

106TH CONGRESS
2D SESSION

H. R. 5523

To repeal the Indian racial preference laws of the United States.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 19, 2000

Mr. WELDON of Pennsylvania introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To repeal the Indian racial preference laws of the United States.

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 “Native Americans
5 Equal Rights Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Statutory provisions granting special rights
9 to Indians with respect to employment, contracting,

1 or any other official interaction with an agency of
2 the United States are racial preference laws.

3 (2) Racial preference laws are incompatible
4 with the equal protection component of the Fifth
5 Amendment to the Constitution of the United
6 States.

7 (3) Such Indian racial preference laws should
8 be repealed.

9 **SEC. 3. REPEAL OF INDIAN RACIAL PREFERENCES IN EM-**
10 **PLOYMENT WITH THE FEDERAL GOVERN-**
11 **MENT.**

12 (a) REPEAL OF INDIAN PREFERENCE ACT AND IN-
13 DIAN RACIAL PREFERENCE LAWS APPLICABLE TO BU-
14 REAU OF INDIAN AFFAIRS AND INDIAN HEALTH SERV-
15 ICE.—

16 (1) Section 12 of the Act of June 18, 1934 (25
17 U.S.C. 472) (commonly referred to as the Indian
18 Preference Act) is repealed.

19 (2) Section 2 of the Act of December 5, 1979
20 (25 U.S.C. 472a) (relating to Indian preference laws
21 applicable to Bureau of Indian Affairs and Indian
22 Health Service positions) is repealed.

23 (b) REFERENCES.—Any reference in any law to an
24 Indian preference requirement of section 12 of the Act of

1 June 18, 1934 or section 2 of the Act of December 5,
2 1979, is null and void.

3 **SEC. 4. REPEAL OF INDIAN RACIAL PREFERENCES WITH**
4 **RESPECT TO CONTRACTS WITH AND GRANTS**
5 **FROM THE FEDERAL GOVERNMENT.**

6 (a) REPEAL OF INDIAN PREFERENCE LAWS APPLI-
7 CABLE TO FEDERAL CONTRACTS AND GRANTS.—Sub-
8 sections (b) and (c) of section 7 of the Indian Self-Deter-
9 mination and Education Assistance Act (25 U.S.C.
10 450e(b) and (c)) are repealed.

11 (b) REFERENCES.—Any reference in any law to an
12 Indian preference provision of subsections (b) and (c) of
13 section 7 of the Indian Self-Determination and Education
14 Assistance Act is null and void.

15 **SEC. 5. REPEAL OF INDIAN RACIAL PREFERENCES EXEMP-**
16 **TIONS FROM THE CIVIL RIGHTS LAWS.**

17 (a) REPEAL OF INDIAN RACIAL PREFERENCES EX-
18 EMPTIONS FROM CIVIL RIGHTS LAWS.—The Civil Rights
19 Act of 1964 is amended—

20 (1) in section 701(b) (42 U.S.C. 2000e(b)), by
21 striking “an Indian tribe,”; and

22 (2) in section 703 (42 U.S.C. 2000e–2) by
23 striking subsection (i) and by redesignating sub-
24 sections (j) through (n) as subsections (i) through
25 (m), respectively.

1 (b) REFERENCES.—Any reference in any law to an
2 Indian preference exemption under section 701(b) or
3 703(i) of the Civil Rights Act of 1964 is null and void.

4 **SEC. 6. EFFECTIVE DATE.**

5 The amendments made by this Act shall take effect
6 30 days after the date of the enactment of this Act, but
7 shall not affect any employment, contract, or other legal
8 relationship in existence on the date of such enactment.

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