

1 HB9
2 214430-1
3 By Representatives Oliver, Robertson and Holmes
4 RFD: State Government
5 First Read: 11-JAN-22
6 PFD: 06/28/2021

8 SYNOPSIS: This bill would prohibit this state and any
9 of its political subdivisions or agencies from
10 teaching certain concepts regarding race or sex in
11 certain training.

12 This bill would prohibit contractors with
13 this state from teaching certain concepts regarding
14 race or sex in its training of employees or
15 personnel.

16 This bill would require the Department of
17 Labor to review training programs of state agencies
18 that pertain to diversity and inclusion for
19 compliance with its provisions.

20 This bill would also require the Department
21 of Labor to adopt rules to implement and enforce
22 this act.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 Relating to labor; to prohibit this state and any of
2 its political subdivisions or agencies from teaching certain
3 concepts relating to race or sex in certain training; to
4 prohibit contractors with this state from teaching certain
5 concepts relating to race or sex in its training of employees
6 or personnel; to require the Department of Labor to review
7 certain state agency training programs; and to require the
8 Department of Labor to adopt rules.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. For the purposes of this act, the
11 following terms have the following meanings:

12 (1) CONTRACTOR. Any person, individual, or entity
13 that in any manner has entered into a contract, or that
14 performs a subcontract pursuant to a contract, with the State
15 of Alabama.

16 (2) DIVISIVE CONCEPT. a. Any of the following
17 concepts:

18 1. That one race or sex is inherently superior to
19 another race or sex.

20 2. That this state or the United States is
21 fundamentally racist or sexist.

22 3. That an individual, by virtue of his or her race
23 or sex, is inherently racist, sexist, or oppressive, whether
24 consciously or unconsciously.

25 4. That an individual should be discriminated
26 against or receive adverse treatment solely or partly because
27 of his or her race or sex.

1 5. That members of one race or sex cannot and should
2 not attempt to treat others without respect to race or sex.

3 6. That an individual's moral character is
4 necessarily determined by his or her race or sex.

5 7. That an individual, by virtue of his or her race
6 or sex, bears responsibility for actions committed in the past
7 by other members of the same race or sex.

8 8. That any individual should feel discomfort,
9 guilt, anguish, or any other form of psychological distress on
10 account of his or her race or sex.

11 9. That meritocracy or traits such as a hard work
12 ethic are racist or sexist, or were created by a particular
13 race to oppress another race.

14 b. This term includes any other form of race or sex
15 stereotyping or any other form of race or sex scapegoating.

16 (3) RACE OR SEX SCAPEGOATING. Assigning fault,
17 blame, or bias to a race or sex, or to members of a race or
18 sex, because of their race or sex. The term includes any claim
19 that, consciously or unconsciously, by virtue of their race or
20 sex, members of a race are inherently racist or are inherently
21 inclined to oppress others, or that members of a sex are
22 inherently sexist or inclined to oppress others.

23 (4) RACE OR SEX STEREOTYPING. Ascribing character
24 traits, values, moral and ethical codes, privileges, status,
25 or beliefs to a race or sex or to an individual because of his
26 or her race or sex.

1 (5) STATE OF ALABAMA or STATE. All agencies and
2 political subdivisions of this state, including school
3 districts and public institutions of higher education.

4 (6) STUDENT. Any individual enrolled in an Alabama
5 public institution of higher education.

6 Section 2. (a) The State of Alabama shall not teach,
7 instruct, or train any employee, contractor, staff member,
8 student, or any other individual group to adopt or believe
9 divisive concepts.

10 (b) No employee, contractor, staff member, or
11 student of the State of Alabama shall face any penalty or
12 discrimination on account of his or her refusal to support,
13 believe, endorse, embrace, confess, act upon, or otherwise
14 assent to divisive concepts.

15 Section 3. (a) All state contracts entered into on
16 or after the effective date of this act shall include the
17 following provision:

18 "During the performance of this contract, the
19 contractor agrees as follows:

20 "The contractor shall not use any workplace training
21 that instills in its employees any form of race or sex
22 stereotyping or any form of race or sex scapegoating,
23 including any of the following concepts:

24 "(1) That one race or sex is inherently superior to
25 another race or sex.

1 "(2) That an individual, by virtue of his or her
2 race or sex, is inherently racist, sexist, or oppressive,
3 whether consciously or unconsciously.

4 "(3) That an individual should be discriminated
5 against or receive adverse treatment solely or partly because
6 of his or her race or sex.

7 "(4) That members of one race or sex cannot and
8 should not attempt to treat others without respect to race or
9 sex.

10 "(5) That an individual's moral character is
11 necessarily determined by his or her race or sex.

12 "(6) That an individual, by virtue of his or her
13 race or sex, bears responsibility for actions committed in the
14 past by other members of the same race or sex.

15 "(7) That any individual should feel discomfort,
16 guilt, anguish, or any other form of psychological distress on
17 account of his or her race or sex.

18 "(8) That meritocracy or traits such as a hard work
19 ethic are racist or sexist, or were created by a particular
20 race to oppress another race."

21 (b) A contractor shall send to each labor union or
22 representative of workers with which the contractor has a
23 collective bargaining agreement, or other contract or
24 understanding, a notice, to be provided by the agency
25 contracting officer, advising the labor union or workers'
26 representative of the contractor's commitments pursuant to
27 this section, and shall post copies of the notice in

1 conspicuous places available to employees and applicants for
2 employment.

3 (c) In the event of the contractor's noncompliance
4 with the requirements of this section, or with any rules or
5 policies that may be adopted in accordance with this section,
6 the contract may be canceled, terminated, or suspended in
7 whole or in part and the contractor may be declared ineligible
8 for further public contracts.

9 (d) The contractor shall include the language
10 required in subsection (a) in every subcontract unless
11 exempted by rules of the Department of Labor, so that the
12 language shall be binding upon each subcontractor or vendor.
13 The contractor shall take action with respect to any
14 subcontract as may be directed by the department as a means of
15 enforcing the language.

16 (e) The heads of all state agencies shall review
17 their respective grant programs and identify programs for
18 which the agency, as a condition of receiving the grant, may
19 require the recipient to certify that it will not use state
20 funds or assets to promote divisive concepts.

21 Section 4. (a) The fair and equal treatment of
22 individuals is an inviolable principle that must be maintained
23 in the state workplace. Agencies shall continue all training
24 that will foster a workplace that is respectful of all
25 employees. Accordingly:

26 (1) The head of each state agency shall use his or
27 her authority to ensure that the agency, agency employees

1 while on duty status, and any contractors hired by the agency
2 to provide training, workshops, forums, or similar programming
3 for purposes of training, do not teach, advocate, act upon, or
4 promote to agency employees any divisive concepts.

5 (2) Agency diversity and inclusion efforts shall
6 encourage agency employees not to judge each other by their
7 color, race, ethnicity, sex, or any other characteristic
8 protected by federal or state law.

9 (b) The Department of Labor shall adopt rules for
10 the implementation and enforcement of this act.

11 (c) The head of each state agency shall do all of
12 the following:

13 (1) Issue a policy incorporating the requirements of
14 this act into agency operations, including making compliance
15 with the policy a requirement in all agency contracts.

16 (2) Request that the agency thoroughly review and
17 assess, at least once annually, agency compliance with the
18 requirements of the policy in the form of a report submitted
19 to the department.

20 (3) Assign at least one employee responsibility for
21 ensuring compliance with the requirements of the policy.

22 Section 5. (a) All training programs for state
23 agency employees relating to diversity or inclusion, before
24 being used, shall be reviewed by the Department of Labor for
25 compliance with the requirements of Section 4.

26 (b) If a contractor provides training for agency
27 employees relating to diversity or inclusion that teaches,

1 advocates, or promotes divisive concepts, and the action is in
2 violation of the applicable contract, the agency that
3 contracted for the training shall evaluate whether to cancel,
4 terminate, or suspend the contract in whole or in part.

5 Section 6. (a) Nothing in this act shall prevent
6 agencies or contractors from promoting racial, cultural, or
7 ethnic diversity or inclusiveness, provided these efforts are
8 consistent with the requirements of this act.

9 (b) Nothing in this act shall be construed to
10 prohibit discussing divisive concepts in an objective manner
11 and without endorsement as part of a larger course of academic
12 instruction.

13 Section 7. If any provision of this act, or the
14 application of any provision to any individual or
15 circumstance, is held to be invalid, the remainder of this act
16 and the application of its provisions to any other individuals
17 or circumstances shall not be affected thereby.

18 Section 8. This act shall become effective on the
19 first day of the third month following its passage and
20 approval by the Governor, or its otherwise becoming law.