

118TH CONGRESS
2D SESSION

S. 4115

To amend the Higher Education Act of 1965 to prohibit graduate medical schools from receiving Federal financial assistance if such schools adopt certain policies and requirements relating to diversity, equity, and inclusion.

IN THE SENATE OF THE UNITED STATES

APRIL 11 (legislative day, APRIL 10), 2024

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

A BILL

To amend the Higher Education Act of 1965 to prohibit graduate medical schools from receiving Federal financial assistance if such schools adopt certain policies and requirements relating to diversity, equity, and inclusion.

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 “Embracing anti-Dis-
5 crimination, Unbiased Curricula, and Advancing Truth in
6 Education Act” or the “EDUCATE Act”.

1 **SEC. 2. LIMITATION ON AVAILABILITY OF FUNDS FOR CER-**
2 **TAIN GRADUATE MEDICAL SCHOOLS.**

3 Part B of title I of the Higher Education Act of 1965
4 (20 U.S.C. 1011 et seq.) is amended by adding at the end
5 the following:

6 **“SEC. 124. LIMITATION ON AVAILABILITY OF FUNDS FOR**
7 **CERTAIN GRADUATE MEDICAL SCHOOLS.**

8 “(a) **LIMITATION.**—Notwithstanding any other provi-
9 sion of law, no graduate medical school at an institution
10 of higher education shall be eligible to receive funds or
11 any other form of financial assistance under any Federal
12 program, including participation in any federally funded
13 or guaranteed student loan program, unless the institution
14 certifies to the Secretary that the institution does not, and
15 will not, do any of the following:

16 “(1) Direct, compel, or incentivize students,
17 faculty, or staff of the medical school to personally
18 state, pledge, recite, affirm, or otherwise adopt any
19 of the following tenets:

20 “(A) That any sex, race, ethnicity, religion,
21 color, or national origin makes an individual a
22 member of oppressed or oppressor categories.

23 “(B) That individuals should be adversely
24 treated on the basis of their sex, race, ethnicity,
25 religion, color, or national origin.

1 “(C) That individuals, by virtue of sex,
2 race, ethnicity, religion, color, or national ori-
3 gin, are inherently responsible for actions com-
4 mitted in the past by other members of the
5 same sex, race, ethnicity, religion, color, or na-
6 tional origin.

7 “(D) That the United States is system-
8 ically, structurally, or institutionally racist, or
9 that racism is weaved into the ‘ordinary busi-
10 ness of society’, or that the United States is an
11 oppressive nation.

12 “(2) Take any action that would deprive or
13 tend to deprive a medical student of educational op-
14 portunities or otherwise adversely affect their status
15 as a student, on the basis of race, color, or ethnicity,
16 including—

17 “(A) making a distinction or classification
18 of medical school students on the basis of race,
19 color, or ethnicity;

20 “(B) establishing a privilege or benefit for
21 students solely on the basis of race, color, or
22 ethnicity;

23 “(C) providing a course of instruction for
24 students solely on the basis of race, color, or
25 ethnicity; or

1 “(D) otherwise distinguishing students by
2 race, color, or ethnicity.

3 “(3) Require a course of instruction or unit of
4 study at the medical school directing or otherwise
5 compelling students, faculty, or staff to personally
6 state, pledge, recite, affirm, or otherwise adopt any
7 of the tenets specified in paragraph (1).

8 “(4) Establish, maintain, or contract with a di-
9 versity, equity, and inclusion office, or any other
10 functional equivalent of such an office, to serve the
11 medical school.

12 “(5) Require or incentivize an individual to
13 complete a diversity statement professing or adher-
14 ing to diversity, equity, and inclusion as a condition
15 of, or benefit in, admission or employment at such
16 school.

17 “(b) DEFINITIONS.—In this section:

18 “(1) DIVERSITY, EQUITY, AND INCLUSION OF-
19 FICE.—The term ‘diversity, equity, and inclusion of-
20 fice’ means any component of an institution of high-
21 er education, including any division, unit, or center
22 of such an institution, that is responsible for compel-
23 ling individuals to state, pledge, recite, affirm, or
24 otherwise adopt ideas that are in violation of title IV
25 or title VI of the Civil Rights Act of 1964 (42

1 U.S.C. 2000c et seq.; 2000d et seq.), including the
2 following:

3 “(A) That individuals of any race, sex, eth-
4 nicity, color, or national origin are inherently
5 members of an oppressed or oppressor category.

6 “(B) That individuals should be adversely
7 or advantageously treated on the basis of their
8 race, sex, ethnicity, color, or national origin.

9 “(C) That individuals, by virtue of race,
10 sex, ethnicity, color, or national origin, bear col-
11 lective guilt and are inherently responsible for
12 actions committed in the past or present by
13 other members of the same race, ethnicity,
14 color, or national origin.

15 “(2) DIVERSITY STATEMENT.—The term ‘diver-
16 sity statement’ means any written or oral statement
17 that—

18 “(A) discusses the immutable characteris-
19 tics, including race, sex, color, ethnicity, or
20 country of origin of any applicant for enroll-
21 ment, admission, employment, or advancement
22 at an institution of higher education;

23 “(B) affirms that individuals of any race,
24 sex, ethnicity, color, or national origin are in-
25 herently superior or inferior;

1 “(C) affirms that individuals should be ad-
 2 versely or advantageously treated on the basis
 3 of their race, sex, ethnicity, color, or national
 4 origin; or

5 “(D) affirms that individuals, by virtue of
 6 race, sex, ethnicity, color, or national origin,
 7 bear collective guilt and are inherently respon-
 8 sible for actions committed in the past by other
 9 members of the same race, ethnicity, color, or
 10 national origin.

11 “(3) INSTITUTION OF HIGHER EDUCATION.—

12 The term ‘institution of higher education’ has the
 13 meaning given that term in section 102.”.

14 **SEC. 3. CONFORMING REQUIREMENTS FOR ACCREDITING**
 15 **AGENCIES AND ASSOCIATIONS.**

16 Section 496(a) of the Higher Education Act of 1965
 17 (20 U.S.C. 1099b(a)) is amended—

18 (1) in paragraph (7), by striking “and” at the
 19 end;

20 (2) in paragraph (8), by striking the period at
 21 the end and inserting “; and”; and

22 (3) by adding at the end the following:

23 “(9) if such agency or association has or seeks
 24 to include within its scope of recognition the evalua-
 25 tion of the quality of institutions or programs offer-

1 ing graduate medical education, such agency or as-
2 sociation shall, in addition to meeting the other re-
3 quirements of this subpart, demonstrate to the Sec-
4 retary that the agency or association does not re-
5 quire an institution or program to adopt any policies
6 or other requirements in contravention of section
7 124 as a condition of receiving accreditation from
8 the agency or association.”.

9 **SEC. 4. RULES OF CONSTRUCTION.**

10 Nothing in this Act or the amendments made by this
11 Act shall be construed—

12 (1) to prohibit a graduate medical school at an
13 institution of higher education from—

14 (A) providing instruction about unique
15 medical needs or conditions that may be related
16 to an individual’s sex, race, or other character-
17 istics; or

18 (B) collecting and maintaining demo-
19 graphic data on students solely for informa-
20 tional purposes;

21 (2) in the case of an institution with a religious
22 mission, to require or incentivize the institution to
23 take any action that is contrary to the tenets of such
24 religion; or

25 (3) to restrict or prohibit—

1 (A) the exercise of First Amendment
2 rights by anyone lawfully present on the
3 grounds of an institution of higher education
4 (as defined in section 102 of the Higher Edu-
5 cation Act of 1965 (20 U.S.C. 1002));

6 (B) academic instruction at such an insti-
7 tution, except to the extent required under
8 paragraphs (2)(C) and (3) of section 124(a) of
9 the Higher Education Act of 1965 (as added by
10 section 2);

11 (C) research operations at such an institu-
12 tion;

13 (D) the operations of student organizations
14 at such an institution;

15 (E) the invitation of lecturers and other
16 guest speakers to such an institution; or

17 (F) the ability of an institution to comply
18 with Federal and State anti-discrimination
19 laws.

20 **SEC. 5. SEVERABILITY.**

21 If any provision of this Act or an amendment made
22 by this Act is held invalid, the remainder of this Act and
23 the amendments made by this Act shall not be affected
24 thereby.

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