

HR 6783 IH

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H. R. 6783

To withhold Federal funds from schools that permit or require the recitation of the Pledge of Allegiance or the national anthem in a language other than English.

IN THE HOUSE OF REPRESENTATIVES**August 1, 2008**

Mr. BROUN of Georgia (for himself, Mrs. BLACKBURN, Mr. BURTON of Indiana, Mr. GOODE, Mr. PITTS, Mr. BARTLETT of Maryland, Mrs. BACHMANN, Mr. WILSON of South Carolina, Mr. TANCREDO, Mr. ADERHOLT, and Mrs. MYRICK) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To withhold Federal funds from schools that permit or require the recitation of the Pledge of Allegiance or the national anthem in a language other than English.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Pledge Language is English Declaration and Government Endorsement Act of 2008'.

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings- Congress finds the following:

(1) One of the fundamental strengths of the United States is a shared commitment to certain principles of democracy, freedom, and national unity, and this commitment is reinforced periodically by certain officially recognized rituals and practices, including the recitation of the Pledge of Allegiance and the singing of the national anthem. One purpose of these officially recognized rituals is national unity. That goal is expressed in the Pledge of Allegiance as 'one nation under God, indivisible' in section 4 of title 4, United States Code.

(2) The recitation of the Pledge of Allegiance is one of these officially recognized national unity rituals. Congress recognized the Pledge of Allegiance in law in 1942 in section 4 of title 4, United States Code, and Federal law prescribes certain methods for reciting and recognizing the Pledge of Allegiance in English.

(3) Another officially recognized national unity ritual is the recitation or singing of the national anthem. Inspired by the sight of the American flag still waving at Fort McHenry after 25 hours of continual bombardment by British forces, Francis Scott Key wrote the words of the Star-Spangled Banner in English in 1814. In 1931, Congress declared that the Star-Spangled Banner is the national anthem of the United States in section 301 of title 36, United States Code.

(4) The vast majority of Americans are immigrants or the descendants of immigrants, respectful of their ancestral home, but also proud to be American. According to sections 1423 and 1448 of title 8, United States Code, to become citizens of the United States, lawful permanent residents of the United States must, among other requirements, renounce allegiance to the government of their country of origin, swear allegiance to the laws and Constitution of the United States, and demonstrate an understanding of the English language.

(5) Millions of Americans speak or study languages other than English, but English is the common language of the United States. The people of the United States are united, not by race, ancestry, or origin, but by a common language--English--and by a common belief and allegiance to democratic principles prescribed by the founding documents of the Nation.

(6) The Government may, from time to time, take steps to reinforce national unity, including using its funding to promote national unity. The Government may also take steps to limit the use of its resources for purposes that may be seen as undercutting national unity or misrepresenting its support for those rituals that it believes are essential to promoting national unity.

(b) Purpose- It is the purpose of this Act to protect and to preserve national unity by restricting Federal funds from being used to undercut national unity. In particular, this Act withholds Federal funds from schools that permit or require the recitation of the Pledge of Allegiance or the national anthem in a language other than English.

SEC. 3. PROHIBITION, ENFORCEMENT, AND PRIVATE RIGHT OF ACTION.

(a) Prohibition-

(1) IN GENERAL- No State educational agency or local educational agency may have a policy or practice that requires or permits the Pledge of Allegiance (as defined in section 4 of title 4, United States Code), or the national anthem (as defined in section 301 of title 36, United States Code) to be recited or sung in any language other than English in any elementary school or secondary school under its jurisdiction.

(2) EXCEPTION TO PROHIBITION- The prohibition in paragraph (1) shall not apply to the authorized meetings, events, or unofficial activities held by individuals or organizations that are not affiliated with, or sponsored by, a State educational agency or local educational agency, unless such individuals or organizations reasonably give an impression to an objective observer that a State educational agency or a local educational agency has required the recitation or singing of the Pledge of Allegiance or the national anthem in any language other than English at such authorized meetings, events, or unofficial activities.

(b) Enforcement by the Secretary of Education-

(1) IN GENERAL- If, after notice and a reasonable opportunity to respond, the Secretary of Education finds that a State educational agency or local educational agency has violated subsection (a)--

(A) no Federal funds appropriated by Congress for the next fiscal year after such finding may be provided by grant or contract to such State educational agency or local educational agency; and

(B) the Secretary shall--

(i) submit a report, entitled 'Report to Congress of State Educational Agencies or Local Educational Agencies that have Violated Protection for Pledge of Allegiance or Star Spangled Banner', of such finding to each House of Congress; and

(ii) publish in the Federal Register a list of each State educational agency and local educational agency that is subject to the withholding of Federal funds under paragraph (1).

(2) EXCEPTION TO WITHHOLDING OF FEDERAL FUNDS-

(A) IN GENERAL- A State educational agency or local educational agency that the Secretary has found under paragraph (1) of this subsection to have violated subsection (a) shall not be subject to a withholding of funds under such paragraph if such funds are contained in an appropriation enacted after the date of the Secretary's finding and such funds are appropriated specifically for such State educational agency or local educational agency.

(B) NOTATION REQUIREMENT- The appropriation in subparagraph (A) shall contain a notation of the date on which the report relating to such State educational agency or local educational agency was submitted under paragraph (1)(B)(i) and the page number of the Federal Register on which such State educational agency or local educational agency was listed under paragraph (1)(B)(ii).

(c) Private Right of Action- A person injured by a violation of section (a) may obtain appropriate relief, including a declaratory judgment under chapter 151 of title 28, United States Code, in a civil action.

SEC. 4. DEFINITIONS.

In this Act, the following terms apply:

(1) ELEMENTARY SCHOOL- The term 'elementary school' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) LOCAL EDUCATIONAL AGENCY- The term 'local educational agency' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) SECONDARY SCHOOL- The term 'secondary school' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(4) SECRETARY- The term 'Secretary' means the Secretary of Education.

(5) STATE EDUCATIONAL AGENCY- The term 'State education agency' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

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