

117TH CONGRESS
1ST SESSION

S. 2221

To restrict executive agencies from acting in contravention of Executive Order 13950, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 24, 2021

Mr. CRUZ introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To restrict executive agencies from acting in contravention of Executive Order 13950, 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 “Ensuring Non-Dis-
5 crimination by Defunding Critical Race Theory Act” or
6 the “END CRT Act”.

7 **SEC. 2. PROHIBITION ON EXECUTIVE AGENCIES ACTING IN**

8 **CONTRAVENTION OF EXECUTIVE ORDER**

9 **13950.**

10 (a) DEFINITIONS.—

1 (1) EO 13950.—The term “EO 13950” means
2 Executive Order 13950 (5 U.S.C. 4103 note; relat-
3 ing to combating race and sex stereotyping).

4 (2) EXECUTIVE AGENCY.—The term “Executive
5 agency” has the meaning given the term in section
6 105 of title 5, United States Code.

7 (b) FINDINGS.—Congress finds the following:

8 (1) On September 22, 2020, President Trump
9 issued EO 13950.

10 (2) EO 13950 was designed “to promote econ-
11 omy and efficiency in Federal contracting, to pro-
12 mote unity in the Federal workforce, and to combat
13 offensive and anti-American race and sex stereo-
14 typing and scapegoating”.

15 (3) Specifically, EO 13950, among other things,
16 prohibited Federal agencies from teaching, advo-
17 cating, acting upon, or promoting in any training to
18 agency employees certain divisive concepts, such as
19 concepts that include a teaching or belief that “(1)
20 one race or sex is inherently superior to another race
21 or sex; (2) the United States is fundamentally racist
22 or sexist; (3) an individual, by virtue of his or her
23 race or sex, is inherently racist, sexist, or oppressive,
24 whether consciously or unconsciously; (4) an indi-
25 vidual should be discriminated against or receive ad-

1 verse treatment solely or partly because of his or her
2 race or sex; (5) members of one race or sex cannot
3 and should not attempt to treat others without re-
4 spect to race or sex; (6) an individual's moral char-
5 acter is necessarily determined by his or her race or
6 sex; (7) an individual, by virtue of his or her race
7 or sex, bears responsibility for actions committed in
8 the past by other members of the same race or sex;
9 (8) any individual should feel discomfort, guilt, an-
10 guish, or any other form of psychological distress on
11 account of his or her race or sex; or (9) meritocracy
12 or traits such as a hard work ethic are racist or sex-
13 ist, or were created by a particular race to oppress
14 another race”.

15 (4) EO 13950 further required that diversity
16 and inclusion efforts of Federal agencies must “first
17 and foremost, encourage agency employees not to
18 judge each other by their color, race, ethnicity, sex,
19 or any other characteristic protected by Federal
20 law”.

21 (5) EO 13950 was issued soon after the Direc-
22 tor of the Office of Management and Budget, Rus-
23 sell Vought, issued a September 4, 2020, memo-
24 randum (referred to in this section as the “Sep-

1 tember 4, 2020, memorandum”) in which he ex-
2 plained that—

3 (A) millions of taxpayer dollars have been
4 spent on training Federal employees to “believe
5 divisive, anti-American propaganda”;

6 (B) training sessions have taught that
7 “virtually all White people contribute [or ben-
8 efit from] to racism”; and

9 (C) training sessions have claimed that
10 “there is racism embedded in the belief that
11 America is the land of opportunity or the belief
12 that the most qualified person should receive a
13 job”.

14 (6) In the September 4, 2020, memorandum,
15 Director Vought further explained that the trainings
16 described in paragraph (5) “not only run counter to
17 the fundamental beliefs for which our Nation has
18 stood since its inception, but they also engender divi-
19 sion and resentment within the Federal workforce”.

20 (7) EO 13950 and the September 4, 2020,
21 memorandum stood as a direct rebuke of so-called
22 “critical race theory”.

23 (8) Critical race theory, according to Heritage
24 Foundation visiting fellow Chris Rufo (referred to in
25 this section as “Rufo”), is “the idea that the United

1 States is a fundamentally racist country and that all
2 of the institutions, including the law, culture, busi-
3 ness, the economy are all designed to maintain white
4 supremacy”.

5 (9) Critical race theory is, at its core, anti-
6 American, discriminatory, and based on Marxist ide-
7 ology.

8 (10) Critical race theory relies on a Marxist an-
9 alytical framework, viewing society in terms of the
10 oppressed and the oppressor, and instills a defeatist
11 mentality in the individuals that critical race theory
12 casts as the oppressed.

13 (11) Critical race theory’s objective is the de-
14 struction and replacement of Western Enlighten-
15 ment Liberalism with a Marxist-influenced govern-
16 ment.

17 (12) Critical race theory intentionally seeks to
18 undermine capitalism and western values, such as
19 property rights, free speech, and the very concept of
20 Lockean natural rights.

21 (13) At the Department of Homeland Security,
22 Rufo explained, trainers “insisted that statements
23 such as ‘America is the land of opportunity,’ ‘Every-
24 body can succeed in this society, if they work hard

1 enough,’ and ‘I believe the most qualified person
2 should get the job’ are racist and harmful”.

3 (14) At a training session at the National Cred-
4 it Union Administration, diversity trainer Howard
5 Ross taught that “It is irrefutable that [American
6 society] is a system based on racism” and “good and
7 decent [White] people . . . support the status quo
8 [of] a system of systematized racism”.

9 (15) According to Rufo, employees of the De-
10 partment of the Treasury and Federal financial
11 agencies attended a series of events at which diver-
12 sity trainer Howard Ross taught employees that all
13 White individuals in the United States are complicit
14 in White supremacy “by automatic response to the
15 ways we’re taught Whiteness includes White privi-
16 lege and White supremacy”.

17 (16) Martin Luther King, Jr., in his “I have a
18 dream speech” said, “I look to a day when people
19 will not be judged by the color of their skin, but by
20 the content of their character”.

21 (17) By teaching that certain individuals, by
22 virtue of inherent characteristics, are inherently
23 flawed, critical race theory contradicts the basic
24 principle upon which the United States was founded
25 that all men and women are created equal.

1 (18) The teachings of critical race theory stand
2 in contrast to the overarching goal of the Civil
3 Rights Act of 1964 (42 U.S.C. 2000A et seq.) to
4 prevent discrimination on the basis of race, color, or
5 national origin in the United States.

6 (19) Critical race theory seeks to portray the
7 United States not as a united Nation of individuals,
8 families, and communities striving for a common
9 purpose, but rather a Nation of many victimized
10 groups based on sex, race, national origin, and gen-
11 der.

12 (20) Critical race theory, and its emphasis on
13 predetermining the thoughts, beliefs, and actions of
14 an individual, flouts the guarantee of Constitution of
15 the United States of equal protection under the law
16 to all men and women.

17 (21) On January 20, 2021, President Joe
18 Biden issued Executive Order 13985 (86 Fed. Reg.
19 7009; relating to advancing racial equity and sup-
20 port for underserved communities through the Fed-
21 eral Government) (referred to in this section as “EO
22 13985”), which revoked EO 13950.

23 (22) The people of the United States should de-
24 fend the civil rights of all people and seek to elimi-
25 nate racism wherever it exists. Critical race theory

1 and its propagation within the Federal Government
 2 through EO 13985 desecrates this paramount pur-
 3 suit to eliminate racism.

4 (c) PROHIBITION.—No Executive agency may act in
 5 contravention of EO 13950, except as EO 13950 relates
 6 to contractors and grant recipients.

7 (d) LIMITATION ON FUNDS.—An Executive agency or
 8 any other recipient of Federal funds may not use Federal
 9 funds to teach or advance the idea, or otherwise award
 10 any grant or subgrant using Federal funds to any Execu-
 11 tive agency, entity, or individual that teaches or otherwise
 12 advances the idea, that—

13 (1) one race is inherently superior or inferior to
 14 another race;

15 (2) an individual or a group of individuals, by
 16 virtue of the race of the individual or group of indi-
 17 viduals—

18 (A) is superior or inferior to another indi-
 19 vidual, or a group of individuals, who is of a
 20 different race;

21 (B) bears responsibility or moral culpa-
 22 bility for the actions committed by other indi-
 23 viduals who are of the same race as the indi-
 24 vidual or group of individuals; or

1 (C) is inherently racist or oppressive,
2 whether consciously or unconsciously;

3 (3) the race of an individual or a group of indi-
4 viduals is determinative of the moral worth of the in-
5 dividual or group of individuals;

6 (4) the United States is a fundamentally racist
7 country; or

8 (5) the founding documents of the United
9 States, including the Declaration of Independence
10 and the Constitution of the United States, are fun-
11 damentally racist documents.

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