SUBSTITUTE FOR THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 729
OFFERED BY MR. OWENS OF UTAH

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

This Act may be cited as the “Strength in Diversity Act of 2021”.

2 SEC. 2. PURPOSE.

The purpose of this Act is to support the development, implementation, and evaluation of comprehensive strategies to address the effects of racial isolation or concentrated poverty by increasing diversity, including racial diversity and socioeconomic diversity, in covered schools.

3 SEC. 3. ACTIVITIES TO IMPROVE DIVERSITY AND REDUCE OR ELIMINATE RACIAL OR SOCIOECONOMIC ISOLATION.

(a) LOCAL USES OF FUNDS.—A local educational agency, or consortium of such agencies, that receives an allocation under section 4105(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7115(a)) for a fiscal year may use such funds to develop or implement comprehensive strategies to improve diversity and reduce
or eliminate racial or socioeconomic isolation in covered
schools.

(b) LOCAL EDUCATIONAL AGENCY APPLICATIONS.—
A local educational agency, or consortium of such agen-
cies, that intends to use an allocation under section
4105(a) of the Elementary and Secondary Education Act
of 1965 (20 U.S.C. 7115(a)) for the purposes described
in subsection (a) shall include in the application such local
educational agency or consortium submits under section
4106 of such Act (20 U.S.C. 7116) a description of—

(1) the comprehensive strategies to be carried
out under subsection (a);

(2) the robust parent, student, teacher, school
leader, and community engagement that has been
conducted, or will be conducted, in the planning and
implementation of such comprehensive strategies,
such as through—

(A) consultation with appropriate officials
of Indian Tribes or Tribal organizations ap-
proved by the Tribes located in the area served
by such agency or consortium;

(B) consultation with other community en-
tities, which may include local housing or trans-
portation authorities;
(C) public hearings or other open forums
to inform the development of such comprehen-
sive strategies; and

(D) outreach to parents and students, in a
language that parents and students can under-
stand, and consultation with students and fami-
lies within such agency or consortium that is
designed to ensure participation in the planning
and development of such comprehensive strate-
gies; and

(3) how such projects or activities will comply
with Federal law.

(e) Assurances.—A local educational agency, or
consortium of such agencies, that intends to use an alloca-
tion under section 4105(a) of the Elementary and Sec-
ondary Education Act of 1965 (20 U.S.C. 7115(a)) for
the purposes described in subsection (a) shall be required
to provide only one of the assurances described in subpara-
graphs (C), (D), and (E) of section 4106(e)(2) of such
Act (20 U.S.C. 7116(e)(2)).

(d) Definitions.—In this Act:

(1) Covered School.—The term “covered
school” means—

(A) a publicly-funded early childhood edu-
cation program;
(B) a public elementary school; or

(C) a public secondary school.

(2) ESEA TERMS.—The terms “elementary school”, “local educational agency”, and “secondary school” have the meanings given those terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) PUBLICLY-FUNDED EARLY CHILDHOOD EDUCATION PROGRAM.—The term “publicly-funded early childhood education program” means an early childhood education program (as defined in section 103(8) of the Higher Education Act of 1965 (20 U.S.C. 1003(8)) that receives State or Federal funds.

SEC. 4. PROHIBITION.

No officer or employee of the Federal Government shall condition or incentivize the receipt of any allocation referred to in this Act on the adoption by a local educational agency, or a consortium of such agencies, of any content or pedagogy that violates title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), including by—

(1) separating students or teachers based on race, color, or national origin; or
(2) assigning characteristics or assumptions to individuals based on race, color, or national origin.

SEC. 5. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds that diversity in schools is undermined by the teaching of critical race theory, which assigns characteristics or assumptions to individuals based on race, color, or national origin, which has resulted in students and teachers being separated into different groups based on race, color, or national origin.

(b) SENSE OF CONGRESS.—It is the sense of Congress that diversity in schools is helped by—

(1) students in the Nation’s schools being taught all aspects of American history, including the history of slavery and legal discrimination;

(2) students in the Nation’s schools being taught the Nation’s founding principles, including the belief that all are created equal;

(3) students in the Nation’s schools being taught that abolishing slavery and progress toward ending racism have occurred through unifying appeals to the Nation’s founding principles; and

(4) students in the Nation’s schools not being subjected to content and pedagogy that—

(A) separates students or teachers based on race, color, or national origin;
(B) assigns characteristics or assumptions to individuals based on race, color, or national origin; or

(C) states or implies that the United States is an inherently racist country.