Amendment to H.R. 4350 Offered by Mr. Banks of Indiana

At the appropriate place in title X, insert the following new section:

1 SEC. 10____. PROHIBITION ON THE PROMOTION OF ANTI 2 AMERICAN AND RACIST THEORIES IN THE 3 ARMED FORCES.

4 (a) FINDINGS.—Congress makes the following find-5 ings:

6 (1) The founding principles of the United 7 States include the belief, enshrined in the Declara-8 tion of Independence, that "all men are created 9 equal" and "are endowed by their Creator with cer-10 tain unalienable Rights".

(2) The United States' commitment to the
equal dignity and natural rights of all mankind is
the strongest possible defense against racism and
oppression of all kinds.

(3) The mission of the United States Armed
Forces is to "support and defend the Constitution of
the United States against all enemies, foreign and
domestic" and "bear true faith and allegiance to the
same".

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(4) To carry out this mission, the Armed
 Forces must train leaders who love the United
 States, its citizens, and the aforementioned founding
 principles.

5 (5) Anti-American and racist theories, such as 6 "Critical Race Theory", teach that the United 7 States is a fundamentally racist Nation, that the 8 Constitution is a fundamentally racist document, 9 and that certain races are fundamentally oppressive 10 or oppressed.

(6) Such theories encourage people to judge
and treat others differently on the basis of their
race, rather than treating them as equal citizens and
human beings with equal dignity and protection
under the law.

16 (7) Anti-American and racist theories, such as
17 Critical Race Theory, teach students to distrust and
18 even hate their country and fellow citizens.

(8) The United States Armed Forces should not
promote or otherwise encourage anti-American and
racist theories that demoralize and divide its members while undermining its mission to "bear truth
faith and allegiance" to the Constitution.

24 (b) PROHIBITION ON PROMOTION OF ANTI-AMER-25 ICAN AND RACIST THEORIES.—

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1	(1) IN GENERAL.—The United States Armed
2	Forces and academic institutions operated or con-
3	trolled by the Department of Defense shall not pro-
4	mote the following anti-American and racist theo-
5	ries:
6	(A) Any race is inherently superior or infe-
7	rior to any other race.
8	(B) The United States of America is a
9	fundamentally racist country.
10	(C) The Declaration of Independence or
11	the United States Constitution are fundamen-
12	tally racist documents.
13	(D) An individual's moral character or
14	worth is determined by his or her race.
15	(E) An individual, by virtue of his or her
16	race, is inherently racist or oppressive, whether
17	consciously or unconsciously.
18	(F) An individual, because of his or her
19	race, bears responsibility for the actions com-
20	mitted by other members of his or her race.
21	(2) PROMOTE DEFINED.—In this section, the
22	term "promote" means the following:
23	(A) Including theories described under
24	paragraph (1) or materials that advocate such
25	theories in curricula, reading lists, seminars,

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1	workshops, trainings, or other educational or
2	professional settings in a manner that could
3	reasonably give rise to the appearance of official
4	sponsorship, approval, or endorsement.
5	(B) Contracting with, hiring, or otherwise
6	engaging speakers, consultants, diversity train-
7	ers, and other persons for the purpose of advo-
8	cating theories described under paragraph (1) .
9	(C) Compelling members of the Armed
10	Forces to affirm or profess belief in theories de-
11	scribed under paragraph (1).
12	(D) Segregating members of the Armed
13	Forces or other individuals by race in any set-
14	ting, including educational and training ses-
15	sions.
16	(3) Rules of construction.—
17	(A) PROTECTED SPEECH NOT RE-
18	STRICTED.—Nothing in this section shall be
19	construed to restrict the protected speech of
20	members of the Armed Forces or any indi-
21	vidual.
22	(B) Access to materials for the pur-
23	POSE OF RESEARCH OR INDEPENDENT
24	STUDY.—Nothing in this section shall be con-
25	strued to prevent individuals from accessing

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materials that advocate theories described under paragraph (1) for the purpose of research or independent study.

(C) CONTEXTUAL EDUCATION.—Nothing 4 5 in this section shall be construed to prevent the 6 United States Armed Forces and academic in-7 stitutions operated or controlled by the Depart-8 ment of Defense from stating theories described 9 under paragraph (1) or assigning materials that 10 advocate such theories for educational purposes 11 in contexts that make clear the United States Armed Forces and Department of Defense does 12 13 not sponsor, approve, or endorse such theories 14 or works.

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