

118TH CONGRESS  
1ST SESSION

# S. 193

To amend title VI of the Civil Rights Act of 1964 to protect students from racial hostility, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2023

Mr. RUBIO (for himself and Mr. BRAUN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend title VI of the Civil Rights Act of 1964 to protect students from racial hostility, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Protecting Students  
5       From Racial Hostility Act”.

6       **SEC. 2. DISCRIMINATION.**

7       Section 601 of the Civil Rights Act of 1964 (42  
8       U.S.C. 2000d) is amended—

9               (1) by striking “No” and inserting the fol-  
10       lowing:

1 “(a) No”; and

2 (2) by adding at the end the following:

3 “(b) For purposes of subsection (a), use of a cur-  
4 riculum, or teaching or counseling, that promotes a divi-  
5 sive concept under a program or activity described in sub-  
6 section (a) relating to elementary, secondary, or postsec-  
7 ondary education and that results in a racially hostile envi-  
8 ronment in an educational setting shall be considered to  
9 be discrimination under that program or activity.

10 “(c) Any intimidation, threat, coercion, or discrimina-  
11 tion against any individual for the purpose of interfering  
12 with any right or privilege secured by this section, or be-  
13 cause the individual has made a complaint, testified, as-  
14 sisted, or participated in any manner in an investigation,  
15 proceeding or hearing under this section, shall be consid-  
16 ered to be discrimination under the program or activity  
17 involved.

18 “(d) In this section:

19 “(1) The term ‘promotion’, used with respect to  
20 a divisive concept, means race stereotyping or race  
21 scapegoating, or promotion of one or more of the fol-  
22 lowing concepts:

23 “(A) One race is inherently superior to an-  
24 other race.

1           “(B) The United States is fundamentally  
2 racist.

3           “(C) An individual, by virtue of the indi-  
4 vidual’s race, is inherently racist or oppressive,  
5 whether consciously or unconsciously.

6           “(D) An individual should be discriminated  
7 against or receive adverse treatment solely or  
8 partly because of the individual’s race.

9           “(E) Members of one race cannot and  
10 should not attempt to treat others without re-  
11 spect to race.

12           “(F) An individual’s moral character is  
13 necessarily determined by the individual’s race.

14           “(G) An individual, by virtue of the indi-  
15 vidual’s race, bears responsibility for actions  
16 committed in the past by other members of the  
17 same race.

18           “(H) Any individual should feel discomfort,  
19 guilt, anguish, or any other form of psycho-  
20 logical distress on account of the individual’s  
21 race.

22           “(I) Meritocracy or traits such as a hard  
23 work ethic are racist, or were created by a par-  
24 ticular race to oppress another race.

1           “(2) The term ‘race scapegoating’ means as-  
 2           signing fault, blame, or bias to a race, or to mem-  
 3           bers of a race because of their race.

4           “(3) The term ‘race stereotyping’ means ascrib-  
 5           ing character traits, values, moral and ethical codes,  
 6           privileges, status, or beliefs to a race, or to an indi-  
 7           vidual because of the individual’s race.

8           “(4) The term ‘racially hostile environment’  
 9           means—

10           “(A) a situation of racial discrimination  
 11           that has occurred and created an adverse set-  
 12           ting;

13           “(B) a racially intimidating or racially of-  
 14           fensive environment that causes a person to be  
 15           fearful; or

16           “(C) a setting that denies, limits, or inter-  
 17           feres with, on the basis of race, a person’s abil-  
 18           ity to participate in or benefit from a program  
 19           or activity.”.

20 **SEC. 3. REPORTS.**

21           Section 602 of the Civil Rights Act of 1964 (42  
 22 U.S.C. 2000d–1) is amended—

23           (1) by striking “Each” and inserting the fol-  
 24           lowing:

25           “(a) Each”; and

1           (2) by adding at the end the following:

2           “(b)(1) Any State educational agency that is the sub-  
3 ject of a complaint under this title, or that receives infor-  
4 mation about a complaint from an entity under paragraph  
5 (2)(A), shall report the complaint involved to the Attorney  
6 General of the State. Any State higher education agency  
7 that is the subject of a complaint under this title, or that  
8 receives information about a complaint from an entity  
9 under paragraph (2)(B), shall report the complaint in-  
10 volved to the Attorney General of the State.

11          “(2) Any division of a State, a local government in  
12 the State, or an entity in the State covered by any of para-  
13 graphs (1) through (4) of section 606, that is the subject  
14 of a complaint under this title shall—

15               “(A) if engaged in the business of providing ele-  
16 mentary or secondary education, inform the State  
17 educational agency of the complaint; and

18               “(B) if engaged in the business of providing  
19 postsecondary education, inform the State higher  
20 education agency of the complaint.

21          “(3) In this subsection, the term ‘State educational  
22 agency’ has the meaning given the term in section 8101  
23 of the Elementary and Secondary Education Act of 1965  
24 (20 U.S.C. 7801).

1       “(c) The Secretary of Education shall annually pre-  
2   pare and submit a report to Congress on the nature of  
3   any complaints received under section 601 and described  
4   in section 601(b).”.

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