

CRUCIAL COMMUNISM TEACHING ACT

OCTOBER 25, 2023.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Ms. FOXX, from the Committee on Education and the Workforce, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 5349]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and the Workforce, to whom was referred the bill (H.R. 5349) to develop and disseminate a civic education curriculum and oral history resources regarding certain political ideologies, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Crucial Communism Teaching Act”.

SEC. 2. PURPOSES.

The purposes of this Act are the following:

- (1) To help families, civic institutions, local communities, local educational agencies, high schools, and State educational agencies to prepare high school students to be civically responsible and knowledgeable adults.
- (2) To ensure that high school students in the United States—
 - (A) learn that communism has led to the deaths of over 100,000,000 victims worldwide;
 - (B) understand the dangers of communism and similar political ideologies; and
 - (C) understand that 1,500,000,000 people still suffer under communism.

SEC. 3. DEVELOPMENT AND DISSEMINATION OF CIVIC EDUCATION CURRICULUM AND ORAL HISTORY RESOURCES.

The independent entity created under section 905(b)(1)(B) of the FRIENDSHIP Act (40 U.S.C. 8903 note; 107 Stat. 2331 note), also known as the “Victims of Communism Memorial Foundation”, shall—

(1) develop a civic education curriculum for high school students that—

(A) includes a comparative discussion of certain political ideologies, including communism and totalitarianism, that conflict with the principles of freedom and democracy that are essential to the founding of the United States;

(B) is accurate, relevant, and accessible, so as to promote the understanding of such political ideologies; and

(C) is compatible with a variety of courses, including social studies, government, history, and economics classes;

(2) develop oral history resources that may be used alongside the curriculum described in paragraph (1) and that include personal stories, titled “Portraits in Patriotism”, from diverse individuals who—

(A) demonstrate civic-minded qualities;

(B) are victims of the political ideologies described in paragraph (1)(A); and

(C) are able to compare the political ideologies described in paragraph (1)(A) with the political ideology of the United States; and

(3) engage with State and local educational leaders to assist high schools in using the curriculum described in paragraph (1) and the resources described in paragraph (2).

SEC. 4. DEFINITIONS.

The terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) shall apply to this Act.

PURPOSE

One-fifth of the world’s population still lives under single-party communist regimes such as China, Cuba, North Korea, Vietnam, Laos, and Venezuela.¹ Yet, studies consistently reveal that America’s high school and college students do not know basic facts about the history of communism. To increase awareness of the atrocities of communism, H.R. 5349, the *Crucial Communism Teaching Act*, directs the Victims of Communism Memorial Foundation (VOC) to develop a civic education curriculum and oral history resources for high school students to promote understanding of how communism conflicts with the principles of U.S. democracy.

COMMITTEE ACTION

118TH CONGRESS

First Session—Hearings

On February 8, 2023, the Committee on Education and the Workforce held a hearing on “American Education in Crisis.” The purpose of the hearing was to examine the state of American education, including the need to increase transparency and accountability, to update the education system to serve the needs of students and families, and to protect and restore the rights of parents to have a say in their children’s education; issues around civics education were also discussed. Testifying before the Committee were Ms. Virginia Gentles, Director, Education Freedom Center, Independent Women’s Forum, Arlington, VA; Dr. Monty Sullivan, President, Louisiana Community and Technical College System, Baton Rouge, LA; Mr. Scott Pulsipher, President, Western Gov-

¹ <https://victimsofcommunism.org/about/https://www.worldbank.org/en/home>.

governors University, Salt Lake City, UT; and Mr. Jared Polis, Governor, State of Colorado, Denver, CO.

On July 13, 2023, the Committee’s Subcommittee on Higher Education and Workforce Development held a hearing on “Exposing the Dangers of the Influence of Foreign Adversaries on College Campuses.” The purpose of the hearing was to discuss the ways in which foreign actors are influencing institutions of higher education (IHEs), the impacts of this influence, and potential policy solutions to address these issues. Testifying before the Subcommittee were Mr. Paul Moore, J.D., Senior Counsel, Defense of Freedom Institute, Washington, D.C.; Mr. John C. Yang, President and Executive Director, Asian Americans Advancing Justice, Washington, D.C.; and Mr. Craig Singleton, China Program Deputy Director and Senior Fellow, Foundation for Defense of Democracies, Washington, D.C.

On September 19, 2023, the Committee’s Subcommittee on Early Childhood, Elementary, and Secondary Education held a hearing on “Academic Freedom Under Attack: Loosening the CCP’s Grip on America’s Classrooms.” The purpose of the hearing was to examine the covert influence of foreign governments and organizations, particularly the Chinese Communist Party, on U.S. K–12 Schools. Testifying before the Subcommittee were Mr. Mike Gonzalez, Senior Fellow, Heritage Foundation, Washington, D.C.; Ms. Gisela Perez Kusakawa (J.D.), Executive Director, Asian American Scholar Forum, New York, NY; Mrs. Nicole Neily, President and Founder, Parents Defending Education, Arlington, VA; and Mr. Ryan Walters, State Superintendent of Public Instruction, Oklahoma State Department of Education, Oklahoma City, OK.

Legislative Action

On September 5, 2023, Rep. Salazar (R–FL) introduced H.R. 5349, the *Crucial Communism Teaching Act*, with Reps. Elise Stefanik (R–NY), Mario Diaz-Balart (R–FL), Carlos Gimenez (R–FL), Victoria Spartz (R–IN), Alexander Mooney (R–WV), Mike Bost (R–IL), Jeff Duncan (R–SC), Christopher Smith (R–NJ), Earl L. “Buddy” Carter (R–GA), Dan Crenshaw (R–TX), Doug LaMalfa (R–CA), Pete Sessions (R–TX), Ashley Hinson (R–IA), Scott Fitzgerald (R–WI), Mariannette Miller-Meeks (R–IA), Gus M. Bilirakis (R–FL), Michelle Steel (R–CA), Nicole Malliotakis (R–NY), David G. Valadao (R–CA), A. Drew Ferguson, IV (R–GA), Lisa C. McClain (R–MI), C. Scott Franklin (R–FL), Monica De La Cruz (R–TX), Michael Waltz (R–FL), Lloyd Smucker (R–PA), Richard McCormick (R–GA), Keith Self (R–TX) as original co-sponsors. The bill was referred solely to the Committee on Education and the Workforce. On September 14, 2023, the Committee considered H.R. 5349 in legislative session and reported it favorably, as amended, to the House of Representatives by a recorded vote of 33–9.

The Committee considered the following amendments to H.R. 5349:

1. Rep. Tim Walberg (R–MI) offered an Amendment in the Nature of a Substitute (ANS) that made technical changes. The amendment was adopted by voice vote.

SUMMARY

Originally introduced in 2021, the *Crucial Communism Teaching Act* directs the Victims of Communism Memorial Foundation (VOC) to develop a civic education curriculum and oral history resources for high school students to promote understanding of communism that conflicts with the principles of U.S. democracy. Rep. Marie Salazar (R-FL) introduced H.R. 5349 on September 5 with 27 original co-sponsors.²

COMMITTEE VIEWS

Introduction

Communism has a long, dark history of political suppression, persecution, and violence. It has led to the deaths of over 100 million victims worldwide and currently tramples the human rights of over 1.5 billion people across the globe. Unfortunately, younger generations of Americans are increasingly unaware of communism's abuses. H.R. 5349, the *Crucial Communism Teaching Act*, makes educational materials available through the VOC to help educate students about how communist ideology is contrary to the founding principles of freedom and democracy in the United States.

Background on communism

One-fifth of the world's population still lives under single-party communist regimes such as in China, Cuba, North Korea, Vietnam, Laos, and Venezuela.³ Regimes such as these utilize the same tools as previous communist regimes to maintain state control. For instance, it is estimated that two million citizens in China, mostly consisting of the Uyghurs and other ethnic minorities, are being held in Chinese Communist Party "re-education" camps.⁴ Cuba and North Korea also imprison tens of thousands of citizens in hard labor camps reminiscent of the Soviet Union's Gulag system.⁵

As the VOC has outlined, these totalitarian rulers and their regimes possess six key characteristics: an official ideology, a one-party authoritarian state, a monopoly on violence, control of all information and mass media, a government-planned and centrally controlled economy, and the use of a communist party-controlled terroristic security service. These features are used to exert the level of control needed to suppress or eliminate any threat to the communist regime and its totalitarian leadership. Communism seeks to eliminate individualism, family, and civil society and to establish state control of society and communal ownership of property. Since the Bolshevik Revolution of 1917, creating and maintaining communist governments has resulted in the deaths of over 100 million people and the subjugation of hundreds of millions more.⁶

² <https://www.congress.gov/bill/118th-congress/house-bill/5349?s=1&r=1&q=%7B%22search%22%3A%5B%22Crucial%22%2C%22Communism%22%2C%22Teaching%22%2C%22Act%22%5D%7D>.

³ <https://victimsofcommunism.org/about/>; <https://www.worldbank.org/en/home>.

⁴ <https://www.cnn.com/2021/06/24/china/xinjiang-prisons-china-intl-hnk-dst/index.html>.

⁵ <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/cuba/>.

⁶ <https://victimsofcommunism.org/communism-101/>.

Background on young Americans' knowledge of communism

Studies consistently reveal that America's high school and college students do not know basic facts about the history of communism. For example, nearly half (47 percent) of Gen Z say they are unaware that the Chinese Communist Party is responsible for more deaths than Nazi Germany. Twenty-seven percent do not know whether China is democratic or communist. Furthermore, positive attitudes toward communism and socialism are relatively high, particularly among younger generations. Twenty-eight percent of Gen Z hold a favorable opinion of the term "communism" compared to just 6 and 3 percent for the Baby Boomer Generation and the Silent Generation. Eighteen percent of Gen Z thinks communism is a fairer system than capitalism and deserves consideration in America, while 31 percent of Gen Z support the gradual elimination of the capitalist system in favor of a more socialist system.⁷

Background on the Victims of Communism Memorial Foundation

The VOC is an educational, research, and human rights non-profit organization devoted to commemorating the more than 100 million victims of communism around the world and to pursuing the freedom of those still living under totalitarian regimes. VOC was authorized unanimously by Congress and signed into law by President Clinton in 1993. The Foundation's mission is to educate future generations about the ideology, history, and legacy of communism while advocating for the freedom of those still held captive by communist regimes.⁸

VOC equips teachers through its annual National Seminar for Middle and High School Educators and with professional development workshops based on its new digital curriculum, *Communism: A History of Repression, Violence, and Victims*. Its Online Teacher Certification provides 24 hours of professional development credit for educators who want to effectively teach their students the history of communism. VOC also holds events on college campuses, including conferences, film screenings, lectures, and expert panels in all 50 states to help educate about communism and socialism. Additionally, VOC raises awareness through its speaker's bureau, local commissions, public information campaigns, and digital media campaigns. In partnership with YouGov, it also publishes the survey "U.S. Attitudes Toward Socialism, Communism, and Collectivism" to better understand national trends and generational differences regarding free enterprise, socialism, and basic 20th-century history.⁹

Background on H.R. 5349, the Crucial Communism Teaching Act

Originally introduced in 2021, the *Crucial Communism Teaching Act* directs the VOC to develop a civic education curriculum and oral history resources for high school students to promote understanding of certain political ideologies (e.g., communism and totalitarianism) that conflict with principles of U.S. democracy. Rep.

⁷ <https://victimsofcommunism.org/wp-content/uploads/2020/10/10.19.20-VOC-YouGov-Survey-on-U.S.-Attitudes-Toward-Socialism-Communism-and-Collectivism.pdf>.

⁸ <https://victimsofcommunism.org/about/>.

⁹ <https://victimsofcommunism.org/programs/education/>.

Marie Salazar (R–FL) introduced H.R. 5349 on September 5 with 27 original co-sponsors.¹⁰

Conclusion

It is imperative that Americans of all generations have a clear understanding of communism’s dangers and abuses. Schools should also have access to optional resources to help educate students about communism. H.R. 5349 will ensure that the VOC creates resources that can help illuminate the dangers of communism and how it conflicts with the principles of freedom and democracy.

H.R. 5349, THE CRUCIAL COMMUNISM TEACHING ACT

SECTION-BY-SECTION SUMMARY

Section 1. Short title

- Names the bill as the “Crucial Communism Teaching Act”.

Section 2. Purposes

- Establishes the purpose of the Act: to help prepare high school students to be civically responsible and to ensure that high school students learn that Communism has led to the deaths of more than 100,000,000 victims worldwide, understand the dangers of communism and similar political ideologies, and understand that 1,500,000,000 people still suffer under communism.

Section 3. Development and dissemination of civic education curriculum and oral history resources

- Instructs the VOC to develop a civic education curriculum for high school students that is accurate, relevant, accessible, and compatible with a variety of courses including social studies, government, history, and economic classes.
- States the curriculum must include a comparative discussion of certain political ideologies that conflict with the principles of freedom and democracy.
- Instructs the VOC to develop oral history resources to be used alongside the curriculum with personal stories, titled “Portraits in Patriotism,” from individuals who demonstrate civic-minded qualities, are victims of such ideology, and can compare such ideologies with the political ideology of the United States.
- Instructs the VOC to engage with state and local education leaders to assist high schools with the implementation of such curriculum.

Section 4. Definitions

- For terms defined in Section 8101 of the *Elementary and Secondary Education Act of 1965* and used in this Act, applies the definitions of those terms in Section 8101 to their use in this Act.

EXPLANATION OF AMENDMENTS

The amendments, including the amendment in the nature of a substitute, are explained in the body of this report.

¹⁰ <https://www.congress.gov/bill/118th-congress/house-bill/5349?s=1&r=1&q=%7B%22search%22%3A%5B%22Crucial%22%2C%22Communism%22%2C%22Teaching%22%2C%22Act%22%5D%7D>.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)3 of Public Law 104–1 requires a description of the application of this bill to the legislative branch. H.R. 5349 instructs the VOC to develop a civic education curriculum to help prepare high school students to be civically responsible and to ensure that high school students learn that Communism has led to the deaths of more than 100,000,000 victims worldwide, understand the dangers of communism and similar political ideologies, and understand that 1,500,000,000 people still suffer under communism. H.R. 5349 is applicable only to the VOC and therefore does not affect the legislative branch.

UNFUNDED MANDATE STATEMENT

Pursuant to Section 423 of the Congressional Budget and Impoundment Control Act of 1974, Pub. L. No. 93–344 (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act of 1995, Pub. L. No. 104–4), the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office (CBO) pursuant to section 402 of the Congressional Budget and Impoundment Control Act of 1974. The Committee reports that because this cost estimate was not timely submitted to the Committee before the filing of this report, the Committee is not in a position to make a cost estimate for H.R. 5349, as amended.

EARMARK STATEMENT

H.R. 5349 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

ROLL CALL VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee Report to include for each record vote on a motion to report the measure or matter and on any amendments offered to the measure or matter the total number of votes for and against and the names of the Members voting for and against.

Date: 9/14/23

COMMITTEE ON EDUCATION AND THE WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 2

Bill: H.R. 5349

Amendment Number: n/a

Disposition: Adopted by a Full Committee Roll Call Vote (33-9)

Sponsor/Amendment: Rep. Walberg/ HR5349ANS_001 MOTION TO REPORT

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mrs. FOXX (NC) (Chairwoman)	X			Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)	X			Mr. GRIJALVA (AZ)		X	
Mr. THOMPSON (PA)	X			Mr. COURNTEY (CT)	X		
Mr. WALBERG (MI)	X			Mr. SABLAN (MP)	X		
Mr. GROTHMAN (WI)	X			Ms. WILSON (FL)	X		
Ms. STEFANIK (NY)	X			Ms. BONAMICI (OR)	X		
Mr. ALLEN (GA)	X			Mr. TAKANO (CA)		X	
Mr. BANKS (IN)	X			Ms. ADAMS (NC)	X		
Mr. COMER (KY)			X	Mr. DESAULNIER (CA)	X		
Mr. SMUCKER (PA)	X			Mr. NORCROSS (NJ)		X	
Mr. OWENS (UT)	X			Ms. JAYAPAL (WA)		X	
Mr. GOOD (VA)	X			Ms. WILD (PA)	X		
Mrs. MCCLAIN (MI)	X			Ms. MCBATH (GA)			X
Mrs. MILLER (IL)	X			Mrs. HAYES (CT)		X	
Mrs. STEEL (CA)	X			Ms. OMAR (MN)		X	
Mr. ESTES (KS)	X			Ms. STEVENS (MI)		X	
Ms. LETLOW (LA)			X	Ms. LEGER FERNÁNDEZ (NM)	X		
Mr. KILEY (CA)	X			Ms. MANNING (NC)	X		
Mr. BEAN (FL)	X			Mr. MRVAN (IN)		X	
Mr. BURLISON (MO)	X			Mr. BOWMAN (NY)		X	
Mr. MORAN (TX)	X						
Mr. JAMES (MI)	X						
Ms. CHAVEZ-DEREMER (OR)	X						
Mr. WILLIAMS (NY)	X						
Ms. HOUCHIN (IN)	X						

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause (3)(c) of rule XIII of the Rules of the House of Representatives, the goal of H.R. 5349 instructs the VOC to develop a civic education curriculum to help prepare high school students to be civically responsible and to ensure that high school students learn that Communism has led to the deaths of more than 100,000,000 victims worldwide, understand the dangers of communism and similar political ideologies, and understand that 1,500,000,000 people still suffer under communism.

DUPLICATION OF FEDERAL PROGRAMS

No provision of H.R. 5349 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the committee's oversight findings and recommendations are reflected in the body of this report.

REQUIRED COMMITTEE HEARING AND RELATED HEARINGS

In compliance with clause 3(c)(6) of rule XIII of the Rules of the House of Representatives the following hearings held during the 118th Congress were used to develop or consider H.R. 5349: on February 8, 2023, the Committee on Education and the Workforce held a hearing on "American Education in Crisis" and on July 13, 2023, the Committee's Subcommittee on Higher Education and Workforce Development held a hearing on "Exposing the Dangers of the Influence of Foreign Adversaries on College Campuses."

NEW BUDGET AUTHORITY AND CBO COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for H.R. 5349 from the Director of the Congressional Budget Office:

H.R. 5349, Crucial Communism Teaching Act			
As ordered reported by the House Committee on Education and the Workforce on September 14, 2023			
By Fiscal Year, Millions of Dollars	2023	2023-2028	2023-2033
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	0	0
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply?	No
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 5349 would direct the Victims of Communism Memorial Foundation, a nonprofit organization created by the FRIENDSHIP Act, to develop a civic education curriculum that examines the history of communism and totalitarianism and includes a comparison of different political ideologies. The bill also would require the foundation to engage with state and local officials in using the curriculum. Because the costs to implement the bill are solely the responsibility of the foundation and require no additional federal action, CBO estimates that enacting the bill would have no impact on the federal budget.

The CBO staff contact for this estimate is Garrett Quenneville. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

COMMITTEE COST ESTIMATE

Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison of the costs that would be incurred in carrying out H.R. 5349. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when, as with the present report, the committee adopts as its own the cost estimate of the bill being prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H.R. 5349, as reported by the Committee, makes no changes in existing law.

MINORITY VIEWS

H.R. 5349, the *Crucial Communism Teaching Act* introduced by Rep. Maria Elvira Salazar (R–FL) authorizes the Victims of Communism Memorial Foundation to develop a civic education curriculum for high school students to reflect that communism, totalitarianism and similar political ideologies are “in conflict with the principles of freedom and democracy.”¹

While the *General Education Provisions Act* bans the Department of Education (ED) from the dictating curricula,² Committee Democrats have advocated for bills in the past authorizing independent entities to develop resources for use in schools on certain topics of interest. For example, in the 116th Congress, the Committee provided assistance in the drafting of H.R. 943, the *Never Again Education Act*, which authorized the Director of the U.S. Holocaust Memorial Museum to “develop and nationally disseminate accurate, relevant, and accessible resources to promote understanding about how and why the Holocaust happened in a program of holocaust education.”³ The Committee managed the bill on the floor under suspension of the House Rules where it passed 393–5. H.R. 943 passed the Senate unanimously and was signed into law May 29, 2020.⁴

While H.R. 5349 bill was reported out of Committee on a bipartisan vote, Committee Democrats feel it important to note some of the concerns many of our Members had with the bill.

First, it is worth noting that while H.R. 5349 is aimed at ensuring educational materials are available to assist in teaching students “about the dangers of communism and totalitarianism, and how they are contrary to the founding principles of freedom and democracy in the United States,”⁵ it is silent on the documented, continued use of allegations of Communist Party membership, sympathy, or allegiance against innocent, patriotic Americans. One of the bill’s explicit purposes is to authorize the creation of the educational resources that help students learn and understand statistics on the numbers of people worldwide who either were killed by communist regimes or currently live in communist states.⁶ While Committee Democrats agree that relevant facts should be included, it is also important to include data that conveys that, since the

¹Crucial Communism Teaching Act, H.R. 5349, 118th Cong. § 3(1)(A) (2023).

²General Education Provisions Act, 20 U.S.C. § 1232a (“No provision of any applicable program shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system, or to require the assignment or transportation of students or teachers in order to overcome racial imbalance.”).

³H.R. 943, 116th Cong., § 4(c)(1) (2019).

⁴Never Again Education Act, Pub. L. No. 116–141, 134 Stat. 636 (2020).

⁵Press Release, Salazar Reintroduces Crucial Communism Act, Sept. 6, 2023, <https://salazar.house.gov/media/press-releases/salazar-reintroduces-crucial-communism-teaching-act>.

⁶Crucial Communism Teaching Act, H.R. 5349, 118th Cong. § 2(2)(A)–(C) (2023).

first Red Scare, through the McCarthyism of the 1950s, the Civil Rights Movement up to the present day, politicians, predominantly on the right, have used communist allegations as baseless smears against fellow Americans.⁷ The bill's language should encourage American schools to produce critical thinkers that understand when they hear a member of Congress declare that "78 to 81" Democratic Members of Congress are members of the Communist Party,⁸ that member is engaging in invidious rhetoric designed not to be true, but to enflame, scare, and pit Americans against each other. Many Committee Democrats could not support such a bill that does not expose this important facet of the subject at hand.

In another tactic straight from the GOP playbook, H.R. 5349 is silent on the documented, continued ploy to frame any progressive policy as communist. Whether it is Social Security, Medicare, Medicaid, or the Affordable Care Act, right-wing politicians seemingly never waste an opportunity to denigrate any policy they disagree with as communist.⁹ As such, it is understandable why American students may not have a full understanding of what communism is, as a student of political rhetoric in the United States over the last half century might argue it could be defined as whatever policy Republicans are opposing at any given moment.¹⁰ Further, as right-wing rhetoric has effectively erased distinctions between communist, socialist, and social democratic systems and policies, the bill's directive to include information on similar political ideologies, suggests such distinctions may not be present in resources authorized under the bill. A bill purporting to teach children about the dangers of communism should not be a Trojan horse to denigrate policies like universal single-payer health systems or robust social safety nets; our peace-loving, democratic allies in Canada, the United Kingdom, or Northern Europe should not be denigrated as communist states.¹¹ If we are authorizing resources to define what communism is, the first task will be distinguishing all the things communism is not. H.R. 5349 does not require such distinctions in

⁷ See, e.g., National Constitution Center, On this day, massive raids during the Red Scare, Constitution Daily Blog, (Jan. 2, 2023) <https://constitutioncenter.org/blog/on-this-day-massive-raids-during-the-red-scare>; McCarthyism and the Red Scare, The Age of Eisenhower, UVA Miller Ctr., <https://millercenter.org/the-presidency/educational-resources/age-of-eisenhower/mcarthyism-red-scare>; Communism, The Martin Luther King, Jr. Research and Education Institute, Stanford University, ("As King rose to prominence he frequently had to defend himself against allegations of being a Communist, though his view that 'Communism and Christianity are fundamentally incompatible' did not change." (internal citations omitted)) <https://kinginstitute.stanford.edu/communism>; Aaron Blake, "Republican Rep. Allen West Says Many Congressional Democrats Are Communists", Wash. Post (Apr. 11, 2012), https://www.washingtonpost.com/blogs/the-fix/post/republican-rep-allen-west-suggests-many-congressional-democrats-are-communists/2012/04/11/gIQApbZiAT_blog.html?hpid=z3.

⁸ Blake, *supra* n. 6.

⁹ See, e.g., Ed Kilgore, "Do Republicans Know What Communism Is?," New York Magazine, Mar. 2, 2022, <https://nymag.com/intelligencer/article/do-republicans-know-what-communism-is.html>.

¹⁰ *Id.*, see 169 Cong. Rec. H635–43 (debate of H. Res. 9).

¹¹ *E.g., Id.* at H643 (statement of Rep. Anna Eshoo) ("In 1935, Republican Representative Robert Rich said here in this chamber, 'Roosevelt is a socialist, not a Democrat.' In 1946, during the Truman Administration, Republican Senator Robert Taft called a national health insurance bill 'the most socialistic measure that this Congress has ever had before it.' In the 1960 election, Republican Senator Barry Goldwater called the platform of John F. Kennedy 'a blueprint for socialism.' In 1964, when Lyndon Johnson passed Medicare, George H.W. Bush called it 'socialized medicine.' In 1976, Barry Goldwater claimed that Jimmy Carter would bring about a 'suicidal slide toward socialism.' In 1993, Newt Gingrich called the Clinton health care plan 'socialism now or later.' Barack Obama was routinely called a socialist, including by three of the Republican candidates in the 2012 election. And several Members of this House have called Joe Biden's bipartisan infrastructure law 'socialist.'").

the resources authorized to be created under it, and without such standards in place, many Members could not support the bill.

Finally, during consideration of H.R. 5349, Ranking Member Scott offered an amendment to simply insert “fascism” where appropriate throughout the bill to ensure that any curricula developed under the bill would address the ideology of fascism as well as communism and totalitarianism. This was in order under the Rules of the House as the bill already directed the scope of the curricula to touch on both totalitarianism, and similar political ideologies which are “in conflict with the principles of freedom and democracy.”¹² Committee Democrats argue that the dangers of fascism have just as much potential as communism to upset the freedom and democracy Americans enjoy now. And, as we see more and more explicit policies that experts suggest are telltale stepping stones to the acceptance of fascist and totalitarian regimes being espoused in public (e.g., banning of books, state capture of the academy, silencing of opposition, political scapegoating of immigrants, fusing of religion and nationalism, blind allegiance to a strongman leader not bound by the rule of law), it is obvious students need to be taught to recognize these signs.¹³ The mere fact that Committee Republicans could not accept such an amendment, without a significant justification, only reinforced the previously mentioned concerns some Committee Democrats had with the bill.

For the sake of the American experiment, we must assume that H.R. 5349 is well intentioned.¹⁴ But as a famous anti-Communist President once said, “trust, but verify.”¹⁵ To the extent that Committee Republicans refused to except the most innocuous amendment that would only further those good intentions gave some Committee Democrats pause to analyze the bill in the broader context of how communism has been used rhetorically throughout the history of American politics. It is our hope that any resources developed to teach American children about communism would insist on the same thorough analysis, and we stand ready to work with Committee Republicans to improve this bill as the legislative process continues.

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FREDERICA S. WILSON.
MARK TAKANO.
MARK DESAULNIER.

¹²Crucial Communism Teaching Act, H.R. 5349, 118th Cong. § 3(1)(A) (2023).

¹³See, e.g., James Roosevelt, Jr. et al., Opinion, “We’re Reach Fascism’s ‘inflection point’—again”, The Hill, Feb. 8, 2023, <https://thehill.com/opinion/white-house/3849326-were-reaching-fascisms-inflection-point-again/>; Akilah Allenye, Book Banning, Curriculum Restrictions, and the Politicization of U.S. Schools, Ctr. for Am. Progs., Sept. 19, 2022, <https://www.americanprogress.org/article/book-banning-curriculum-restrictions-and-the-politicization-of-u-s-schools/>; Lauren Leader & Donna Brazile, Opinion, State Republicans have gone from opposing Democrats to opposing democracy, The Hill, May 1, 2023, <https://thehill.com/opinion/campaign/3980491-republicans-have-gone-from-opposing-democrats-to-opposing-democracy/>; 169 Cong. Rec. H3089–90 (statement of Rep. Chuy Garcia); Kit O’Connell, “Christofascism is Everyone’s Problem”, Tex. Observer, Nov. 3, 2022; Colin Dwyer, Donald Trump: ‘I Could . . . Shoot Somebody, And I Wouldn’t Lose Any Voters’”, Natl. Pub. Radio, Jan. 23, 2016.

¹⁴Jefferson’s Manual, §363 (“The consequences of a measure may be reprobated in strong terms; but to arraign the motives of those who propose to advocate it is a personality, and against order.”).

¹⁵David K. Shipler, “Reagan and Gorbachev Sign Missile Treaty and Vow to Work for Greater Reductions”, N.Y. Times, Dec. 9, 1987.

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