

AN ACT

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

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

5 Section 1. Short title.

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

8 Section 2. Definitions.

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

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

17 "Postsecondary institution." As defined under section 2001-J

1 of the act of March 10, 1949 (P.L.30, No.14), known as the
2 Public School Code of 1949.

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

6 "Racist or sexist concept." Any of the following concepts:

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

9 (2) An individual, by virtue of race or sex, is
10 inherently racist, sexist or oppressive, whether consciously
11 or unconsciously.

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

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

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

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

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

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

26 (9) The United States of America of the Commonwealth of
27 Pennsylvania is fundamentally racist or sexist.

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

30 Section 3. Communication and actions by public entities.

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

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

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

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

17 The following shall apply:

18 (1) No instructor, teacher or professor at a public
19 school district or public postsecondary institution shall:

20 (i) teach, advocate or encourage the adoption of a
21 racist or sexist concept while instructing students; or

22 (ii) penalize or treat adversely a student who
23 refuses to adopt or express any racist or sexist concept.

24 (2) No public school district or public postsecondary
25 institution shall:

26 (i) host, pay or provide a venue for a speaker who
27 espouses, advocates or promotes any racist or sexist
28 concept; or

29 (ii) require a student to read, view or listen to a
30 book, article, video presentation, digital presentation

1 or other learning material that espouses, advocates or
2 promotes a racist or sexist concept.

3 Section 5. Requirements for public contractors.

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

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

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

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

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

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

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

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

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

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

1 or sexist.

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

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

11 Section 6. Enforcement.

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

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

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

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

29 (i) publish the conclusion and underlying findings;
30 and

1 (ii) order the cessation of the transfer of
2 Commonwealth funds to the violating entity or institution
3 for the remainder of the fiscal year and for the entirety
4 of the next fiscal year.

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

8 Section 7. Private cause of action.

9 The following shall apply:

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

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

23 Section 8. Severability.

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

29 Section 9. Effective date.

30 This act shall take effect in 60 days.