

AMENDMENT TO H.R. 5244

OFFERED BY MRS. BIGGS OF SOUTH CAROLINA

At the appropriate place, insert the following:

1 SEC. ____ PROHIBITION OF FUNDS FOR DIVISIVE IDE-
2 OLOGY.

(a) PROHIBITION OF FUNDS.—None of the funds authorized to be appropriated to the Secretary of State shall be used for the purpose of affirming, promoting, or adhering to a work program, statement, code of conduct, or plan, a condition for speaking, making a presentation, or submitting written materials or similar device that requires assent by the employee or contractor to implement or defend policies that apply sexual orientation and gender ideology (SOGI), diversity, equity, inclusion (DEI), or any related programming, throughout the Department and across all Departmental missions.

(b) **HIRING AND MANAGEMENT.**—Hiring, recruitment and promotion shall not be based on race, color, sex, ethnicity, religion, sexual orientation, or national origin rather than individual merit and demonstrated performance. None of the funds appropriated to the Secretary are authorized to:

1 (1) Promote or evaluate job performance based
2 on an employee’s commitment to “DEI”;

3 (2) Purchase or engage in training, surveys,
4 tests, materials, or any related activity related to
5 promoting sexual orientation, gender ideology, or
6 DEI; and

7 (3) Establish any future offices or positions re-
8 lating to DEI.

9 (c) NO DIVISIVE IDEOLOGY ABROAD.—None of the
10 funds authorized to be appropriated to the Secretary shall
11 be used to promote depictions of the United States as a
12 fundamentally, systemically or structurally racist, sexist,
13 discriminatory or oppressive country, including to—

14 (1) Award grants or contracts to entities that
15 promote DEI, sexual orientation, or gender ideology;
16 and

17 (2) Promote or advocate for policies abroad
18 that reflect DEI, sexual orientation, or gender ide-
19 ology.

20 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
21 tion shall be construed to prevent the maintenance and
22 funding of—

23 (1) Equal Employment Opportunity office as
24 historically organized and operated;

1 (2) An office enforcing the Americans with Dis-
2 abilities Act of 1990 (42 U.S.C. 12101 et seq.) or
3 similar programs or offices as historically organized
4 and operated; or

5 (3) Investigations and the reception of com-
6 plaints for allegations of harassment or discrimina-
7 tion by the Office of the Inspector General or the
8 Office of Civil Rights.

9 (e) DEFINITIONS.—For purposes of this section:

10 (1) DIVERSITY, EQUITY, AND INCLUSIONS AND
11 DEI.—The terms “Diversity, equity, and inclusion”
12 and “DEI” mean an ideology that:

13 (A) Promotes differential treatment or
14 preferences based on as race, color, ethnicity,
15 religion, sex, sexual orientation, or national ori-
16 gin;

17 (B) Advocates for policies or practices in-
18 tended to achieve “equity” as defined by equal
19 outcomes for individuals based on immutable
20 characteristics, and thus needing unequal offi-
21 cial treatment for members of different groups,
22 rather than equal treatment under the law.

23 (C) Under the pretext of implementing
24 “inclusion,” compels individuals to self-censor
25 or affirm, believe, adhere to, or purport state-

1 ments that violate the Civil Rights Act of 1964,
2 including but not limited to—

3 (i) the idea that individuals should be
4 adversely or advantageously treated on the
5 basis of his or her race, ethnicity, color,
6 sex, or national origin; and

7 (ii) the idea that individuals or
8 groups, by virtue of race, ethnicity, color,
9 or national origin, bear collective guilt or
10 are inherently responsible for actions com-
11 mitted by other members of the same race,
12 ethnicity, color, or national origin.

13 (D) Supports or advances policies, train-
14 ing, or other activities that assert systemic rac-
15 ism, critical race theory, intersectionality, im-
16 plicit bias, white privilege, or similar concepts
17 as unavoidable or inherent in American society
18 or other societies abroad.

19 (2) GENDER IDEOLOGY.—“Gender ideology”
20 means a belief system, worldview, policy, practice, or
21 social theory that promotes the concept that gender
22 is subjective, fluid, and self-assessed, rather than im-
23 mutable and consistent with one’s biological sex.

