of discrimination, and teaching proper procedures for addressing complaints, without asserting that individuals of certain races are inherently biased or privileged.

Why Permissible: Training on legal obligations is permitted under Section 4(d)(7), provided it does not promote prohibited concepts.

Example 10: Statistical Monitoring for Enforcement.

Permissible: A federal agency collects voluntary demographic data from program participants to monitor for patterns suggesting intentional discrimination and to enforce civil rights laws.

Why Permissible: Collection of demographic data for civil rights enforcement is expressly permitted under Section 10(d)(2).