AN ACT

Providing for restrictions on racist and sexist concepts, for contracts, for penalty and for private cause of action.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Teaching Racial and Universal Equality Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Contractor." An individual, organization, corporation or business of any kind that enters into a contract, or a subcontract pursuant to a contract, with a Commonwealth, county or municipal agency, public school district entity or public postsecondary educational institution.

"Postsecondary institution." As defined under section 2001-J
of the act of March 10, 1949 (P.L.30, No.14), known as the
Public School Code of 1949.

"Public postsecondary institution." A postsecondary
institution that receives funding, in any amount, from the
Commonwealth.

"Racist or sexist concept." Any of the following concepts:
(1) One race or sex is inherently superior to another
race or sex.
(2) An individual, by virtue of race or sex, is
inherently racist, sexist or oppressive, whether consciously
or unconsciously.
(3) An individual should be discriminated against or
receive adverse treatment due to the individual's race or
sex.
(4) An individual should receive favorable treatment due
to the individual's race or sex.
(5) An individual or institution cannot or should not
treat individuals without regard to race or sex.
(6) An individual's moral character is determined by the
individual's race or sex.
(7) An individual, by virtue of the individual's race or
sex, bears responsibility for actions committed in the past
by members of the individual's race or sex.
(8) Meritocracy or merit-based systems are either racist
or sexist.
(9) The United States of America or the Commonwealth of
Pennsylvania is fundamentally racist or sexist.

"School district." As defined under section 102 of the
Public School Code of 1949.

Section 3. Communication and actions by public entities.
(a) General rule.--No communication by a Commonwealth, county or municipal agency, school district or public postsecondary institution, or an official representative, shall adopt, express or promote any racist or sexist concept.

(b) Penalty prohibited.--No employee, contractor, staff member or student in a Commonwealth, county or municipal agency, school district or public postsecondary institution shall face a penalty or adverse treatment due to a refusal to support, believe, endorse, embrace, confess, act upon or otherwise assent to an racist or sexist concept.

(c) Use of funds prohibited.--No Commonwealth, county or municipal agency, school district or public postsecondary institution shall use any funds to express, publish, advertise or promote any racist or sexist concept.

Section 4. Educational instruction at schools and public postsecondary institutions receiving public funds.

The following shall apply:

(1) No instructor, teacher or professor at a public school district or public postsecondary institution shall:
   (i) teach, advocate or encourage the adoption of a racist or sexist concept while instructing students; or
   (ii) penalize or treat adversely a student who refuses to adopt or express any racist or sexist concept.

(2) No public school district or public postsecondary institution shall:
   (i) host, pay or provide a venue for a speaker who espouses, advocates or promotes any racist or sexist concept; or
   (ii) require a student to read, view or listen to a book, article, video presentation, digital presentation...
or other learning material that espouses, advocates or promotes a racist or sexist concept.

Section 5. Requirements for public contractors.

(a) General rule.--A contract entered into by a Commonwealth, county or municipal agency, school district or public postsecondary educational institution with a contractor after the effective date of this section shall include the following provision:

During the performance of this contract, the contractor shall not engage in workplace training that teaches or encourages the contractor's employees to engage in any form of the following racist or sexist concepts:

(1) One race or sex is inherently superior to another race or sex.

(2) An individual, by virtue of the individual's race or sex, is inherently racist, sexist or oppressive, whether consciously or unconsciously.

(3) An individual should be discriminated against or receive adverse treatment due to the individual's race or sex.

(4) An individual should receive favorable treatment due to the individual's race or sex.

(5) An individual or institution cannot or should not treat individuals without regard to race or sex.

(6) An individual's moral character is determined by the individual's race or sex.

(7) An individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by members of the individual's race or sex.

(8) Meritocracy or merit-based systems are either racist
or sexist.

(b) Noncompliance.--In the event of a contractor's noncompliance with the requirements of this section, or with any rules, regulations or policies that may be promulgated in accordance with this section, the contract may be canceled, terminated or suspended, in whole or in part, and the contractor may be declared ineligible for further government contracts.

(c) Contract requirement.--A contractor shall include the provisions of this section in each subcontract, so that the provisions shall be binding upon each subcontractor.

Section 6. Enforcement.

(a) Investigations.--The Attorney General shall investigate any complaint by a resident of this Commonwealth that a Commonwealth, county or municipal agency, school district entity or public postsecondary institution has violated a provision of this act.

(b) Publish conclusion.--The following shall apply:

(1) If the Attorney General, after conducting an investigation of a complaint under subsection (a), finds that the Commonwealth, county or municipal agency, school district entity or public postsecondary institution has not violated a provision of this act, the Attorney General shall publish that conclusion and underlying findings.

(2) If the Attorney General, after conducting an investigation of a complaint, concludes that the Commonwealth, county or municipal agency, school district entity or public postsecondary institution has violated a provision of this act, the Attorney General shall:

(i) publish the conclusion and underlying findings;
(ii) order the cessation of the transfer of Commonwealth funds to the violating entity or institution for the remainder of the fiscal year and for the entirety of the next fiscal year.

(c) Appeal.--An entity found to have violated this act may appeal the Attorney General's determination in the appropriate court of common pleas.

Section 7. Private cause of action.

The following shall apply:

(1) A resident of this Commonwealth shall have standing and a private cause of action to file a civil complaint in a court of common pleas against a Commonwealth, county or municipal agency, school district entity or public postsecondary institution claiming that the entity or institution has violated a provision of this act.

(2) If a court finds that the Commonwealth, county or municipal agency, school district entity or public postsecondary institution has violated a provision of this act, the court shall enjoin the violating entity or institution from receiving funding from the Commonwealth in the following fiscal year and shall award costs and attorney fees to the complainant.

Section 8. Severability.

The provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.

Section 9. Effective date.

This act shall take effect in 60 days.