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Increasing Numbers of Legal Immigrants Are Applying for Citizenship

Legal immigrants applied for US citizenship in record numbers during the last few months of 1994. Some of the largest gains were made in the Los Angeles metropolitan area, where a total of 13,259 applications were filed in October and November of 1994 compared to only 5,510 applications in the same two months of 1993. Nationally, a total of 231,917 citizenship applications were filed in the last four months of 1994 while only 143,765 applications were filed for the same four months of 1993.

INS officials believe that the new upturn in citizenship applications is due to a number of different factors. The INS has informed all legal immigrants with visas issued before 1978 that they must pay a \$75 fee and exchange their green cards for a new tamper-resistant version. Since the citizenship application fee is \$95, the INS is encouraging these immigrants to pay the additional \$20 to file for citizenship. Also, many of the aliens legalized by the

The State-Local Report is a companion newsletter to our federal newsletter, *Immigrant Policy News Inside the Beltway*. The focus of this newsletter is to highlight state and local activities related to immigrants, including innovative policies and programs that assist with the integration of immigrants and refugees.

The State-Local Report welcomes your comments and suggestions for articles. Please contact Ann Morse (202-624-8697) or Jon Dunlap (202-624-8684).

Immigration Reform and Control Act of 1986 are now becoming eligible to file citizenship applications. Finally, many legal immigrants have felt threatened by the punitive measures proposed in Congressional welfare reform legislation and California's Proposition 187 and are pursuing naturalization as a means of protecting their rights and eligibility for government programs.

Another reason for the increased number of applications is the work of community-based organizations and local officials. Organizations such as the National Association of Latino Elected Officials (NALEO) and the Mexican-American Legal Defense and Education Fund (MALDEF) are cooperating with state and local officials to hold one day workshops that help legal immigrants process applications for naturalization. These workshops help immigrants complete the application form, take their photograph and fingerprints and send the applications directly to the INS. Workshops have been held in communities such as Los Angeles, Baltimore, and Chicago. Illinois State Senators Miguel del Valle and Jesus Garcia have co-sponsored a series of workshops in Chicago with Illinois Congressman Luis Gutierrez. In the four workshops held thus far, approximately 2700 citizenship applications have been filed. At the February workshop, 1100 immigrants lined up at 5 am outside the Roberto Clemente Community Academy gym to participate. Nearly 850 applications were processed. Citizenship workshops are held in Chicago once each month, alternating between the north and south sides of the city.

Two More States Pass "Official English" Laws

South Dakota and Montana recently passed legislation making English their official state language, becoming the 20th and 21st states to adopt such laws. "Official English" laws generally apply only to the language of government and not to private businesses or the private conversations of state employees. However, state laws differ in scope, ranging from symbolic support of English usage to prescriptive control of the language used by state employees.

Twenty-one states have "Official English" laws: Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Hawaii, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Montana, Nebraska, North Carolina, North Dakota, South Carolina, South Dakota, Tennessee, and Virginia. Nine other states have "Official English" legislation pending: Connecticut, Delaware, Maryland, Missouri, New Hampshire, New York, Oklahoma, Pennsylvania, and Wisconsin.

As reported in the last edition of the State-Local Report, a three judge panel in the 9th U.S. Circuit Court of Appeals unanimously overturned an Arizona "Official English" law

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203RD STORY of Level 1 printed in FULL format.

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The San Francisco Examiner

May 14, 1995, Sunday; Second Edition

English

SECTION: NEWS; Pg. A-2

LENGTH: 667 words

HEADLINE: "English only" advocates feeling hopeful;
Effort to ban use of other languages in official business rides anti-immigrant wave

SOURCE: CONGRESSIONAL QUARTERLY

BYLINE: MICHELLE GAHEE

DATELINE: WASHINGTON

BODY:

Emboldened by the GOP takeover and a public backlash against immigration, "English only" advocates are increasing their efforts to make English the sole official language of the U.S. government.

Several English-only bills have been introduced in the House and Senate, some with dozens of cosponsors. All them would require English to be used in government business, with very limited exceptions.

The most sweeping versions also would repeal federal bilingual education programs and bilingual ballot requirements of the Voting Rights Act.

The Hispanic Caucus strongly opposes English-only bills. Rep. Jose Serrano, D-N.Y., said, "Any legislation which curtails the usage of languages other than English poses a threat to American interests and to the rights of individuals."

Currently, 21 states, including California, Florida and Virginia, have laws declaring English to be their official language; others are considering ballot referendums of this kind. Only three states, Washington, Oregon and New Mexico, have made multilingualism the standard.

According to U.S. English, a nonprofit citizens group with more than 600,000 members, initiatives to declare English the official language of the United States have been introduced in every Congress since 1983.

While they have never advanced in the past, that could change with Republicans in control.

The primary House vehicle, sponsored by Rep. Bill Emerson, R-Mo., has 144 cosponsors, nearly as many as a similar measure garnered over the entire 103rd Congress.

Emerson's bill and a Senate companion sponsored by Sen. Richard Shelby, R-Ala., do not go as far as measures introduced by Reps. Toby Roth, R-Wis., and Peter King, R-N.Y.

The San Francisco Examiner, May 14, 1995

Those bills would repeal bilingual education and bilingual ballot requirements.

Mauro Mujica, chairman of U.S. English and an immigrant from Chile, calls the current bilingual programs "linguistic welfare," saying they provide no incentive for immigrants to learn English.

Nonetheless, U.S. English is urging only a review of such programs at the moment, not immediate repeal.

Opponents of English-only initiatives say this type of legislation only causes further isolation of non-English speakers.

"English-only measures are divisive and incite discrimination against those Americans whose first language is not English," said Rep. Ed Pastor, D-Ariz. "Rather than encourage language minorities to fully participate in our multifaceted culture and society, English-only initiatives convey a message of intolerance to cultural diversity."

Pastor, who heads the Congressional Hispanic Caucus, has joined with caucus members Ileana Ros-Lehtinen, R-Fla., and Jose Serrano, D-N.Y., to introduce an "English Plus" resolution expressly recognizing the value of multilingualism in America.

English Plus has 27 co-sponsors, including all 18 members of the Congressional Hispanic Caucus.

"America was founded by immigrants," said Serrano, "and it will continue to live through the contribution of millions of talented, hard-working people born abroad who will be making this land their home."

LANGUAGE: English

LOAD-DATE-MDC: May 15, 1995

UNITED STATES
DEPARTMENT OF EDUCATION



NEWS

FOR RELEASE
October 18, 1995

Contact: Ivette Rodriguez
(202) 401-0262

**STATEMENT BY U.S. SECRETARY OF EDUCATION RICHARD W. RILEY
regarding Oct. 18 congressional hearing on H.R. 739, the
"Declaration of Official Language Act" and
H.R. 123/S. 356, the "Language of Government Act"**

It would be sheer folly to deny millions of schoolchildren the opportunity to learn English -- at a time when the need is greatest. Unfortunately, these efforts to make English the "official" language and to eliminate programs that teach English are more about politics than improving education.

Repealing programs that teach English as a Second Language and bilingual education is wrong-headed. These programs have two key purposes: To make sure every child learns English; and to make sure that every child masters academic subjects, such as math and science, while continuing to learn English.

Obviously, English is our national language. New immigrants are clamoring to learn it as fast as they can. All over America, people are standing in lines and placing their names on waiting lists to take English and literacy classes.

Passing these bills is saying to children, and those who are struggling to learn English, that we don't care if they fall behind and fail.

The future costs to these children and adults -- and to our nation -- in terms of dropout rates and unemployment or underemployment -- is enormous.

Passing these bills is failing the future and our students.

###

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Making The News This Week

The National Association for Bilingual Education awards Irma Rohatgi, a Houston elementary school teacher, its Bilingual Teacher of the Year Award. Born in Monterrey, Mexico, and raised in Houston, Rohatgi was cited for incorporating her international experiences into her classroom teaching style. She will receive a \$2,500 stipend for professional development...**Wilfredo Seda**, former executive director of the Hispanic Center in Reading, Pa., announces his candidacy for that city's mayorship. If elected, he will be Reading's first Latino and Puerto Rican mayor...**Polly Baca**, director of the White House Office of Consumer Affairs, leaves her post to head up the General Services

Administration's regional office in Denver...**Robert Alaniz**, staff deputy for Los Angeles County Supervisor **Gloria Molina**, joins Hill and Knowlton public relations firm as a regional vice president of public affairs...**Verónica Collazo** is appointed senior vice president of Advanced Research Management Consultants, a Philadelphia-based consulting firm...The Mexican American Legal Defense and Educational Fund names **Irma Rodríguez** to head its National Language Rights Program...The Greater Washington Ibero American Chamber of Commerce in Washington, D.C., elects **Steve Usara** as its president for 1995...Golfer **Nancy López** receives the Gold Tee Award from the Metropolitan Golf Writers Association. It is awarded to players who "exemplify the true spirit and traditions of the game."

Vol. 13, No. 7

HISPANIC LINK WEEKLY REPORT

Feb. 13, 1995

State Lawmakers, Citizens' Groups Launch 187 Clones

By Jonathan J. Higuera

Legislators in five states -- Florida, Minnesota, Missouri, New Jersey and Virginia -- have already introduced legislation similar to California's Proposition 187 and citizens' groups in Arizona, Florida and Washington have taken steps to qualify voter initiatives on their states' '96 ballots.

Actions in as many as a dozen other states are reportedly in early stages of consideration. Immigrant-rights coalitions are forming in several of them to counter the attacks.

Prop. 187 author **Bob Kiley** identified to Weekly Report 15 states where legislation is likely this session or in 1996.

"This isn't something concocted by high-priced lobbyists or political whiz kids," Kiley, a political consultant, told Weekly Report.

"This is from the people."

Ron Prince, co-author of 187, said that groups in 19 states have directed inquiries to him, but he refused to identify them.

A Weekly Report survey confirmed:

ARIZONA

AZ-187 Border Blockade has formed a political action committee. It will collect signatures to place a measure mirroring 187 on the 1996 state ballot. Its head, **Don Barrington**, said he hopes federal legislation will be enacted, but he saw no problem collecting 186,000 signatures if necessary.

GOP Gov. **Fife Symington** has said he does not favor such legislation.

COLORADO

No bill has been introduced yet, but activists say 187-clone proposals will likely find

their way to the statehouse in 1996. A racist flyer distributed at a college campus in Den-

continued on page 2

Judge Blocks Prop. 187 Higher Ed Ban

By Margarita Contín

In another victory for opponents of California's Proposition 187, a state court judge granted a preliminary injunction Feb. 8 against the measure's attempt to ban undocumented students from attending public universities and colleges.

San Francisco Superior Court Judge **Stuart Pollak** ruled that all current students and those applying for enrollment in the state's public colleges and universities would be protected from the provision until the lawsuit goes to trial, tentatively scheduled for June.

Immigrant-rights advocates applauded the decision.

"The court's ruling is in keeping with a sound public policy of supporting the best and brightest of a state's resources," said MALDEF staff attorney **Elizabeth Guillén**.

Fernando Oguín, MALDEF education program national director, added, "It was a good indication that we are well on our way to protecting (students' privacy) rights."

Should the courts ultimately rule in favor of barring undocumented immigrants from public institutions of higher education, it would affect nearly 15,000 students in community colleges, California State University campuses and the University of California system.

On Feb. 8, 1995, U.S. District Court Judge **Mariana Paez** issued a preliminary injunction barring the implementation of Prop. 187. The injunction is scheduled for September.

English-Only Proposed in Wash., Maryland

By Margarita Contín

English-only bills have been introduced in Maryland and Washington state legislatures, prompting new concern from Latinos in those states.

In Maryland, the bill was characterized as punitive and xenophobic.

Presented to the Senate by Sen. **Michael Collins** (D-Baltimore) Jan. 31, it calls for English to be recognized as the official language of government. It

also requires conducting government affairs and writing official documents exclusively in English, with exceptions for teaching foreign languages, complying with federal law and promoting the arts, international commerce or tourism.

Last May, then-Gov. **William Donald Schaefer** vetoed an English-only bill

passed by the state legislature after the Maryland Governor's Commission on Hispanic Affairs and other civil rights groups urged him to squash it.

José Ruiz, the commission's executive director, told Weekly Report that current Gov. **Parris Glendening** has assured the commission he also will veto the bill if it passes, but cautioned, "Many of the legislators are conservative...so they could override the veto."

The League of United Latin American Citizens of Montgomery County also opposes the bill. President **Rudy Arredondo** said his group is working to get the bill killed in committee.

"It all depends on what kind of showing we make as a community, and with the other ethnic groups," he said.

In Washington state, a bill was introduced Jan. 15 by Sen. **Harold Hochstatter** (R-Moses Lake) to make English that state's official language. It was referred to a committee.



ARREDONDO

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U.S. District Court Judge Mariana Paez issued a preliminary injunction barring the implementation of Prop. 187. The injunction is scheduled for September.

Here's State-by-State Roundup of Anti-Immigrant Activities

continued from page 1

verwarning of the "Brown Peril" sparked an outcry.

The Independence Institute, a conservative think tank in Golden, is scheduled to release a report on illegal immigration in several weeks and some legislators are expressing interest in its findings.

"The wave hasn't hit us yet, but I think it's inevitable," said Chris Miranda, a Denver attorney active in community affairs.

FLORIDA

A group calling itself Save Our State has begun the process of placing a Proposition 187 clone on the 1996 ballot.

Led by controversial political consultant Doug Guetzioc from Orlando, the group must collect nearly 43,000 signatures to get the state Supreme Court to review their petition.

On Jan. 10, Prop. 187 author Kiley gave a luncheon presentation to the group. The United Farm Workers picketed the event.

Another anti-immigrant group from Delray in South Florida has been meeting monthly. It publishes a weekly newsletter. It has not linked up with the Orlando group and may draft its own version of 187.

In the legislature, bills by state Sen. Ginny Brown (R) and Rep. Ken Pruitt (R) call for ending social services to undocumented immigrants, but aren't expected to pass.

ILLINOIS

At press time, no legislation had been introduced, but GOP members, who control both chambers, are expected to push for some anti-immigrant legislation this session.

Following November's elections, a coalition made up of 200 groups formed the "Illinois Pro-immigrant Alliance" to fight anti-immigrant legislation. It has hired a lobbyist.

Immigrant-rights activists suspect amendments to welfare reform bills will be the most likely avenue for immigration opponents.

"We've had conversations with our GOP counterparts but they've been very quiet about it," said Marcelo Gaete, a legislative assistant to state Sen. Jesús García (D-Chicago), who has spearheaded the coalition's efforts. "We want mechanisms in place when something is introduced."

MINNESOTA

A bill introduced Jan. 26 by Rep. Steven Smith (R) proposes that anyone applying for Minnesota's general assistance program, which is the state's version of welfare for single persons and others who don't qualify for federal assistance, must have a social security number. It also calls for county workers to report anyone who "appears to be an illegal alien."

That bill expands on one passed in 1993

that denied undocumented immigrants access to the general assistance program, but exempted children.

Following passage of the 1993 bill, a coalition of pro-immigrant groups unsuccessfully tried to restore eligibility to undocumented parents and caretakers of children.

MISSOURI

A bill by Rep. Jim Montgomery (D) proposes denying undocumented immigrants public benefits. But after a Jan. 24 hearing on his legislation, Montgomery said would not push for its passage. "According to the data, it isn't a problem in our state," he said. "My purpose was primarily investigative."

NEBRASKA

While no anti-immigrant bills have surfaced so far, a legislative proposal to combine the commissions on women, Mexican Americans and Native Americans under the Office of General Counsel could increase the chances of future anti-immigrant proposals, said Cecilia Huerta, interim executive director of the Nebraska Mexican-American Commission.

"The state is ripe for 187 sentiment," she said. "If these commissions are combined, it could open the door."

NEW JERSEY

A Senate bill introduced last year denying public benefits to undocumented immigrants has passed out of committee and is headed to the floor. If passed, it still must be debated in the Assembly before going to the desk of Gov. Christine Todd Whitman (R).

Manuel Contreras, a member of the Young Democrats, made up of Latinos and Anglos, said the group has been meeting regularly to discuss strategies to fight the bill.

NEW YORK

Aspokesman for State Sen. Frank Padavan (R-Queens) said legislation is being prepared that "deals with issues raised by Proposition 187."

The bills will deny medical care and social service benefits to undocumented immigrants.

Padavan, who chaired the New York Senate Majority's Task Force on Immigration, which issued a report last year estimating that immigrants cost the state \$5.6 billion annually, is also a plaintiff in a lawsuit seeking federal reimbursements for the costs of undocumented immigrants.

TEXAS

While no Prop. 187-type bills have been offered yet, Rep. Talmadge Heflin (R-Houston) introduced one in November that would allow citizen referenda, which the state currently doesn't offer.

The bill, now before the State Affairs Com-

mittee, "could open it up to initiatives like Prop. 187," said Francisco Sánchez, legislative aide to Rep. Diana Dávila (D-Houston).

VIRGINIA

Sen. Warren Barry (R-Fairfax) introduced a bill Jan. 23 to create an Interagency Immigrant and Refugee Policy Council. Among its charges would be to determine whether the sponsors of legal immigrants are fulfilling their financial obligations; find out the number of undocumented immigrants in the state, and tally the cost of services they receive. It would also seek reimbursement from the federal government for the costs.

Pedro Avilés, director of the Washington, D.C.-based Latino Civil Rights Task Force, said, "That's just the dressing. His real plan is to make state employees become agents of the INS."

Another bill, sponsored by Sen. Vance Wilkins (R), called for an Alien Status Verification Index, but was defeated in committee.

WASHINGTON

Karen Small, a realtor from Mount Vernon, said she's spearheading a citizens' effort to place a 187 clone on the ballot in 1996. She will need 181,000 signatures. "Once I get it rolling, I figure I'll have lots of help," she said.

In response to the anti-civil rights mood, the state Commission on Hispanic Affairs co-sponsored a forum Feb. 11 that featured *La Raza Unida* founder José Angel Gutiérrez as a speaker.

"We want to initiate a ripple effect throughout the country that has our youth building bridges and coalitions with other communities of color and white America," said Executive Director Jerry Martínez.

Prop. 187 co-author Prince gave a presentation to the Pasco Chamber of Commerce Jan. 4, but the group's executive director says it hasn't led to any action.

Other states that have reportedly sought information from 187 proponents but did not have any bills in the legislature at press time included Louisiana, Nevada, Vermont, Wisconsin and Wyoming.

(Margarita Confin contributed to this report.)

READERS -- BE A LINK!

To keep you up-to-the-minute on activities nationwide that affect immigrants and Spanish-speakers, we will publish a weekly roundup starting next week.

We solicit your help in collecting this news. If you read or hear of bills, rallies or any activities, you can assist Weekly Report in providing a national overview by mailing, phoning or faxing information on them to us. Thanks.

Gilbert Ballón

Media Help Provoke Immigration Hysteria

The national print and electronic news media have helped to foster an atmosphere of anti-immigrant hysteria, whether wittingly or not.

An absence of comprehensive, contextual reporting has been as damaging as the sensational images burned in our collective consciousness of immigrants crossing the *Rio Grande* or dodging cars on Interstate 5 in Southern California.

The images are real, but alone they lack the full breadth of a complex story whose roots stretch back to our nation's founding.

Many immigrants, especially Latinos, are portrayed in the national media as economic burdens, voiceless, one-dimensional people. Whether it is because of the inability of reporters to speak in the immigrants' native languages or editors' indifference, the immigrants' plight is lost or overshadowed in the verbal volleys between opposing politicians and advocates.

Immigration is a complex issue covered simplistically. Few news organizations have reporters devoted to understanding the issue or its government bureaucracies and public policy debates. Immigration's terminology and distinct legal system is misunderstood or unknown to many journalists. Too few journalists have the personal background or acquired training to provide necessary insights on an issue that has loomed important not just in the '90s, but for decades.

NEWSROOMS FAILED TEST OF RIOTS

An array of factors compel Chinese immigrants to stow away on ships, Cuban *balseros* to drift perilously across the ocean in handmade contraptions, and Mexicans to pay *coyotes* to smuggle them to *El Norte*. How U.S. laws, courts and authorities handle these so-called "illegal aliens," however, varies dramatically.

In the 1960s, mainstream newsrooms were ill equipped to cover the race riots that erupted in our cities. The rioters and their predominantly non-white neighborhoods were foreign territory to the almost exclusively white newsrooms. That void triggered an unprecedented movement to hire non-white reporters to cover the next urban unrest.

As the complexion of the United States gets darker, modern newsrooms face a similar predicament. They lack enough people with the training and language skills to plumb fully the depths of an unknown or misunderstood topic -- immigration policy.

Immigration has rocketed to the forefront of the body politic because of demands for tighter borders and ballot initiatives to deny the undocumented basic protections.

REPORTING IS SUPERFICIAL

The quest for improved and sophisticated immigration coverage is no polemical exercise. Nor is it about promoting an ideology or canonizing immigrants. It's about depth and grounding that few editors take seriously. When reporting is done, it can be disastrously sensational and superficial. Too often, it fails to delve beyond the politics of immigration policy-making.

The number of bilingual, bicultural reporters at the major television news networks is abysmal -- and it shows. Teaser ads for a Jan. 12 story on the ABC-TV news magazine "Day One" were more befitting a cheesy television talk show. Ads for its report on imprisoned immigrants included such phrases as "Give us your tired, your poor, your huddled masses yearning to stick up a liquor store," and "Criminal aliens are pouring into the country and nobody wants to throw them out."

Those quips read more like paid political advertising than promos for a prominent news anchor like Diane Sawyer.

Print media certainly offer no model of excellence, either. This excerpt from a page-one Dec. 3 New York Times story illustrates

a prevalent problem:

"The numbers widely vary, but by some estimates illegal and legal immigrants receive more than \$8 billion in government aid annually, about half of it paid for by the states, even though the states have no control over the influx of the aliens."



BAILON

That story had no attribution for the \$8 billion figure. Other cost estimates are significantly lower, but they are missing. The Times excerpt is immediately followed by quotes from a Federation for American Immigration Reform spokesman about the financial drain of the undocumented. The story offers no countervailing statistics or voices to challenge FAIR's viewpoint.

So how can the media turn around their immigration coverage?

- Purge the phrase "illegal alien" in news stories. The Associated Press can be the trendsetter by dropping its usage in its widely followed stylebook. It is a pejorative with the same connotation of "wetback," a word commonly used in the 1950s.

- Follow a basic journalistic tenet. Put faces and human impact into the stories: show the immigrants' complexity -- how they live, why they came; how they struggle to learn English; write about the people they work for, the industries whose costs are reduced by lower wages and fewer benefits; workers who say they are displaced; and people, including Latinos, who say crime in their neighborhood drops when border controls tighten.

STOP USING LOADED LANGUAGE

- Explore the contradictions. Many Latinos support border patrol increases, but don't necessarily want to deny children an education or pregnant women pre-natal care, as proposed under California's Prop. 187. Examine contradictions such as favoring the importation of seasonal "guest workers" while denying basic benefits to farmworkers here now.

- Press for bilingual/bicultural reporters and editors to be hired to help reach those now muted by invisibility.

- Rid news stories of loaded language like invasion, waves, hordes, streaming across the border, stealing jobs.

- A good model of reporting immigration with humanity and depth exists: the Spanish-language media, including TV networks such as *Telemundo* and *Univisión*, and daily newspapers like *La Opinión* in Los Angeles and *Diario Las Americas* in Miami.

- Explore how the immigrants find jobs, why U.S. employers seek their labor; which industries prosper, and what would be the impact of losing the undocumented labor force.

- Explore the history of immigration reform. The Immigration Reform and Control Act of 1986 was billed as the solution by providing sanctions against employers of undocumented, while legalizing some immigrants. In the 1950s, U.S. policy was massive deportations of Mexicans under Operation Wetback.

The immigration surge of the early 1900s has two major distinctions from today: then the U.S. economy thirsted for unskilled labor and the immigrants were mostly white Europeans.

Today many of the unskilled and semi-skilled immigrants are brown, yellow and black. Their motivations are similar, but their motives are questioned. Our high-tech world has less demand for their labor, yet documented and undocumented immigrants remain essential to many industries.

(Gilbert Ballón is president of the Natl. Assn. of Hispanic Journalists and assistant managing editor of The Dallas Morning News.)

HEADLINE Hospital Workers Union, Nursing Home Trade Shots in War of Words
Bilingualism: A labor organizer who spoke to a nurse in Tagalog files
a federal complaint over the facility's 'English-only' policy.

Byline: LESLIE BERESTEIN
Credit: SPECIAL TO THE TIMES

DATE 02/26/95

SOURCE THE LOS ANGELES TIMES (LATM)

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A union representative who was banned from an Orange County nursing home for speaking the Filipino language Tagalog has filed a complaint with federal labor authorities.

The Hospital and Service Employees' Union Local 399 filed a complaint with the National Labor Relations Board this month against the Hillhaven Convalescent Hospital in Orange, charging discrimination based on national origin. The complaint was filed on behalf of Gabriel Espiritu, 46, of Glassell Park.

In filing their complaint, union attorneys said they hope to persuade the Hillhaven Corp.-a Tacoma, Wash., company that owns the Orange facility as well as thousands of other nursing homes nationwide-to change a restrictive language policy that requires English or the "majority" language of most patients to be spoken in any area where patients might overhear.

In an affidavit filed last week, Espiritu, who is Filipino, describes how he was told by a Filipina nurse not to speak Tagalog after he addressed her in their native language during a visit to the facility on Jan. 23 to introduce himself to union members.

Espiritu said that when he passed the nurse some time later, he again attempted to speak to her in Tagalog, but she ordered him not to in a raised voice. He reported the incident to the hospital's administrator the next day and was told the nurse was right-he was not allowed to speak Tagalog.

When the union business representative returned to the facility Feb. 1 to pick up ballots, the administrator threatened to call police unless he left immediately, Espiritu said. When he tried to leave a few minutes later, he said, police stopped him outside the hospital and he was cited for trespassing. Espiritu is scheduled to appear in court on that matter March 17.

Hillhaven spokesman Mark Timmerman said Espiritu showed a lack of concern for the facility's language policy.

"This is a case of someone who didn't care about the rules," Timmerman said. "This individual just stood there and declared he would speak any language he wanted to, regardless of the rules."

Espiritu denied making such a remark and said the administrator forced him to sit on the ground for almost three hours under "citizen's arrest" while police questioned both of them.

"It was humiliating, having this happen to me while I was on the job, in front of all the workers I represent," said Espiritu, who is also a graduate student at UCLA.

Ease Policy On English, Stores Told

Arlington Commission Challenges 7-Eleven

By Charles W. Hall
Washington Post Staff Writer

Local 7-Eleven convenience stores are discriminating against foreign-born employees by requiring that they speak only English while customers are in stores, the Arlington County Human Rights Commission ruled yesterday in a case involving a Korean national.

The commission urged Southland Corp. to soften a policy that limits the use of foreign languages by employees at 800 7-Eleven stores in Virginia and Maryland. The commission said that Southland can require its employees to speak in English to customers but that it cannot order them to use English in private conversations.

But the commission also ruled that Tae Keune Kim, 38, of Burke, suffered no financial harm because of the policy, and it awarded him no damages.

Under Arlington's human rights law, Southland must decide whether to alter its policy on spoken English. If it chooses not to change the policy, county officials can go to court to seek compliance. The case of Kim is one of a growing number of complaints by employees about policies limiting their right to speak native languages on the job. The issue has not been addressed by the U.S. Supreme Court, although two federal appellate courts have upheld "English-only" rules.

Yesterday's hearing focused on an unwritten policy in effect at area 7-Eleven stores since 1989 that allows employees to use foreign languages while on break and when the store is empty but requires them to speak English when customers are present.

In April 1993, Kim was working weekend shifts in a 7-Eleven store at 426 S. 23rd St. in Arlington when his manager criticized him for speaking Korean with a co-worker in the store.

After Kim protested to company executives, the manager reassigned him to evening shifts, according to testimony, and fired Kim when he did not show up at the new time.



BY ANNAALISA KRAFT FOR THE WASHINGTON POST
Michael F. Marino, attorney for Southland Corp.'s Chesapeake division, questions Tae Keune Kim at an Arlington Human Rights Commission hearing.

Kim, a sergeant in a military intelligence unit, said he was pleased that the policy was found to be discriminatory. "I didn't fight for money," he said. "They are limiting my rights."

One of his lawyers, Donald Schlemmer, was angered by the commission's decision not to award monetary damages. "To say it's improper to discriminate but not assess any damages gives them every incentive to continue discriminating," he said.

Michael F. Marino, a McLean lawyer representing Southland's Chesapeake division, said Southland has an exemplary record of hiring and promoting foreign-born employees.

But he and store managers said that it is a "business necessity" that clerks use English when customers are in the store, even when they are not being waited on, because some customers are intimidated when they hear a language other than English being spoken.

"English is the language we speak

in the workplace," said Otis Peaks, market manager for 72 stores in Northern Virginia. Peaks said Kim was the only employee formally reprimanded under the policy.

Robert V. Ritter, another lawyer representing Kim, said the policy inherently makes foreign-born employees feel uncomfortable.

"This is an English supremacy argument, if you will, and it's not very different from white supremacy arguments of the past," Ritter said. "Mr. Kim feels more comfortable speaking to other Koreans in his own language. That creates better camaraderie and good work relations."

The Arlington case is the second such dispute to occur locally. In 1993, three Spanish-speaking employees at a Dominion Bank branch in Fairfax complained that a manager's English-only policy was discriminatory, and the bank dropped the rule.

The New York Times, October 15, 1995

Some bilingual programs do seem to work. Fully half of the 7,100 students in the Calexico Unified School District, in California near the Arizona state line and the Mexican border, are enrolled in bilingual classes. Most of the students are poor. But the district graduates nearly 90 percent of its high school students and sends nearly as many to four-year colleges. Calexico's curriculums for Spanish-speaking students and for English speakers are the same. The Spanish speakers move first into "sheltered English" classes conducted in both languages and then, typically within three to four years, transfer to all-English classes where they manage to perform at the same grade level as their English-speaking classmates.

"It can be done," says Emily J. Palacio, Calexico's assistant superintendent of instructional services. "But many school districts have viewed bilingual education as a compliance program and not an education program."

Still, at a time when school budgets are tight and when many Americans see immigrants as competition for employment rather than as potential assets in an increasingly global economy, the debate over bilingual education is not just academic.

"Do immigrants deserve special services? Yes," says Sanford J. Ungar, an American University professor and author of "Fresh Blood: The New American Immigrant."

"Will they get them? No. Not in this political climate."

GRAPHIC: Drawing

LANGUAGE: ENGLISH

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CNN

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HEADLINE: English Assumed as Official American Language

BYLINE: REID COLLINS

HIGHLIGHT: Analysts agree English remains America's common language, but one pro-English theorist says English should become the official language. A La Raza spokeswoman, though, says American needs multi-lingualism.

BODY:

REID COLLINS, Anchor: You know, this Independence Day finds some of the ideals of the American dream flourishing among the immigrants. A new CNN/USA Today Gallup Poll that is of English-speaking immigrants finds 93 percent of them feel that people who work hard can get ahead. That's slightly more than the feeling among the population as a whole. And three out of four of those English-speaking immigrants said they felt the United States is a melting pot versus 71 percent among the whole nation.

A question involving the melting pot and the newly arrived American dreamers revolves about the language. Should English be the official language, or should immigrants be able to conduct official government business in another language, perhaps their native one? Joining us here in Washington are H.E. 'Chip' Mann, he's director of government relations at U.S. English, that's a non-profit organization that wants English to be the official language, and Karen Hanson, education political analyst with the National Council of La Raza, a non-profit group with the goal of improving the opportunities for Hispanic-Americans.

Ms. Hanson, while we have you there, let me ask you, what should, in your view, the government be printing in terms of language?

KAREN HANSON, National Council of La Raza: Well, there's some essential government services that should be provided in multiple languages, but those have to do with preserving the public safety and public health concerns for the entire community.

REID COLLINS: Signs of that nature, speed, speed limits, things like that?

KAREN HANSON: Well, for example, in order for a mother to know how to immunize her child, it would be helpful for her to get that information in whatever language she might need so that the whole community can benefit from that

information.

REID COLLINS: All right. Mr. Mann, what's wrong with that idea?

H.E. MANN, U.S. English: Well, the interesting thing is right now, Reid, the United States does not have a official policy regarding language. Most people think that English is the official language of the United States. But House Resolution 123, which is a bill in Congress that currently has 168 co-sponsors, is a measure to make sure that English is the official language of the federal government.

REID COLLINS: All right, now how many documents and official pieces of paper does Uncle Sam print in multiple languages?

H.E. MANN: Interesting question. We asked some congressmen to see if they could look into that. Nobody knows. Right now, we do have examples of some government waste in which bureaucrats have gone ahead and made the decision to print documents in languages other than English, but right now nobody really has a handle-

REID COLLINS: IRS prints some tax forms-

H.E. MANN: Well, for example the IRS printed a half a million tax forms, at the cost of \$113,000, in Spanish, and only 718 returns were filed with the IRS. So out of that half million, only 718 came into the IRS. That's a-

KAREN HANSON: The point here, though, is the English is already our common language. Ninety-five percent of this country speaks English, and immigrants don't learn English, as your initial commentary said. Immigrants today believe that the United States is a melting pot, and they desperately want to learn English. These bills would do nothing to help anyone learn English. In fact, in some cases, they would repeal bilingual education, which is one way for immigrants to learn English.

H.E. MANN: That's not true. I'm sorry, with all due respect, the law as its stated right now says that-as the bill is, House Resolution 123, simply says that documents, policies and actions of the United States government will be in English.

KAREN HANSON: But they would do nothing to help anyone learn English. In fact, these days, English as a second language classes have incredible waiting lists. And it's-people these days are assimilating at the same rates as previous generations of immigrants. So the point is, why do we need another law to tell us what we already know, which is that English is our common language?

REID COLLINS: There is a certain coercive value, though, if everything is in the lingua franca of the country, then you have to learn it. Isn't that the idea?

KAREN HANSON: But there are already enough incentives for people to learn English. They know that they need it to get a good job, to pursue their education. That's not our point. The point is, today, when we're celebrating what unifies us, which is our belief in freedom, in democracy and individual liberty, why are we going to be imposing a restrictionist type of measure on this country. We didn't have a language policy for 219 years, and we certainly don't need one now.

H.E. MANN: Oh, we do. Because multi lingualism is starting to spread. We have
bilingual-

KAREN HANSON: And what's the problem?

H.E. MANN: We have multilingual ballots. We have 36 languages you can get your
driver's license in California. It cost a million dollars a year just to
translate the ballots in the City of Los Angeles alone.

REID COLLINS: Well, I think Ms. Hanson asked what's wrong with that, really?

H.E. MANN: Well, what's happened is there is no current policy. Right now it's,
it's anarchy as far as linguistics are concerned. Any, any-You know how many
languages are spoken in this country? Three hundred and twenty-seven. Where do
you draw the line?

KAREN HANSON: And we don't say that you need to publish documents in all 327
languages in every city and every state. We're saying that there is certain
thresholds at which you should provide documents, and frankly, bilingual ballots
are one way to allow U.S. citizens to vote with intelligence. If they don't
understand some of the measures, which are frankly fairly complex, then how can
they cast an educated vote?

REID COLLINS: Well, to play devil's advocate though, the campaign has been waged
largely in English. If you don't understand the language, can you cast an
intelligent ballot in some foreign tongue?

KAREN HANSON: Well in order for you, in order for you to become a U.S. citizen,
you must demonstrate a certain level of English proficiency. And that's not
being argued. The point, however, is that as you're learning English, as you're
becoming more fluent, and you're a U.S. citizen, you should be able to
understand clearly what you're voting for.

H.E. MANN: But the government in its multilingual policies has done things to
undermine that. One of the things that Karen and I agree on is English is the
language of opportunity. And there have been studies that have been done that
show that a lot of immigrants who don't speak English earn 40 percent less in
their lifetime. We want them to learn English, we just think that English as
the official language will motivate them just as you said to learn English more
proficiently.

REID COLLINS: All right, we have been talking to H.E. 'Chip' Mann of the U.S.
English and with Karen Hanson of the National Council of La Raza. And we thank
you both.

KAREN HANSON: Thank you.

H.E. MANN: Thank you. Happy Fourth of July.

The preceding text has been professionally transcribed. However, although
the text has been checked against an audio track, in order to meet rigid
distribution and transmission deadlines, it may not have been proofread against
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Lally Weymouth

Bob Dole's Plain English

Sen. Bob Dole's suggestions that "fluency in English should be a central educational goal of every state" — and that multilingual education should be abandoned, not employed, as a means of instilling ethnic pride or as therapy for low self-esteem — have been met with cries of outrage. Instead of addressing the substance of the senator's speech, Dole's critics insist on focusing on the GOP frontrunner's alleged motive — pandering to the "far right."

Actually, the subject itself is well worth attention. As Boston-based scholar Abigail Thernstrom notes, Dole — on this issue — speaks for most Americans: "Stop anyone on the street and they'll agree with Dole. This is what ordinary Americans believe."

And with good reason: America's success and prosperity have always turned on the determination of immigrants to assimilate into a common culture with common values and, yes, a common language. Indeed, language, says Linda Chavez, president of the Center for Equal Opportunity, is the facilitator in the assimilation process. It helps you become American.

In this nation of immigrants, assimilation has never meant the abandonment of ethnic, religious or even racial identity. The United States encourages and celebrates ethnic pride. But a national policy that doesn't focus on the long-term success of the melting pot concept virtually dooms America as a civilization.

Dole's speech, in short, represents an effort to combat cultural deterioration, to forestall a process that would lead to an America composed of a patchwork of separate groups — each speaking its own language, each animated by its own norms and values. Bilingualism, in its current mode, leads to multiculturalism. And multiculturalism is a pathway to separatism.

Notwithstanding the charges leveled against him, Dole's quest to emphasize the importance of a common language has nothing to do with immigrant-bashing. Nor, needless to say, is there a line in his speech that can fairly be interpreted as an argument for exclusion.

...as an argument for exclu-
sion.

To the contrary, he insists that English is the language in which we still speak to each other across the frontiers of culture and race.

[Ensuring] that all our citizens are fluent in English is a welcoming act of inclusion.

The majority leader also calls for making language classes readily accessible to new immigrants of all ages—as long as their purpose is to teach English. Sad to say, this element in Dole's speech has received little notice.

Dole dared to defy a cardinal principle of political correctness by calling for an end to "multi-lingual" education. Bilingual education is currently offered in some 145 different languages. Rosalie Porter, an expert on bilingual education, who chairs the Washington-based Research in English Acquisition and Development (READ) supports Dole, noting that there is "no evidence that proves teaching children in their native language helps them to learn either their school subjects or English better"—notwithstanding the claims of the advocates. Indeed, Porter argues that bilingual education will actually hold many children back and deprive them of opportunities they might have enjoyed if they had learned English early and well.

In 1968, the first bilingual education law was enacted by Congress. Its stated purpose was to enable any child unfamiliar with English to learn the language for school purposes. Unfortunately, as Chavez writes in the August Readers Digest, bilingualism metamorphosed into a costly bureaucracy—often defined by a "far-reaching political agenda." The nature of this agenda? According to Chavez, proponents of bilingualism endeavor to keep children in programs far longer than is necessary and often despite their parents' wishes.

For many Americans, Dole's stance on this issue is uncomplicated and devoid of controversy. As to his motives, while it's his critics on the left who've been making the most noise, Dole needs to be concerned about suspicions among GOP conservatives regarding his sincerity. To put it bluntly, many on the right wonder whether or not Sen. Dole means what he says. Some ask where the majority leader has been when this and related battles were far more difficult to fight. Why didn't he raise the question during his many years as a leader in the Senate? Others express concern over how he'll conduct himself if he succeeds in securing the Oval Office.

In short, it's the so-called "far right" that Dole needs to comfort. The senator appeared to recognize this reality in his speech to the Christian Coalition this past weekend. But the majority leader needs to do more—a lot more—in this realm.

A2V

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Los Angeles Times

October 15, 1995, Sunday, Home Edition

SECTION: Part A; Page 1; National Desk

LENGTH: 1823 words

HEADLINE: GOP KEYS ON ENGLISH-ONLY PUSH IN OHIO

SERIES: CULTURE CLASHES. How Disputes Over Values Are Shaping American Politics.
One in an occasional series

BYLINE: By BOB SIPCHEN, TIMES STAFF WRITER

DATELINE: FINDLAY, Ohio

BODY:

Like a prosecutor eager to share damning evidence, state Rep. George E. Terwilleger shoves a grainy Polaroid across his desk.

Angelenos might strain their eyes trying to spot some irregularity in this shot of a government building and a placard reading, "Department of Human Services -- El Departamento de Servicios Humanos." But Terwilleger sees such signs of the times as proof of multicultural chaos to come.

In April, he introduced a bill to make Ohio the 23rd state to declare English the sole language of government. Abruptly, the self-described "farm boy" found himself slugging it out on the local front of a "culture war" issue that has also seeped into the 1996 Republican presidential race.

The issue was elevated into the national debate last month when Senate Majority Leader Bob Dole (R-Kan.) called for English to be declared the nation's official language.

Speaking at an American Legion convention, Dole worried that the United States is unraveling into "a jostling crowd of competing groups. . . . Language, history and values, these are the strings that bind our hearts to America."

But those strings are more intricately entwined than many acknowledge; here in the Buckeye State, the issue of language often prods complex reactions. And history comes in cycles, as evidenced by Cincinnati's recent reversal of a law banning German street signs, a remnant of the anti-German-language crusade that swept the Midwest during World War I.

Ohio, which has moved its primary election up to March 19, will likely be an important stop on the presidential nominating trail next year. It is also a bellwether of who finally is elected President -- since 1896, it has backed a losing candidate only twice.

As the GOP candidates seek support in this key state, Ohio residents will find that the language issue can create surprising divergences. While Dole and at least two of his rivals -- Sen. Richard G. Lugar of Indiana and conservative commentator Patrick J. Buchanan -- have latched on to the official-English

Los Angeles Times, October 15, 1995 Los Angeles Times October 15, 1995,

cause, Sen. Phil Gramm of Texas recently said he "disagreed sharply." Noted for his unswervingly conservative views on most issues, Gramm last week told a Cuban American group in Florida that "I don't think it is the duty of the federal government to tell any city what language they should print their street signs in."

Veto Pledged

Meanwhile, Ohio Gov. George Voinovich, a popular Republican and strong Dole supporter, has pledged to veto Terwilleger's English bill.

Voinovich has said there simply is no language problem that needs fixing in Ohio -- where, according to 1990 census figures, just 21,000 people speak Spanish exclusively, and half that number speak an Asian or Pacific Island language.

Terwilleger, whose file cabinets sport "Dole for President" stickers, counters that he and his constituents want to head off what's happening in states such as California, where taxpayers must spring to print ballots and tests for driver's licenses in a variety of languages.

He and his supporters say that a single official language encourages the blending of many cultures: E Pluribus Unum.

Critics say that assimilation is an unstoppable force, that language laws merely undermine ethnic goodwill.

If those on either side agree on anything, it is that the language battle cuts to the heart of what it means to be American.

*

Up in Ohio's northwest corner, the city of Findlay got its big boost in 1884 when a German-born physician tapped into the area's natural gas reserves. Thousands of German immigrants followed, and today the Hancock County Historical Museum in Findlay celebrates the subsequent boom, when gas lamps blazed on streets draped with banners boasting: "Women Split No Wood in Findlay."

The exhibits omit, however, the ethnic antagonisms that evolved -- harbingers, it might be argued, of sentiments today.

In that period, German was the largest minority language in several states. An 1863 Pennsylvania law, for example, mandated that all official notices appear in German-language newspapers. More than 4,100 public and private schools nationwide taught in German.

As Francois Grosjean points out in the book "Life With Two Languages," German Americans lobbied aggressively for their right to maintain their mother tongue and culture, with considerable success.

German Ghosts

Mainstream backlash against such recalcitrance tapped into the anti-German sentiment stirred by World War I: Chicago and Cincinnati banned German-language books from libraries; St. Louis and Milwaukee closed German-language theaters.

U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES
OFFICE FOR CIVIL RIGHTS



OFFICE OF THE DIRECTOR

FAX TRANSMISSION COVER SHEET

TO

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of Pages Including Cover: 5

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MESSAGE:



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Director
Office for Civil Rights
Washington, D.C. 20201

March 4, 1996

MEMORANDUM

TO: Steve Warnath
Domestic Policy Council

FROM: Dennis Hayashi *Dennis Hayashi*
Director, Office for Civil Rights

SUBJECT: Impact of Senator Shelby's Legislation (S. 356) and
Representative Emerson's Legislation (H.R. 123) on HHS
Programs

As you know Senator Shelby's legislation (S. 356) and an identical House bill introduced by Representative Emerson (H.R. 123) making English the Official Language are vague in terms of what the exact impact would be. It has a specific public health exception which covers direct services and documents. Such an exception would likely cover many HHS programs. However, because the bills do not define "public health", this memorandum assumes that the legislation would prohibit using languages other than English except where an immediate public health risk exists.

Virtually all the agencies within HHS would be impacted, including the Federal Drug Administration (FDA), the Office for Civil Rights (OCR), the Administration on Children and Families (ACF), the Office of Minority Health (OMH), the Administration on Aging (AoA), the Health Care Financing Administration (HCFA) and the Health Resources and services Administration (HRSA).

Presently, all of the above agencies conduct business and produce publications in various languages in order to better serve HHS customers. I requested the various agencies to survey their programs to determine what the impact of S. 356 and H.R. 123 would be. All of the above agencies submitted a compilation of programs and services which they thought might be affected by these bills. It should be noted that the FDA thought their programs would be exempt under the public health exemption. I am nevertheless including FDA programs because a definition of public health is not provided.

Programs and Documents

Service and documents are provided in different non-English languages, but primarily in Spanish. For example, HCFA currently publishes four common forms in Spanish: the application; Consent for Home Visit; Claim Form; and Medicare Card Form. HCFA also publishes informational documents on medicare, flu shots, hospital benefits, and screening mammographies. HCFA plans to also publish the informational documents in English, Spanish, Korean, Chinese, and Vietnamese.

As another example, AoA provides a number of services to the elderly who are either limited English proficient or cannot speak English at all. According the 1990 Census, 1.3 million people over the age of 60 do not speak English well or at all. 38% of older Asians, 37% of older Hispanics, and 49 percent of Hispanics living below the poverty line do not communicate well in English. Particular programs that would be affected include:

- Eldercare Locator, which is a nationwide information and referral service. Individuals can be put in contact with services for older persons in their geographic areas.

- Title VI Grants for Native Americans, which are grants to tribal organizations to deliver nutrition and other supportive services to older American Indians, Alaskan Natives, and Native Hawaiians.

- Disaster Assistance, which is provided to help older Americans following disasters such as Hurricane Marilyn. Specifically, AoA helps older people access transportation, assists with minor home repairs and provides other emergency services. Staff is often bilingual.

- Nutrition Services, which are provided to older people through various meal sites and home-delivered meal programs. Again, staff at the local level is often bilingual.

Health Promotion

- Transportation assistance, which is provided to older people. This is a critical resource for all older people but is especially difficult for those who do not speak English well. Many area agencies use AoA funds to provide bilingual escorts who can assist elders with transportation and then with shopping and other errands.

Other HHS programs that would be affected include:

OMH

- Grants and Cooperative Agreements specifically designated for developing bilingual/bicultural projects. These grants amounted to \$1,445,232 in FY 95.
- Health Promotion programs to assist other HHS agencies in the development of health promotion materials and media campaigns. For example, OMH has provided NIH with information on the rates of asthma among Puerto Ricans to launch a media campaign in Spanish for asthma education among Puerto Ricans.
- Coordination of Minority Health Data. Data is not generally collected by OMH. However, OMH works with other agencies within HHS to ensure that the quality and quantity of health data on immigrant populations are sufficient.

HRSA

- Data collection
- Brochures on Organ Transplantation
- Campaign to prevent perinatal transmission of HIV
- Technical Assistance regarding the Ryan White Care Act

FDA

- 24-Hour automated Seafood Hotline
- Consumer training
- Campaign regarding Iron Toxicity
- Consumer publications and audiovisuals on food labeling, food safety, safe use of medicines and medical devices, cosmetics, etc.

HCFA

- Numerous forms published in Spanish
- General HCFA informational publications which are to be published in Spanish, Korean, Chinese, and Vietnamese
- Mass mailings such as information packets and letters.
- Medicaid and Medicare interpreter services are permitted to be reimbursed

ACF

- Head Start Publications, which are published in Spanish
- AFDC/JOBS applications and information, which are published in Spanish
- Child Support Collection Campaign pamphlet, which is published in Spanish
- Child Abuse Prevention Campaign pamphlet, which is published in Spanish

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

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LEGISLATIVE REFERRAL MEMORANDUM

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SUBJECT: JUSTICE Proposed Testimony RE: HR351, Bilingual Voting Requirements Repeal Act

DEADLINE: COB Tuesday, April 16, 1996

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President.

Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

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TESTIMONY OF

DEVAL L. PATRICK
ASSISTANT ATTORNEY GENERAL
CIVIL RIGHTS DIVISION

BEFORE THE

SUBCOMMITTEE ON THE CONSTITUTION
COMMITTEE ON THE JUDICIARY

U.S. HOUSE OF REPRESENTATIVES

REGARDING

H.R. 351

APRIL 18, 1996

Draft

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before the Subcommittee to present the views of the Department of Justice on H.R. 351, a bill that would repeal the minority language provisions of the Voting Rights Act. The Department of Justice strongly opposes the repeal of this important and beneficial legislation.

Let me begin by quoting from the opening statement of Senator Orrin Hatch at a hearing held just four years ago on these same minority language provisions:

"The right to vote is one of the most fundamental of human rights. Unless government assures access to the ballot box, citizenship is just an empty promise. Section 203 of the Voting Rights Act, containing bilingual election requirements, is an integral part of our government's assurance that Americans do have such access." [S. Hrg. 102-1066, 102nd Cong., 2nd Sess., 1992 p.134.]

Before this Subcommittee, the Department of Justice, in related testimony by my predecessor, John Dunne, supported a 15-year extension of the minority language provisions "in the strongest terms." By strong majorities, both Houses of Congress concurred and passed legislation extending the minority language provisions until the year 2007.

I come before you today to reiterate the Department's longstanding support for the minority language provisions of the Voting Rights Act, and to oppose H.R. 351 in the strongest terms. The initial enactment of the minority language provisions with the support of the Ford Administration and the subsequent extensions of those provisions with the support of the Reagan and Bush Administrations enjoyed strong bipartisan support in Congress. The Clinton Administration proudly joins this bipartisan tradition. The interest in a vital democracy--through access to the ballot box-- knows no party.

Background

When the Voting Rights Act was first adopted in 1965, the Act contained no minority language voting provisions. Originally, the Act responded only to Southern resistance to voter registration and participation by African Americans after laws enacted by Congress in 1957, 1960 and 1964 failed.

Thus, it was left to the Courts to address the pernicious disenfranchisement resulting from a lack of English proficiency. The Supreme Court in Katzenbach v. Morgan, in approving the section of the Voting Rights Act which allowed Puerto Ricans to vote even though many were unable to read and write in English, expressly rejected the notion that the "denial of a right deemed so precious and fundamental in our society [is] a necessary or appropriate means of encouraging persons to learn English." 384 U.S. 641, 655 (1966). Similarly, the California Supreme Court struck down English-only elections as a violation of the equal protection clause of the 14th Amendment. Castro v. California, 466 P. 2d 244, 258 (1970). The state subsequently enacted legislation which was more inclusive than the federal legislation by requiring the recruitment of bilingual deputy registrars and poll workers in precincts with 3% or more non-English speaking voting age population.

In 1975, Congress undertook a second extension of the provisions of the Voting Rights Act that gave the Attorney General authority to send federal examiners and observers to particular jurisdictions and Section 5, which require jurisdictions with a history of discrimination in voting to obtain preclearance of voting changes. At the same time, Congress examined discrimination against American citizens whose mother tongue was not English, and found that they, too, had been the victims of systematic discrimination and exclusion in voting.

Congress recognized that large numbers of American citizens whose primary language was not English had been effectively excluded from participation in our electoral process. Congress also recognized that large numbers of Spanish heritage citizens had been isolated in inferior segregated schools in the Southwest and elsewhere. As a result, they had not only been denied the ability to gain proficiency in English, but had emerged with higher rates of illiteracy than other citizens. The rationale for the minority language provisions was therefore in part identical to, and "enhance(d) the policy of section 201 of removing obstructions at the polls for illiterate citizens." [S. Rep. No. 295, 94th Cong., 1st Sess. 1975, p.37.] Congress recognized that illiteracy should not be a bar to the constitutionally guaranteed exercise of the franchise, regardless whether the discrimination that had contributed to that illiteracy was based on race, national origin, or language proficiency.

Congress was also aware of the special situation of Puerto Ricans, which was addressed in part by the Voting Rights Act of 1965, and of Native Americans, who spoke numerous languages before a word of English ever echoed across this land.

In response to this evidence, Congress added minority language provisions to the Voting Rights Act in 1975 in recognition that large numbers of American citizens who primarily spoke languages other than English had been effectively excluded from participation in our electoral process.

The 1975 amendments to the Voting Rights Act added two minority language provisions requiring bilingual elections. Jurisdictions that had used English-only elections, were over 5% minority in citizen voting-age population, and had a turnout rate lower than 50% were covered under Section 4(f)(4). Those jurisdictions also were brought under the

provisions of the Act that required covered jurisdictions to seek federal preclearance of voting changes under Section 5 and authorized the use of federal examiners and federal observers to register voters or to monitor the conduct of elections. Section 203 required bilingual elections in jurisdictions with citizen voting age population over 5% minority language, and an illiteracy rate higher than the national average. Jurisdictions covered under Section 203 were required to conduct bilingual elections, but were not subjected to Section 5 or federal examiners and observers.

Congress enacted Section 4(f) of the Act recognizing that "meaningful assistance to allow the voter to cast an effective ballot is implicit in the granting of the franchise." [S. Rep. No. 295, 94th Cong., 1st Sess. 1975, p.32.] Pursuant to Section 4(f), the newly added jurisdictions became subject to the Act's special preclearance provisions, and were required to provide information and materials regarding voter registration, voting procedures and elections in the language of language minority citizens as well as in English.

Congress also determined that the language minority requirements were needed to remedy language-based discrimination in areas not covered by the Act's special provisions. The 1975 Amendments, therefore, also added Section 203, which defined language minorities as "persons who are American Indian, Asian-American, Alaskan Natives or of Spanish heritage," and extended minority language requirements to additional counties. Section 203 provides that whenever a covered county "provides any registration or voting notices, forms, instructions, assistance, or other material or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language."

Section 203 is narrowly focused. Congress found that the denial of the right to vote among language minority citizens was "directly related to the unequal educational opportunities afforded them, resulting in high illiteracy and low voting participation." 42 U.S.C. §1973aa-1a(a). Congress, therefore, required that political subdivisions provide language assistance if: 1) more than 5% of the citizens of voting age in the county were members of a language minority, and 2) the illiteracy rate of these individuals was higher than the national illiteracy rate. Generally, counties that fall within the first requirement also meet the second.

The minority language provisions came up for extension in 1982, at which time Congress heard substantial testimony demonstrating continued discrimination against language minority group members and found that the need for these provisions continued. At the same time, however, Congress took a further step to ensure that the provisions focused as precisely as possible on individuals who needed language assistance and would not unnecessarily burden covered jurisdictions.

Prior to 1982, the Director of the Census had counted all individuals of designated groups when determining whether 5% of the voting age citizens of a county were members of a language minority. The 1982 amendments instructed the Director to count as minority language individuals only those persons who were actually unable to understand the electoral process in English. Thus, as English-language proficiency increases among the language minority population, minority language coverage should diminish.

The minority language provisions were considered and extended again in 1992, again with one significant change. Congress determined that under the existing coverage formula,

which reached only jurisdictions in which language minorities constituted 5% of the population, large concentrations of minority language citizens were not reached because -- even though their absolute numbers were large -- they were submerged in very large jurisdictions with substantial majority language populations, such as Los Angeles and Cook Counties. Congress, therefore, extended coverage to jurisdictions containing 10,000 or more minority language voting age citizens.

The minority language requirements apply to all of three states and to selected counties in 25 other states. Thus, for example, election officials in Texas, Arizona, and counties in California, Florida, New Mexico, and New York conduct bilingual elections in English and Spanish; officials in Alaska conduct elections in Native Alaskan languages; officials in counties in Arizona and New Mexico conduct elections in Native American languages; and officials in counties in California and Hawaii conduct elections in Asian languages. The minority language provisions address real problems in the lives of real citizens. Literally, millions of American citizens benefit directly from these provisions.

Enforcement

The Department of Justice has interpreted the minority language provisions to encompass voting related activities, from registration to the actual casting of the ballot, necessary to permit persons to understand the electoral process and ensure their access to that process. While these minority language requirements apply to all covered jurisdictions, each jurisdiction must determine, working together with its affected minority language citizens, what are the particularized needs of that community and what are the most reasonable and effective measures to provide these citizens with an equal opportunity to register and cast an

to determine whether the minority language provisions were being followed. We have filed ten lawsuits to force compliance with the minority language provisions, including four since the 1992 amendments, all have been resolved successfully by agreement with the jurisdictions.¹

The consent decrees we negotiated under Section 203 for the first time provide an effective mechanism to enable the minority language citizens in these counties to enter the electoral malusutan. The consent decrees are based on the extensive experience of the Department and the particularized needs and resources of the local communities. What works best for citizens of Chinese-American heritage in highly urban Alameda County may not work best in the remote reaches of New Mexico, and we have avoided requiring costly efforts that have little practical effect. The decrees specifically avoid wasteful or expensive procedures in favor of practical steps and the utilization of the minority communities' own

¹ U.S. v. City and County of San Francisco C.A. No. C-78 2521 CFP (N.D. Cal., consent decree May 19, 1980) (Spanish and Chinese); U.S. v. San Juan County, New Mexico, C.A. No. 79 508-JB (D. N.M., consent decree Apr. 8, 1980) (Navajo); U.S. v. San Juan County, Utah, C.A. No. C-83-1287 (D. Utah, consent decree Oct. 11, 1990) (Navajo); U.S. v. McKinley County, New Mexico, C.A. No. 86-0029-M (D.N.M., consent decree Oct. 9, 1990) (Navajo); U.S. v. Arizona, C.A. No. 99-1989 PHX EHC (D. Ariz., consent agreement originally filed Dec. 5, 1988, amended Sept 27, 1993) (Navajo); U.S. v. Sandoval County, New Mexico, C.A. No. 88-1457-SC (D. N.M., consent decree Sept. 30, 1994) (Navajo and Pueblo) filed prior to the 1992 amendments.

Cases subsequent to the 1992 amendments include: U.S. v. Metropolitan Dade County, Florida, C.A. No 93-0485 (S.D. Fla., consent decree March 11, 1993) (Spanish); U.S. v. Socorro County, New Mexico, C.A. No. 93-1244-JP (D. N.M., consent decree Oct. 22, 1993) (Navajo); U.S. v. Cibola County, New Mexico, C.A. No. 93-1134 (D. N.M., consent decree Apr. 21, 1994) (Navajo and Keres); U.S. v. Alameda County, CA C.A. No. C-95-1266 SAW (N.D. Cal., consent decree Jan. 22, 1996) (Chinese).

communication systems in order to effectively provide bilingual election information to those who need it. The decrees call for constant communication between the affected citizens and their local government, and provide for flexibility to meet changing circumstances.

The bilingual provisions also have been enforced through the review of voting changes under Section 5 of the Act. Unlike the jurisdictions covered for Asian American and Native American voters, most of the jurisdictions covered for Spanish heritage voters, e.g. Texas, Arizona, and certain counties in California, Florida and New York, have been covered under Section 5 of the Act since 1975. The Section 5 process has been a valuable alternative to litigation and has led to further compliance with the law. The review under Section 5 has still been most effective and has brought about further compliance in minority language covered jurisdictions, such as Texas with its large population of Spanish-speaking citizens. In many states, the provision of election information in Spanish has become sufficiently routine that enforcement action rarely has been necessary. The first lawsuit brought by the Department following the 1992 amendment of the Act, was in Dade County, Florida, a jurisdiction that is not covered under Section 5. A settlement agreement was reached with Dade County early in 1993 to ensure the adequate provision of election information in Spanish.

Enforcement actions by the Department of Justice have been based on detailed incontrovertible evidence of the denial of the right to vote of United States citizens. Since 1975, federal observers, where other provisions of the Voting Rights Act allow, have monitored elections to determine the extent to which language minority citizens were able to receive materials, instructions and assistance in minority languages. A total of 2,218 federal

observers have served in this effort so far. They have been sent to 12 different counties in six states -- Arizona, California, New Mexico, New York, Texas, and Utah -- and have monitored the treatment of Native American voters, Hispanic voters and Chinese-American voters.

These federal observers have witnessed first hand the extent to which the lack of English proficiency of many citizens seriously compromises their ability to participate in the electoral process on an equal basis with other voters. The minority language provisions of the Voting Rights Act have made a real difference for minority language voters with limited English language abilities. Both rates of voter registration and actual participation in elections by minority language individuals have increased since the minority language provisions were enacted. Our democracy derives strength from the participation of as many of its citizens as possible.

The Continuing Need

The need for minority language voting provisions clearly has not diminished since 1992. The Hispanic, Native American, Asian and Alaskan Native populations in our country have all grown in the past decade. Although most applicants for citizenship today must satisfy an English proficiency test, it is likely that many new citizens still need some language assistance to participate meaningfully in the political process. Their citizenship alone gives them the right to vote, and there is no reason why their limited English ability should frustrate that right. Elderly and disabled American citizens who are limited English proficient were able to naturalize and become citizens by taking a citizenship test in their native language and did not need to show English proficiency based on their advanced age

and lengthy permanent residency in this country. (8 U.S.C. §1423). Although fundamental English skills are required to pass the American citizenship test, it does not necessarily mean that the same level of proficiency would be sufficient to participate effectively in the increasingly sophisticated electoral process. Keep in mind that in today's electoral process the ballot initiatives now involve complicated propositions, referenda, and constitutional issues, which are far more intricate than the simple sentence format and questions on the citizenship exam for naturalization.

Significant numbers of voting age citizens still need language assistance. Puerto Ricans, who make up a significant percentage of the Hispanic population, are U.S. citizens whose native tongue is Spanish. Also, many Hispanic citizens who attended school in the Southwest and Midwest as late as the 1950's were educated in segregated schools. Many United States citizens continue to live in segregated communities in which languages other than English predominate.

According to the 1990 census, for example, in Cook County, Illinois, 87,977 voting age Hispanic citizens lack sufficient English fluency to participate in English only elections; in Queens County, New York, 19,162 Chinese American voting age citizens also lack such fluency. In Los Angeles County, 39,886 Chinese American voting age citizens, and 265,350 Hispanic voting age citizens are limited-English proficient. Voter turnout among Hispanics still lags behind that of our majority citizens; whatever the various reasons for this gap, the persistence of this gap cautions strongly against repealing minority language assistance that may help in overcoming these obstacles.

A study by the Mexican American Legal Defense and Educational Fund, for example, found that 70% of monolingual Spanish-speaking American citizens would be less likely to register to vote if minority language assistance were not available and 72% of these limited English proficient citizens would be less likely to vote if bilingual ballots were unavailable.²

Native Americans present a unique situation because of their history, and offer further compelling reasons for the protection of the minority language provisions. Native Americans did not immigrate to this country, but rather this country came to them. They are our nation's first Americans who already lived in this land and spoke many languages before English speaking settlers arrived. It is the declared policy of the U.S. Government, as enacted by Congress, under the Native American Languages Act, to encourage the use and preservation of Native American languages, and the Act recognizes that the use of Native American languages should not be restricted in any public proceeding. 25 U.S.C. §§ 2901, 2904.

Many Native Americans and some other minority language citizens, especially older persons, continue to speak their traditional languages and live in isolation from English-speaking society. For example, in both Apache and Navajo Counties, Arizona, more than one-half of the voting age Navajos lacked sufficient English fluency to participate in English-only elections as of the 1980 census. As of the 1990 census, 49 percent of the voting age Native American citizens in Apache County, and over 50 percent of the voting age Native

² R. Brischetto, "Bilingual Elections at Work in the Southwest," MALDEF pp. 68, 100 (1982).

American citizens of Navajo County continue to be limited English proficient. According to the 1990 census, in Pima County, Arizona, 2,173 Navajo citizens of voting age were limited English proficient and became covered by the Act's requirements for the first time in 1992. For these citizens, the minority language assistance is essential if they are to participate in elections. It is a matter of fundamental fairness; it is the responsibility of this country to ensure that those it has embraced as citizens can participate meaningfully in elections -- the activity of citizens in a democracy that is preservative of all other rights of citizenship.

The repeal of the minority language protections of the Voting Rights Act would disenfranchise American citizens who only recently have had the opportunity to engage meaningfully in participatory democracy. Minority language provisions were passed to help American citizens, who work and pay taxes but have not mastered English well and need some assistance in being able to cast an informed vote.

Many of these citizens have some English *speaking* proficiency, but their English *reading* ability is insufficient to comprehend complicated ballots and written voting information. Some are older limited English proficient Americans, who are least likely to learn English as a second language, and many are poor and poorly educated. Repeal of the minority language provisions would impose an extreme burden on these American citizens in particular.

The Cost/Burdensomeness

Far from being burdensome, bilingual election provisions have been adopted voluntarily by a number of jurisdictions which are not even covered under the minority language provisions. The State of New Mexico, for example, long has conducted elections

bilingually. The City of Los Angeles voluntarily provides information in Korean in addition to the languages which are mandated under Section 203. Santa Clara County, California voluntarily provides election information for its citizens of Asian heritage in their native languages. As noted, California also had a state Supreme Court decision, which led to the enactment of state legislation calling for bilingual elections, that helps encourage jurisdictions to provide multilingual assistance where needed but not required.

As to the cost of enforcing the minority language provisions, Congress examined the cost of bilingual compliance when it extended Section 203 in 1982 and 1992 and concluded that it was not burdensome. The 1992 Congress was assisted by the report of the General Accounting Office published in 1986, which concluded that compliance costs were not burdensome. The GAO reported that for jurisdictions that reported knowing their costs, the total costs for written language assistance as a percentage of total election costs was 7.6%.³ Moreover, the report noted many costs are one-time or occasional (such as those explaining voting rules and procedures) rather than recurring routinely.

The minority language voting provisions require the use of minority languages in order to enable minority language citizens to be effective voters; they do not require jurisdictions to spend money that would not further this goal. Covered jurisdictions are encouraged to target their bilingual assistance and materials to those who need them and to tailor cost-effective programs. They are encouraged to work with local minority language communities to determine actual local needs, on a precinct-by-precinct basis.

³ United States General Accounting Office, Bilingual Voting Assistance: Cost of and Use During the November 1984 General Election, GGD-86-134BR, p. 16.

As an example, the program adopted by Alameda County, California under the settlement agreement, provides for bilingual poll officials and bilingual election information for the 11,394 Chinese-speaking citizens of Alameda County. There is no extra cost for hiring bilingual poll workers because poll workers must be hired in any event, and in a bilingual community, poll workers could easily be drawn from that community. Indeed, state law requires that bilingual poll officials serve these communities. The program is marked by efficiency and effective targeting of information and materials to those who need them. It is also flexible and adapts to changing circumstances.

The minority language requirements are finally becoming an accepted and beneficial part of the usual electoral process in jurisdictions in which many voters need this assistance. The minority language provisions not only increase the number of registered voters, but permit voters to participate on an informed basis. The minority language provisions not only allow voters who need language assistance to be able to read ballots to know who is running for office, but also to understand complex voting issues, such as constitutional amendments or bond issues, that may have just as profound an effect on their lives as the individuals elected to office.

Conclusion

English is universally acknowledged as the common language of the United States. Like the President and most Americans, I believe that you must be able to speak and read English in order to fully partake in the bounty of American life.⁴ At the same time, we

⁴ Bilingual ballots will not discourage the learning of English by limited English proficient citizens any more than a ban on literacy requirements for voting discourages

(continued...)

should recognize, respect and celebrate the linguistic and cultural variety of our society. H.R. 351 would resurrect barriers to equal access to and participation in the democratic process for American citizens who do not speak English very well at a time when the continuing need is apparent and the reasons for repeal are unavailing. Because more than our language unites us, because we are united as Americans by the principles of tolerance, speech, representative democracy and equality under the law and because H.R. 351 flies in the face of each of these principles, the Administration strongly opposes this bill.

(...continued)

literacy. In fact, there is an overwhelming demand for English as a Second Language (ESL) classes in communities with large language minority populations. For example, in Los Angeles, the demand for ESL classes is so great that some schools operate 24 hours per day, and 50,000 students are on the waiting lists city-wide. In New York City, an individual can wait up to 18 months for ESL classes. Studies show that today's immigrants are learning English just as fast as immigrants of previous generations. See e.g. Kevin F. McCarthy and R. Burciaga Valdez, Current and Future Effects of Mexican Immigration in California, (The Rand Corp. 1985) p. 61

This strategy will produce stronger growth without exploding the deficit, Democrats say, though they concede the political allure of tax cuts.

"I cannot tell you that our approach is going to be the most attractive to voters," Mr. Gephardt said.

For Mr. Dole, though, a tax-cut plan could raise questions about his credibility, analysts say. He has long held supply-side theories in contempt and spent a significant part of his Senate career pushing for deficit reduction, not tax cuts. And a call for rolling back the 1990 and '93 tax increases could be politically sensitive, too, because Mr. Dole voted for the '90 increase.

Mr. Dole helped guide Ronald Reagan's 1981 tax cuts through Congress. But he spent the rest of the decade in the Senate dealing with record deficits piled up by a combination of tax cuts and higher spending.

"I am a traditional Republican who believes you ought to restrain spending if you're going to cut taxes," Mr. Dole once said on CNN's Larry King Live. "I don't think you can just cut taxes alone and get gain without pain."

Aides have not decided when to reveal Mr. Dole's plan. For now, it appears he will wait until after the Olympics and deny Democrats a chance to attack the proposal with television ads.

Most advisers believe the plan will be announced near the Republican National Convention, which runs Aug. 12-15 in San Diego. Despite uncertainties on some details, they expect it will include a broad-based tax cut.

"They told me when the announcement is made I will be happy," said adviser Bruce Bartlett, a senior fellow at the Dallas-based National Center for Policy Analysis. He was the first to propose a 15 percent income tax cut to the Dole campaign.

Campaign advisers also are debating a proposal that would allow an income tax deduction for Social Security payroll taxes.

Still, tax cuts are expected to be only a short-term proposal. For the long term, Mr. Dole is expected to offer a major tax-reform package that includes a simpler, flatter tax system and an overhaul of the Internal Revenue Service.

Some conservatives are pushing Mr. Dole to endorse a flat tax, a proposal made popular with some voters by GOP primary candidate Steve Forbes. Although Mr. Dole says he wants a "flatter, fairer" tax system, he is not a fan of the flat tax.

The economic package is being cobbled together with advice from a number of conservatives, including elected officials, academics and Wall Street analysts.

Republicans say that Mr. Dole will not offer a budget-busting tax cut program that would cause the deficit to soar. His program, they say, will find sufficient savings from cutting programs to finance the tax package.

Experts estimate that a 15 percent income tax cut would cost about \$90 billion annually. Analysts say that would require reducing the rate of growth in entitlement programs such as Medicare and Medicaid possibly opening Mr. Dole to Democratic charges that he is slashing health care to finance tax cuts chiefly benefiting the rich.

"They're proposing either blowing a hole in the deficit or even deeper Medicare cuts, even deeper Medicaid cuts, even deeper environmental cuts than they proposed in the Dole-Gingrich budget last year," said George Stephanopoulos, White House senior policy adviser.

Advisers hope Mr. Dole's tax-cut ideas will be more accepted if they are accompanied by a plan to balance the budget.

"If we had a tax cut that got the economy moving again, this would make it much easier to enact very painful spending cuts," said Mr. Bartlett, the Dallas analyst.

But Republican analyst Kevin Phillips said Mr. Dole's conversion to the supply side gospel would be politically damaging.

"He has not had the image of somebody with strong positions, and this could add to that perception," Mr. Phillips said.

Other Republicans are more confident.

"I know he's committed to fiscal sanity, and that

means getting this budget deficit down," former President George Bush said Friday after lunching with Mr. Dole in Kennebunkport, Maine.

One school of Republican thought holds that Mr. Clinton is more vulnerable on economic issues than is generally assumed.

Republicans are cranking out statistics showing that annual growth during Mr. Clinton's administration has been below the postwar average, 3.2 percent. And they also point out that the economy was growing much faster when Mr. Bush left office than it is now.

"I would like to point out to some of you in the press corps, in case you missed it, we handed him an economy that was growing at 5.7 percent in the last quarter 1/8 of 1992/3/8," Mr. Bush remarked Friday.

Assuming there are no policy changes, the Congressional Budget Office predicts the average annual growth rate during the next decade will be less than 2.1 percent.

Stronger growth would put more money in workers' pockets. According to an analysis by Empower America, a pro-growth advocacy group, the average worker would produce \$1,720 more in goods and services if the annual growth rate were at the postwar average through 2007.

In any case, political analysts warn voters not to count on the economic benefits offered by any candidate. Recalling Mr. Clinton's unfulfilled 1992 pledge for a middle-class tax cut, they note that campaign promises often do not become policy.

"What they talk about," said Mr. Phillips, "is not likely to happen."

House passes law making English the official language of government By Catalina Camia Dallas Morning News (KRT)

WASHINGTON The House easily passed legislation Thursday that would make English the official language of the federal government, ignoring claims that it was dividing the nation.

The Clinton administration denounced as objectionable and unnecessary the Republican measure, which had languished for years when Democrats controlled the Congress. The House passed the bill, 259-169.

A similar measure in the Senate is not expected to be debated until after the August recess. But a host of Clinton administration officials including Attorney General Janet Reno and six other Cabinet secretaries said they would recommend that President Clinton veto the measure should it reach his desk.

"I think it is fair to say he would be inclined to," White House spokesman Barry Toiv said.

At the heart of the sometimes emotional debate, which was squeezed in during one of the busiest weeks of the legislative session, was the definition of what binds a nation that long has prided itself as being diverse and multicultural.

Supporters contend that it is the English language that holds the United States together. And they argued that the bill would encourage newcomers to learn the language.

"We must bind the strength that comes from America's diversity through a common language," said Rep. Sam Johnson, R-Texas.

In a rare speech during a House debate, Speaker Newt Gingrich, R-Ga., implored his colleagues to make a positive statement about the United States with their votes. "This bill is a modest step in the right direction to reinforcing and reasserting the greatest civilization ever to provide freedom in the human race," Gingrich said.

Opponents, including most of the 19 Hispanics and five Asian-Americans in the House, said the bill was unconstitutional and would promote intolerance. And they contended it sends a message to foreigners that their languages and cultures are not welcome here.

"This is mean-spirited," said Rep. Kika de la Garza, D-Texas. "It's camouflage ... we're going to rebuild a Berlin Wall around America it's not going to be bricks and mortar, it's going to be something called English-only."

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The measure would require the federal government to conduct most of its business in English, including naturalization ceremonies.

Currently, about 250 federal documents are printed in languages other than English, including tax forms, tourism brochures and immigration materials. The General Accounting Office estimates less than 1 percent of all federal documents are printed in a language other than English.

Altogether, more than 323 languages are spoken in the United States, according to the U.S. Census Bureau.

The bill also would eliminate the federal requirement contained in the Voting Rights Act that states produce bilingual ballots. But bill sponsors emphasize that any state could print bilingual ballots if it chooses.

(EDITORS: NEXT 5 GRAFS OPTIONAL)

In Austin, Texas Secretary of State Tony Garza said the measure would not preempt the state's election law, which requires the printing of bilingual ballots.

Texas Gov. George W. Bush, a Republican, opposes the bill and supports a so-called "English plus" policy.

He believes every child in Texas should be proficient in English, but we should also recognize the Hispanic culture and Spanish language in Texas as being an added benefit in education and jobs," said the governor's spokesman, Ray Sullivan.

The measure makes several exemptions, allowing foreign languages to be used in conducting international relations, trade, the census and national security. Languages other than English also could be used for public health or safety reasons.

Twenty-three states have laws or constitutional amendments that make English the official language, but not Texas. The Arkansas law was signed by then-Gov. Bill Clinton.

(END OPTIONAL TRIM)

Supporters of the bill took great pains to explain to colleagues that they were not being intolerant and, instead, were trying to capitalize on America's diversity. They repeatedly said the measure would not prohibit languages other than English to be spoken or written in private homes or affect programs aimed at teaching immigrants English.

They also amended the bill to make clear that lawmakers could continue to communicate orally and in writing in a language other than English while performing official business.

But the House rejected, 178-250, a non-binding resolution by Rep. Jose Serrano, D-N.Y., that would have encouraged the United States to promote English as a common language. He argued that his substitute would have accomplished what the Republicans wanted, without the force of law.

(EDITORS: STORY CAN TRIM HERE)

In the 30-member Texas delegation, 11 Republicans and Democrats Ralph Hall of Rockwall and Charles Stenholm of Stamford voted for the measure.

Republican Rep. Henry Bonilla of San Antonio joined 16 Texas Democrats in opposing the bill.

Dennis Janet

Agents say no 'smoking gun' evidence found in Jewell's apartment By David Jackson and Ed Timms Dallas Morning News(KRT)

ATLANTA Federal agents said Thursday that they have found no "smoking gun" from searches of Richard Jewell's apartment, cabin or personal storage lockers.

FBI Director Louis Freeh, meanwhile, told the Senate Select Intelligence Committee in Washington that while there are "good leads," there are no arrests imminent.

"Nobody's been charged with a crime," Freeh said.

"Nobody is about to be charged with a crime."

Freeh did not mention Jewell by name, but he told the committee that "the fact that somebody's name has surfaced, or may surface, doesn't mean anything. It certainly doesn't mean that person is guilty of anything."

FBI analysts are poring over material taken from Jewell's property, looking for bomb residues and comparing nails and tape to materials collected from the crime

scene.

"I've heard of nothing like a smoking gun," said one official, who spoke on condition of anonymity. "We're in a holding pattern. We still don't know."

Officials declined to comment on attempts to match his voice to a 911 call and to establish a time line that could give a security guard time to plant a bomb, claim its discovery, walk three blocks to a pay phone to make a 911 call, then return to the scene to help move people away. One official said there is conflicting witness accounts as to whether Jewell would have had time to do that.

Law enforcement officials continue to bemoan the release of Jewell's name. At best, they said, the disclosure will complicate the construction of a case; at worst, an innocent man has been publicly branded.

Former FBI officials agreed.

"I think the FBI's hand was kind of forced prematurely," said Clinton Van Zandt, a former agent who specialized in behavioral science. "Because of the (media and public) pressure, it forces them to play catch-up ball. That's not a good way to conduct an investigation."

Many officials believe the bomber was a "lone nut," perhaps with help from one or two others. Freeh told the Senate that there is no evidence of a major conspiracy.

"We have not found any evidence, for instance, of an international terrorist group, or a sophisticated group targeting the Olympics in general," he said.

He added, "We've had several suspects in this case already, who we focused on, and once we focused on them, they washed out as suspects because we developed evidence which was exculpatory and inconsistent with their participation."

The FBI director said the probe is making "good progress."

The police and media horde surrounding Jewell's northeast Atlanta apartment decreased drastically Thursday.

No FBI agents were in sight at the Buford highway complex and only a few DeKalb County police remained, including one who blocked the entrance. Most of the police present Thursday were there at the request of apartment owners who wanted members of the press off the property.

Meanwhile, Jewell remained closeted inside the non-descript second-floor apartment that he shares with his mother. A closed curtain kept the curious from peering in, and the family's telephone number had been changed Thursday to a non-published one.

As the probe into the park bombing continues, the resources of Atlanta police continue to be taxed by bomb threats. The number of threats had been higher throughout the Games, but increased dramatically after Saturday's explosion in Centennial Olympic Park.

"It's now less than what we had immediately following the bombing, but still higher than normal," said officer John Quigley, an Atlanta police spokesman.

Police on Thursday confirmed that a security guard at the Radisson Hotel in downtown Atlanta was arrested for making a bomb threat Tuesday. They said the guard, who has been fired, is accused of making the call and telling 911 operators that there was a bomb in the hotel.

John Burns, the Radisson's general manager, said the guard had had a good employment record during his nine years at the hotel.

Officer Quigley said the guard claimed he was trying to make other officers better by making them more attentive."

U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES OFFICE FOR CIVIL RIGHTS



OFFICE OF THE DIRECTOR

FAX TRANSMISSION COVER SHEET

TO

FROM

Name: Steve Wernath

Name: Dennis Hayashi

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FAX #: 456-7028

MESSAGE:

M E M O R A N D U M

To: Dr. June L. Harris
From: John Trasviña
Re: Possible amendments
Date: July 22, 1996

Per your request, here is a list of possible amendments that could be offered in relation to H.R. 123. As I mentioned, these amendments are ideas and are not meant to be cleared positions of the Executive branch. I hope they are of assistance to you.

Please call me at 514-2111 should you have any questions.

Thank you.

Possible Amendments

Related to the findings:

Add a new finding that 97% of all United States residents speak English at least "well", according to the 1990 Census

Add a new finding that there are long waiting lists for adult English classes throughout the nation, including 6000 in Dallas, 4000 in San Jose, and 50,000 in Los Angeles.

Add a new finding that the existence of long waiting lists for adult English classes belies the need for official English legislation

Add a new finding that the General Accounting Office surveyed government documents and found that 99.94% of all documents were printed in English

Add a new finding that the U.S. Supreme Court enjoined the implementation of the official English law of Nebraska and other states in 1923 and held, "The protection of the Constitution extends to all--to those who speak other languages as well as to those born with English on the tongue. Perhaps it would be highly advantageous if everyone had ready understanding of [English] but [this] can not be required by means which conflict with the Constitution." 262 U.S. 390 (1923) [check exact text]

Add a new finding that no services, documents, or activities of the federal government are provided in languages other than English that are not first available to individuals in the English language

Amend finding (3) to delete reference to "a common language" and by replacing the reference with "dignity of the individual and respect for human rights over which this Nation's only civil war was fought"

Add a finding that the Fourteenth Amendment reaffirmed the equality of all individuals in the United States

Strike finding (6)

Add a finding that "by learning languages in addition to English, all Americans will be empowered with the language skills and literacy necessary to compete in a highly competitive international economy"

Add a finding that "it is in the national interest that if individuals know a language other than English that they retain and augment knowledge of that language"

Add a finding that "knowing a language other than English does

not impair one's ability to learn English"

In Section 3, replace "official" with "common" everywhere the words are printed

In Section 3, Section 162, line 3: delete ". Such obligation shall include" and add "by"

In Section 3, Section 164, move to strike entire section

In Section 3, Section 165(1) add at the end "in the fifty states and the District of Columbia" thus exempting Puerto Rico, Guam, American Samoa and the Virgin Islands from the coverage of the bill.

In Section 3, Section 165(2), considering adding an exemption for "actions, documents, or policies related to national security, law enforcement, individual or public safety, or any person's enjoyment of civil or constitutional rights"

In Section 3, Section 165(2), considering adding an exemption that the act will not apply to actions, documents or policies for which the costs of compliance would exceed the cost of carrying out or providing such actions, documents, or policies in a language other than English.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

LRM NO: 5239

FILE NO: 104

7/30/96

LEGISLATIVE REFERRAL MEMORANDUM

Total Page(s): _____

TO: Legislative Liaison Officer - See Distribution below:

FROM: James JUKES (for) Assistant Director for Legislative Reference

OMB CONTACT: M. Jill GIBBONS 395-7593 Legislative Assistant's Line: 395-3454
C=US, A=TELEMAIL, P=GOV+EOP, O=OMB, OU=LRD, S=GIBBONS, G=MARGARET, I=J
gibbons_m@mail.eop.gov

SUBJECT: **REVISED** Proposed Statement of Administration Policy RE: HR123,
Language of Government Act of 1995

DEADLINE: 4:00 Tuesday, July 30, 1996

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President.

Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: We understand that the Rules Committee may make the attached Cunningham amendment in order as an original bill for purposes of floor consideration. Please advise by the deadline if your agency wishes to join in the veto threat in the attached draft SAP.

TO: Legislative Liaison Officer - See Distribution below:

provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990

LEGISLATIVE REFERRAL MEMORANDUM
Distribution List

LRM NO: 1235

FILE NO: 1841

SUBJECT: **REVISED Proposed Statement of Administration Policy RE: HR123,
Language of Government Act of 1995**

AGENCIES:

- 7-AGRICULTURE - Marvin Shapiro - 2027201516
- 25-COMMERCE - Michael A. Levitt - 2024823151
- 29-DEFENSE - Samuel T. Brick, Jr. - 7036971305
- 30-EDUCATION - Jack Kristy - 2024018313
- 32-ENERGY - Bob Rabben - 2025866718
- 52-HHS - Sondra S. Wallace - 2026907760
- 54-HUD - Peter Fischer - 2027087793
- 59-INTERIOR - Jane Lyder - 2022086706
- 61-JUSTICE - Andrew Fois - 2025142141
- 62-LABOR - Robert A. Shapiro - 2022198201
- 114-STATE - Julia C. Norton - 2026474463
- 117-TRANSPORTATION - Tom Herlihy - 2023664687
- 118-TREASURY - Richard S. Carro - 2026221146
- 129-VETERANS AFFAIRS - Robert Coy - 2022736666
- 110-Social Security Administration - Judy Chesser - 2024827148
- 31-Equal Employment Opportunity Comm. - Claire Gonzales - 2026634900

EOP:

- Bob Damus
- Steve Aitken
- Ken Schwartz
- Barry White
- Lisa Fairhall
- Elena Kagan
- Dennis Burke
- Steve Warnath
- Gaynor McCown
- Jeremy Ben-Ami
- Jonathan Breul
- Don Arbuckle
- John Morrall
- Dan Chenok
- David Haun
- Ken Apfel
- Chuck Kriener
- Chuck Konigsberg
- Lisa Kountoupes
- Alice Shuffield
- Tracey Thornton
- Peter Jacoby
- Barry Clendenin
- Keith Fontenot
- Jeff Ashford
- Richard Turman
- John Angell
- Lael Brainard
- Ingrid Schroeder
- Mary Jo Siclari
- Jim Murr
- Art Stigile
- Ed Rea
- Janet Murguia
- Jeff Farrow
- Irene James
- Bruce Beard

Language of Government Act of 1995

25-COMMERCE - Michael A. Levitt - 2024823151

117-TRANSPORTATION - Tom Herlihy - 2023664687

RESPONSE TO LEGISLATIVE REFERRAL MEMORANDUM

LRM NO: 5239 FILE NO: 1841

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

- (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or (2) sending us a memo or letter.

Please include the LRM number shown above, and the subject shown below.

TO: M. JILL GIBBONS 395-7583

Office of Management and Budget

Fax Number: 395-3109

Branch-Wide Line (to reach legislative assistant): 395-3454

FROM: _____ (Date)

_____ (Name)

_____ (Agency)

_____ (Telephone)

SUBJECT: **REVISED** Proposed Statement of Administration Policy RE: HR123, Language of Government Act of 1995

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

SUBJECT: **REVISED** Proposed Statement of Administration Policy RE: HR123

DRAFT - NOT FOR RELEASE

July 30, 1996
(House Rules)

H.R. 123 - Language of Government Act
(Emerson (R) MO and 37 cosponsors)

H.R. 123 were presented to the President, the Attorney General and _____ would recommend that the bill be vetoed. H.R. 123 would establish English as the official language of the United States and require the Federal Government to conduct most official business only in English. The bill is unnecessary, inefficient, divisive, and highly objectionable. It would:

- Effectively exclude Americans who are not fully proficient in English from ~~employment, voting, and equal participation in society.~~
- Jeopardize the rights of students with limited English proficiency to equal educational opportunity as well as the ability of schools to communicate effectively with parents with limited English proficiency about the education of their children.
- [Be subject to serious constitutional challenge on the grounds that it violates the First Amendment, the Equal Protection Clause, and the Speech or Debate Clause, as well as due process rights of non-English speakers who are parties to civil or administrative proceedings involving the Government.]
- Make it impossible for the Federal Government to communicate and otherwise conduct required official business with the millions of U.S. citizens in Puerto Rico and the States who do not speak English.
- Effectively repeal the minority language provisions of the Voting Rights Act, thereby ~~meaningful~~ meaningful electoral participation by minority language populations. (The proposed Cunningham amendment would actually repeal these provisions.)
- Impair the ability of Native American tribal governments to engage in self-governance.
- Significantly increase barriers to effective law enforcement in immigrant communities.
- ~~Greatly increase the number of frivolous lawsuits against the Government.~~
- Potentially eliminate programs that promote the welfare of children and older Americans where an immediate public health risk does not exist. The bill could also

required official business with the millions of U.S. citizens in Puerto Rico and the States who do not speak English.

~~prohibit publication in foreign languages of informational pamphlets on subjects like~~
Head Start, Social Security, Older Americans, child support collection, and child abuse
prevention.

English is universally acknowledged as the common language of the United States. But our language alone has not made us a nation. We are united as Americans by the principles enumerated in the Constitution and the Bill of Rights: freedom of speech, representative democracy, respect for due process, and equality of protection under the law. H.R. 123 is contrary to each of these principles.

* * * * *

H8598

CONGRESSIONAL RECORD—HOUSE

July 26, 1996

PUBLIC BILLS AND RESOLUTIONS

Under clause 6 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HANSEN (for himself and Mr. MARTINI):

H.R. 3907. A bill to facilitate the 2002 Winter Olympic Games in the State of Massachusetts, to provide for the acquisition of lands within the Sterling Forest Reserve, and for other purposes; to the Committee on Resources.

By Mr. FAZIO of California:

H.R. 3908. A bill to prevent the illegal manufacturing and use of methamphetamine; to the Committee on the Judiciary, and in addition to the Committee on Commerce, 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.

By Mr. ...

H.R. 3909. A bill to improve aviation security by requiring the installation of certain explosive detection equipment at certain airports, by requiring the installation of explosive resistant cargo containers on aircraft, to provide assistance for the acquisition of such equipment, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ORTIZ (for himself and Mr. THORNBERRY):

H.R. 3910. A bill to provide emergency drought relief to the city of Corpus Christi, Texas, and the Channel Islands National Park Authority, Texas, and for other purposes; to the Committee on Resources.

By Mr. FALLONE:

H.R. 3911. A bill to establish the Great Falls Historic District in the State of New Jersey, and for other purposes; to the Committee on Resources.

By Mr. PORTER:

H.R. 3912. A bill to amend the Federal Election Campaign Act of 1971 to encourage compliance with spending limits on elections for the House of Representatives and enhance the importance of individual contributions and contributions originating within congressional districts; to the Committee on House Oversight.

By Mr. ARMEY:

H. Con. Res. 303. Concurrent resolution providing for an adjournment of both Houses; considered and agreed to.

By Mr. FORBES (for himself, Mr. McDADE, Mr. CRAMER, Mr. LAZIO of New York, Mr. FRUSA, Mr. KING, and Mr. ACKERMAN):

H. Con. Res. 304. Concurrent resolution expressing the sense of Congress concerning the ... to the Committee on Transportation and Infrastructure.

By Mr. COX (for himself, Mr. BONO, Mr. BROWN of Ohio, Mr. FUNDERBURK, Mr. LANTOS, Ms. PELOSI, Mr. ROYCE, Mr. SCARBOROUGH, Mr. SMITH of New Jersey, Mr. SOLOMON, Mr. TORRICELLI, and Mr. DORNAN):

H. Res. 490. Resolution expressing the sense of the House of Representatives that Taiwan should be admitted to the World Trade Organization without making such admission conditional on the previous or simultaneous admission of the People's Republic of China to the WTO; to the Committee on Ways and Means.

By Mr. PAYNE of New Jersey (for himself, Mr. PORTER, Mr. LANTOS, Mr. BERENUTER, Ms. PELOSI, Mr. HASTINGS of Florida, Mr. ACKERMAN, Mr. WOLF, Mr. FATTAH, Mr. TORRICELLI, Mrs. CLAYTON, Mr. OLVER, Mr. EVANS, Ms.

WATERS, Mr. CONYERS, and Mr. CUMMINGS):

H. Res. 491. Resolution expressing the sense of the House of Representatives that criminals from the genocide in Rwanda should be brought to justice by the International Criminal Tribunal for Rwanda; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

- H.R. 1127: Mr. HOLDEN.
H.R. 1281: Mrs. MORELLA.
H.R. 1920: Mr. FRANKS of New Jersey.
H.R. 2167: Mr. VOLKMER.
H.R. 2400: Mr. TORRICELLI and Mr. WALKER.
H.R. 2434: Mr. EDWARDS.
H.R. 2480: Mr. BUYER.
H.R. 2907: Mr. WICKEN.

H.R. 2909: Mr. ... and Mr. FURSE

H.R. 2976: Mr. GILLMOR, Mr. TORRICELLI, and Mr. WATT of North Carolina.

H.R. 3123: Mr. WELDON of Florida.

H.R. 3185: Mr. SALMON.

H.R. 3244: Ms. DUNN of Washington, Mr. JEFFERSON, Mr. JACOBS, Mr. LEWIS of California, Mr. FOX, and Mr. HAYES.

H.R. 3263: Mr. HOYER.

H.R. 3294: Mrs. THURMAN.

H.R. 3427: Mr. DOOLITTLE and Mr. NEY.

H.R. 3615: Ms. KAPTUR, Mr. BRYANT of Texas, Mr. EVANS, and Mr. LEVIN.

H.R. 3699: Mr. ... and Mr. ...

H.R. 3699: Mr. HOUGHTON, Mr. OLVER, Mr. MODERMOTT, Mr. DELLUMS, Ms. MCKINNEY, Mr. BELLERSON, and Mrs. MORELLA.

H.R. 3818: Ms. WOOLSEY, Mr. OWENS, and Mr. HYDE.

H.R. 3887: Mr. INGLIS of South Carolina.

H.R. 3710: Ms. ROYBAL-ALLARD, Mr. MASCARA, and Mrs. FOWLER.

H.R. 3724: Mr. CLINGER and Mr. GALLEBOY.

H.R. 3733: Mr. HAYWORTH and Mr. LAHOOD.

H.R. 3788: Mr. STARK, Mr. OWENS, Mrs. ... and Mr. WOLF.

H.R. 3776: Ms. GREENE of Utah and Mr. SENBRENNER.

H.R. 3783: Mr. HOLDEN, Mr. CAMP, Mr. NEY, Mr. SENBRENNER, Mr. FOX, and Mr. SHUSTER.

H.R. 3807: Mr. KENNEDY of Massachusetts, Mr. SPRATT, and Mr. BENTSEN.

H.R. 3821: Mr. KENNEDY of Massachusetts, Mr. MEEHAN, Mr. DURBIN, Mr. EHLENS, and Mr. GREEN of Texas.

H.R. 3830: Mr. WATT of North Carolina and Mr. CUMMINGS.

H.R. 3830: Mr. ...

H.R. 3830: Mr. ...

H.R. 3830: Mr. ...

H.R. 3879: Mr. ABERCROMBIE, Mr. FRAZER, Mr. RAHALL, Mr. ROMERO-BARCELO, and Mr. HAMILTON.

H.J. Res. 114: Mr. DINGELL.

H.J. Res. 176: Mr. HEFLEY.

H. Con. Res. 151: Miss COLLINS of Michigan, Ms. FURSE, Ms. KAPTUR, and Mr. MATSUI.

H. Con. Res. 202: Mr. TRAFICANT.

H. Res. 423: Mr. ENGLISH of Pennsylvania.

H. Res. 470: Mr. RAMSTAD and Ms. MOLDARI.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 13 by Mr. CONDIT on House Resolution 443; David M. McIntosh.
Petition 18 by Mr. BONILLA on House Resolution 468; Steve Stockman, David M. McIntosh, Sonny Bono, John J. Duncan, Jr., Charles H. Taylor, Walter B. Jones, Jr., J.D. Hayworth, Solomon P. Ortiz, J.C. Watts, Jr., Pete Geren, Chet Edwards, and Helen Chenoweth.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 123

OFFERED BY: MR. CUNNINGHAM

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strikes all after the enacting clause and inserts the following: SECTION 1. SHORT TITLE.

TITLE I—ENGLISH LANGUAGE EMPOWERMENT

SEC. 101. FINDINGS. The Congress finds and declares the following:

- (1) The United States is comprised of individuals and groups from diverse ethnic, cultural, and linguistic backgrounds.
(2) The United States has benefited and continues to benefit from this rich diversity.
(3) Throughout the history of the United States, people of diverse backgrounds have been a common language.

- (4) In order to preserve unity in diversity, and to prevent division along linguistic lines, the Federal Government should maintain a language common to all people.
(5) English has historically been the common language and the language of opportunity in the United States.

- (6) The purpose of this title is to help immigrants better assimilate and take full advantage of economic and occupational opportunities in the United States.
(7) By learning the English language, immigrants will be empowered with the language skills and literacy necessary to become responsible citizens and productive workers in the United States.

- (8) The use of a single common language in conducting official business of the Federal Government will promote efficiency and fairness to all people.
(9) English should be recognized in law as the language of official business of the Federal Government.

- (10) Any monetary savings derived from the teaching of the English language to non-English speaking immigrants.

SEC. 102. ENGLISH AS THE OFFICIAL LANGUAGE OF FEDERAL GOVERNMENT.

(a) IN GENERAL.—Title 4, United States Code, is amended by adding at the end the following new chapter:

CHAPTER 6—LANGUAGE OF THE FEDERAL GOVERNMENT

- 161. Declaration of official language of Federal Government
162. Preserving and enhancing the role of the official language
163. Official Federal Government activities in English
164. Standing
165. Reform of naturalization requirements
166. Application
167. Rules of construction
168. Affirmation of constitutional protections
169. Definitions

July 26, 1996

CONGRESSIONAL RECORD—HOUSE

§ 161. Declaration of official language of Federal Government

The official language of the Federal Government is English.

§ 162. Preserving and enhancing the role of the official language

Representatives of the Federal Government shall have an affirmative obligation to preserve and enhance the role of English as the official language of the Federal Government. Such obligation shall include encouraging greater opportunities for individuals to learn the English language.

§ 163. Official Federal Government activities in English

(a) CONDUCT OF BUSINESS.—Representatives of the Federal Government shall conduct its official business in English.

(b) DENIAL OF SERVICES.—No person shall be denied services, assistance, or facilities, directly or indirectly provided by the Federal Government solely because the person communicates in English.

(c) ENTITLEMENT.—Every person in the United States is entitled—

- (1) to communicate with representatives of the Federal Government in English;
(2) to receive information from or contribute information to the Federal Government in English; and
(3) to be informed of or be subject to official orders in English.

§ 164. Standing

A person injured by a violation of this chapter may in a civil action (including an action under chapter 161 of title 28) obtain appropriate relief.

§ 165. Reform of naturalization requirements

It is the sense of Congress that the longstanding national belief that full citizenship in the United States requires fluency in English. English is the language of opportunity for all immigrants to take their rightful place in society in the United States.

(b) CEREMONIES.—All authorized officials shall conduct all naturalization ceremonies entirely in English.

§ 166. Application

Except as otherwise provided in this chapter, the provisions of this chapter shall supersede any existing Federal law that contains provisions relating to the use of a language other than English for official business of the Federal Government.

(c) Nothing in this chapter shall be construed to prohibit a Member of Congress or an employee or official of the Federal Government, while performing official business, from communicating orally with another person in a language other than English.

(d) Nothing in this chapter shall be construed to prohibit a Member of Congress or an employee or official of the Federal Government, while performing official business, from communicating orally with another person in a language other than English.

§ 167. Rule of construction

Nothing in this chapter shall be construed—

- (1) to prohibit a Member of Congress or an employee or official of the Federal Government, while performing official business, from communicating orally with another person in a language other than English;
(2) to discriminate against or restrict the rights of any individual in the country; and
(3) to discourage or prevent the use of language other than English in any nonofficial capacity.

§ 168. Affirmation of constitutional protections

Nothing in this chapter shall be construed to be inconsistent with the Constitution of the United States.

§ 169. Definitions

For purposes of this chapter:

(1) FEDERAL GOVERNMENT.—The term 'Federal Government' means all branches of the national Government and all employees and officials of the national Government while performing official business.

(2) OFFICIAL BUSINESS.—The term 'official business' means governmental actions, documents, or policies which are enforceable with the full weight and authority of the Federal Government, and includes publications, information, forms, and informational materials, but does not include—

- (A) teaching of languages;
(B) actions, documents, or policies necessary for—
(i) national security issues; or
(ii) international relations, trade, or commerce;
(C) actions or documents that protect the public health and safety;
(D) actions or documents that facilitate the activities of the Bureau of the Census in compiling any census of population;
(E) actions, documents, or policies that are not enforceable in the United States;
(F) actions that protect the rights of victims of crimes or criminal defendants;
(G) actions in which the United States has initiated a civil lawsuit; or
(H) documents that utilize terms of art or phrases from languages other than English.

(3) UNITED STATES.—The term 'United States' means the several States and the District of Columbia.

(b) CONFORMING AMENDMENT.—The table of chapters for title 4, United States Code, is amended by adding at the end the following new item:

Language of the Federal Government..... 161.

SEC. 101. PREEMPTION.

This title (and the amendments made by this title) shall not preempt any law of any State.

SEC. 102. EFFECTIVE DATE.

The amendments made by section 102 shall take effect on the date that is 180 days after the date of enactment of this Act.

TITLE II—REPEAL OF BILINGUAL-VOTING REQUIREMENTS

SEC. 201. REPEAL OF BILINGUAL-VOTING REQUIREMENTS.

(a) BILINGUAL ELECTION REQUIREMENTS.—Section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a) is repealed.

(b) VOTING RIGHTS.—Section 4 of the Voting Rights Act of 1965 (42 U.S.C. 1973b) is amended by striking subsection (f).

SEC. 202. CONFORMING AMENDMENTS.

(a) REFERENCES TO SECTION 203.—The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) is amended—

- (1) in section 204, by striking "or 203"; and
(2) in section 205, by striking "202, or 203" and inserting "or 204".

(b) REFERENCES TO SECTION 4.—The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) is amended—

- (1) in sections 2(a), 2(a), 3(b), 3(c), 4(d), 5, 8, and 13, by striking "or in contravention of the guarantees set forth in section 4(f)(2)";
(2) in paragraphs (1)(A) and (8) of section 4(a), by striking "or (in the case of a State

or subdivision seeking a declaratory judgment under the second sentence of this subsection) in contravention of the guarantees of subsection (f)(2)";

(3) in paragraph (3)(B) of section 4(a), by striking "or (in the case of a State or subdivision seeking a declaratory judgment under the second sentence of this subsection) that denies or abridgements of the right to vote in contravention of the guarantees of subsection (f)(2) have occurred anywhere in the territory of such State or subdivision"; and

ing "or (in the case of a State or subdivision which sought a declaratory judgment under the second sentence of this subsection) that denies or abridgements of the right to vote in contravention of the guarantees of subsection (f)(2) have occurred anywhere in the territory of such State or subdivision".

H.R. 2391

OFFERED BY: Ms. MCKINNEY

AMENDMENT NO. 2: Page 2, insert after the period in line 15 the following: "An employer which provides compensatory time shall provide that an employer may use the compensatory time within 7 days of the date on which the employee earned overtime compensation."

H.R. 2391

OFFERED BY: Ms. MCKINNEY

AMENDMENT NO. 3: Page 4, line 22, strike "40" and insert "22".

Page 5, line 23, strike "40" and insert "44".

Page 6, line 1, strike "240" and insert "22".

Page 6, line 1, strike "240" and insert "44 or 22".

Page 8, insert after line 15 the following:

SEC. 4. OVERTIME.

(a) AMENDMENT.—Section 7(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(a)(1)) is amended by striking "forty" and inserting "thirty-seven".

(b) REVISIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Labor shall report to the Committee on Economic and Educational Opportunities of the House of Representatives the revisions required to be made in the employment hours specified in section 7 of the Fair Labor Standards Act of 1938 to conform to the amendment made by subsection (a).

H.R. 2391

OFFERED BY: Ms. MCKINNEY

AMENDMENT NO. 4: Page 8, insert after line 15 the following:

SEC. 4. VOLUNTARY OVERTIME.

Section 7(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(a)(1)) is amended by striking the period at the end and inserting the following: "and such employee has agreed to be employed in excess of such hours. No other provision of this subsection may be construed to authorize the employment of employees for a workweek longer than 40 hours unless such employees have agreed to such employment."