

111TH CONGRESS
1ST SESSION

H. R. 1621

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

MARCH 19, 2009

Mr. BROUN of Georgia (for himself, Mrs. MYRICK, Mr. SHADEGG, Mr. GINGREY of Georgia, Mr. PITTS, Mr. KINGSTON, Ms. FALLIN, and Mr. AKIN) 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.

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 “Pledge Language is
5 English Declaration and Government Endorsement Act of
6 2009”.

7 **SEC. 2. FINDINGS AND PURPOSE.**

8 (a) FINDINGS.—Congress finds the following:

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

12 (2) The recitation of the Pledge of Allegiance is
13 one of these officially recognized national unity rit-
14 uals. Congress recognized the Pledge of Allegiance in
15 law in 1942 in section 4 of title 4, United States
16 Code, and Federal law prescribes certain methods
17 for reciting and recognizing the Pledge of Allegiance
18 in English.

19 (3) Another officially recognized national unity
20 ritual is the recitation or singing of the national an-
21 them. Inspired by the sight of the American flag still
22 waving at Fort McHenry after 25 hours of continual
23 bombardment by British forces, Francis Scott Key
24 wrote the words of the Star-Spangled Banner in
25 English in 1814. In 1931, Congress declared that

1 the Star-Spangled Banner is the national anthem of
2 the United States in section 301 of title 36, United
3 States Code.

4 (4) The vast majority of Americans are immi-
5 grants or the descendants of immigrants, respectful
6 of their ancestral home, but also proud to be Amer-
7 ican. According to sections 1423 and 1448 of title
8 8, United States Code, to become citizens of the
9 United States, lawful permanent residents of the
10 United States must, among other requirements, re-
11 nounce allegiance to the government of their country
12 of origin, swear allegiance to the laws and Constitu-
13 tion of the United States, and demonstrate an un-
14 derstanding of the English language.

15 (5) Millions of Americans speak or study lan-
16 guages other than English, but English is the com-
17 mon language of the United States. The people of
18 the United States are united, not by race, ancestry,
19 or origin, but by a common language—English—and
20 by a common belief and allegiance to democratic
21 principles prescribed by the founding documents of
22 the Nation.

23 (6) The Government may, from time to time,
24 take steps to reinforce national unity, including
25 using its funding to promote national unity. The

1 Government may also take steps to limit the use of
2 its resources for purposes that may be seen as un-
3 dercutting national unity or misrepresenting its sup-
4 port for those rituals that it believes are essential to
5 promoting national unity.

6 (b) PURPOSE.—It is the purpose of this Act to pro-
7 tect and to preserve national unity by restricting Federal
8 funds from being used to undercut national unity. In par-
9 ticular, this Act withholds Federal funds from schools that
10 permit or require the recitation of the Pledge of Allegiance
11 or the national anthem in a language other than English.

12 **SEC. 3. PROHIBITION, ENFORCEMENT, AND PRIVATE RIGHT**
13 **OF ACTION.**

14 (a) PROHIBITION.—

15 (1) IN GENERAL.—No State educational agency
16 or local educational agency may have a policy or
17 practice that requires or permits the Pledge of Alle-
18 giance (as defined in section 4 of title 4, United
19 States Code), or the national anthem (as defined in
20 section 301 of title 36, United States Code) to be re-
21 cited or sung in any language other than English in
22 any elementary school or secondary school under its
23 jurisdiction.

24 (2) EXCEPTION TO PROHIBITION.—The prohibi-
25 tion in paragraph (1) shall not apply to the author-

1 ized meetings, events, or unofficial activities held by
2 individuals or organizations that are not affiliated
3 with, or sponsored by, a State educational agency or
4 local educational agency, unless such individuals or
5 organizations reasonably give an impression to an
6 objective observer that a State educational agency or
7 a local educational agency has required the recita-
8 tion or singing of the Pledge of Allegiance or the na-
9 tional anthem in any language other than English at
10 such authorized meetings, events, or unofficial ac-
11 tivities.

12 (b) ENFORCEMENT BY THE SECRETARY OF EDU-
13 CATION.—

14 (1) IN GENERAL.—If, after notice and a reason-
15 able opportunity to respond, the Secretary of Edu-
16 cation finds that a State educational agency or local
17 educational agency has violated subsection (a)—

18 (A) no Federal funds appropriated by Con-
19 gress for the next fiscal year after such finding
20 may be provided by grant or contract to such
21 State educational agency or local educational
22 agency; and

23 (B) the Secretary shall—

24 (i) submit a report, entitled “Report
25 to Congress of State Educational Agencies

1 or Local Educational Agencies that have
2 Violated Protection for Pledge of Alle-
3 giance or Star Spangled Banner”, of such
4 finding to each House of Congress; and

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

10 (2) EXCEPTION TO WITHHOLDING OF FEDERAL
11 FUNDS.—

12 (A) IN GENERAL.—A State educational
13 agency or local educational agency that the Sec-
14 retary has found under paragraph (1) of this
15 subsection to have violated subsection (a) shall
16 not be subject to a withholding of funds under
17 such paragraph if such funds are contained in
18 an appropriation enacted after the date of the
19 Secretary’s finding and such funds are appro-
20 priated specifically for such State educational
21 agency or local educational agency.

22 (B) NOTATION REQUIREMENT.—The ap-
23 propriation in subparagraph (A) shall contain a
24 notation of the date on which the report relat-
25 ing to such State educational agency or local

1 educational agency was submitted under para-
2 graph (1)(B)(i) and the page number of the
3 Federal Register on which such State edu-
4 cational agency or local educational agency was
5 listed under paragraph (1)(B)(ii).

6 (c) PRIVATE RIGHT OF ACTION.—A person injured
7 by a violation of section (a) may obtain appropriate relief,
8 including a declaratory judgment under chapter 151 of
9 title 28, United States Code, in a civil action.

10 **SEC. 4. DEFINITIONS.**

11 In this Act, the following terms apply:

12 (1) ELEMENTARY SCHOOL.—The term “elemen-
13 tary school” has the meaning given such term in
14 section 9101 of the Elementary and Secondary Edu-
15 cation Act of 1965 (20 U.S.C. 7801).

16 (2) LOCAL EDUCATIONAL AGENCY.—The term
17 “local educational agency” has the meaning given
18 such term in section 9101 of the Elementary and
19 Secondary Education Act of 1965 (20 U.S.C. 7801).

20 (3) SECONDARY SCHOOL.—The term “sec-
21 ondary school” has the meaning given such term in
22 section 9101 of the Elementary and Secondary Edu-
23 cation Act of 1965 (20 U.S.C. 7801).

24 (4) SECRETARY.—The term “Secretary” means
25 the Secretary of Education.

1 (5) STATE EDUCATIONAL AGENCY.—The term
2 “State education agency” has the meaning given
3 such term in section 9101 of the Elementary and
4 Secondary Education Act of 1965 (20 U.S.C. 7801).

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