

111TH CONGRESS
1ST SESSION

H. R. 4152

To authorize the Secretary of Education to make grants to eligible schools to assist such schools to discontinue use of a derogatory or discriminatory name or depiction as a team name, mascot, or nickname, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 2009

Mr. PALLONE introduced the following bill; which was referred to the
Committee on Education and Labor

A BILL

To authorize the Secretary of Education to make grants to eligible schools to assist such schools to discontinue use of a derogatory or discriminatory name or depiction as a team name, mascot, or nickname, 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 “Native Act to Trans-
5 form Imagery in Various Environments”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) Based on article I, section 8 of the United
2 States Constitution, treaties, Federal statutes, and
3 court decisions, the United States has a unique his-
4 torical and legal relationship with American Indian
5 and Alaska Native people, which serves as the basis
6 for the Federal Government's trust responsibility
7 and obligations.

8 (2) There are 564 federally recognized Indian
9 tribes in the United States, with some 40 percent of
10 Indian tribes located in the State of Alaska.

11 (3) Indian tribes have principal responsibility
12 for lands and people within their jurisdiction.

13 (4) This responsibility extends to educating
14 their students and providing adequate educational
15 facilities in which their students can learn.

16 (5) Because of this responsibility, Indian
17 schools should be eligible for the funding available
18 under this Act.

19 (6) Elementary and secondary schools all over
20 the Nation use words and symbols representing their
21 schools that are offensive to Native Americans.

22 (7) Nationally, more than 1,200 schools inap-
23 propriately use such offensive names or nicknames.
24 Often, these names or symbols become mascots and

1 are used at athletic games for mascot characters,
2 chants, and other antics.

3 (8) Although these school communities do not
4 intend disrespect toward Native Americans, that is
5 the end result of allowing these offensive terms to
6 continue in these educational institutions. Therefore,
7 Federal funding should be available to schools to as-
8 sist them to discontinue use of offensive names and
9 symbols on equipment and apparel, including team
10 jerseys, signs, stationery, walls, fields, and gym-
11 nasium floors.

12 **SEC. 3. GRANTS.**

13 (a) GRANTS TO DISCONTINUE USE OF A DEROGA-
14 TORY OR DISCRIMINATORY NAME OR DEPICTION.—

15 (1) IN GENERAL.—During the 1-year period be-
16 ginning at the end of the period described in section
17 4(b)(2), the Secretary of Education, acting through
18 the Committee on Indian Relations, may make
19 grants to eligible schools to assist such schools to
20 discontinue use of a name or depiction that is derog-
21 atory or discriminatory (as provided under section 5)
22 as a team name, mascot, or nickname of the school
23 or any entity sponsored by the school.

24 (2) USE OF FUNDS.—The Secretary may not
25 make a grant to an applicant under this subsection

1 unless the applicant agrees to use the grant for the
2 following:

3 (A) Replacement of uniforms or other ma-
4 terials that bear a discontinued derogatory or
5 discriminatory name or depiction.

6 (B) Alteration of facilities, including walls,
7 floors, and signs, to the extent necessary to re-
8 move a discontinued derogatory or discrimina-
9 tory name or depiction.

10 (3) ELIGIBLE SCHOOLS.—For purposes of this
11 subsection, the term “eligible school” means a school
12 that has made a formal decision to discontinue use
13 of a name or depiction that is derogatory or dis-
14 criminatory.

15 (b) CONSTRUCTION GRANTS.—Not sooner than the
16 end of the 1-year period during which grants may be made
17 under subsection (a)(1), the Secretary may make grants
18 to Indian schools and to schools that received grants under
19 subsection (a)(1) for school construction or renovation.

20 (c) CONSULTATION.—Before making any grant under
21 this section, the Secretary shall consult with Indian tribes
22 concerning the grant.

23 (d) APPLICATION.—To seek a grant under this sec-
24 tion, an applicant shall submit an application at such time,

1 in such manner, and containing such information as the
2 Secretary reasonably requires.

3 **SEC. 4. COMMITTEE ON INDIAN RELATIONS.**

4 (a) ESTABLISHMENT.—Not later than 6 months after
5 the date of the enactment of this Act, the Secretary shall
6 establish within the Department of Education a committee
7 to be known as the Committee on Indian Relations.

8 (b) DUTIES.—The Committee shall—

9 (1) in accordance with section 5(c), determine
10 names and depictions that are derogatory or dis-
11 criminatory;

12 (2) not later than 1 year after the date of the
13 enactment of this Act—

14 (A) identify schools that use a name or de-
15 piction that is derogatory or discriminatory as
16 a team name, mascot, or nickname of the school
17 or any entity sponsored by the school; and

18 (B) inform any school so identified of the
19 assistance available under this Act to dis-
20 continue use of such name or depiction;

21 (3) assist the Secretary to make grants under
22 section 3; and

23 (4) provide cultural proficiency training at
24 schools receiving assistance under section 3 to effect

1 positive and long-term change regarding any deroga-
2 tory or discriminatory name or depiction.

3 (c) DIRECTOR.—The Committee shall have a Direc-
4 tor, who shall be appointed by the Secretary in consulta-
5 tion with tribal governments involved in Indian education
6 program activities. The Director shall be paid at the rate
7 of basic pay for level V of the Executive Schedule.

8 (d) STAFF.—The Director may appoint such per-
9 sonnel as the Director considers appropriate to carry out
10 the purposes of the Committee.

11 (e) TERMINATION.—The Committee shall terminate
12 at the end of fiscal year 2015.

13 **SEC. 5. DEROGATORY OR DISCRIMINATORY NAMES AND**
14 **DEPICTIONS.**

15 (a) IN GENERAL.—For purposes of this Act, a name
16 or depiction is derogatory or discriminatory if listed in
17 subsection (b) or designated under subsection (c).

18 (b) LISTED NAMES.—The names listed in this sub-
19 section are the following:

20 (1) Indians.

21 (2) Redskins.

22 (3) Braves.

23 (4) Chiefs.

24 (c) DESIGNATED NAMES AND DEPICTIONS.—A name
25 or depiction is designated under this subsection if the

1 Committee determines, after notice and comment, that the
2 name or depiction is derogatory or discriminatory on the
3 basis of race, ethnicity, nationality, or Indian or Native
4 Alaskan tribal affiliation.

5 **SEC. 6. REPORTS.**

6 (a) IN GENERAL.—Not later than 1 year after the
7 date of the enactment of this Act, and annually for each
8 of the 4 succeeding fiscal years, the Secretary, in consulta-
9 tion with the Committee, shall submit a report to the Com-
10 mittee on Resources of the House of Representatives and
11 the Committee on Indian Affairs of the Senate.

12 (b) CONTENTS.—Each report submitted under this
13 section shall include the following:

14 (1) A summary of the activities conducted by
15 the Secretary, including those conducted by the
16 Committee, to carry out this Act.

17 (2) Any recommendations for legislation that
18 the Secretary, in consultation with the Committee,
19 determines to be necessary to carry out this Act.

20 **SEC. 7. DEFINITIONS.**

21 For purposes of this Act:

22 (1) The term “Committee” means the Com-
23 mittee on Indian Relations established under section
24 4.

25 (2) The term “school” means—

1 (A) an elementary school or a secondary
2 school (as such terms are defined in section
3 9101 of the Elementary and Secondary Edu-
4 cation Act of 1965 (20 U.S.C. 7801)); or

5 (B) an institution of higher education (as
6 such term is defined in section 101(a) of the
7 Higher Education Act of 1965 (20 U.S.C.
8 1001(a))).

9 (3) The term “Indian school” means a school
10 that is operated by—

11 (A) the Bureau of Indian Affairs; or

12 (B) an Indian tribe, or an organization
13 controlled or sanctioned by an Indian tribal
14 government, for the children of that tribe under
15 a contract with, or grant from, the Department
16 of the Interior under the Indian Self-Deter-
17 mination Act or the Tribally Controlled Schools
18 Act of 1988.

19 (4) The term “Indian tribe” has the meaning
20 given to that term in section 4(e) of the Indian Self-
21 Determination and Education Assistance Act (25
22 U.S.C. 450b(e)).

23 (5) The term “Secretary” means the Secretary
24 of Education.

1 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums
3 as may be necessary to carry out this Act, to remain avail-
4 able until expended, for each of fiscal years 2011 through
5 2015. Such authorization of appropriations shall be in ad-
6 dition to any other authorization of appropriations for In-
7 dian education.

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