

109TH CONGRESS  
1ST SESSION

# S. 557

To provide that Executive Order 13166 shall have no force or effect, to prohibit the use of funds for certain purposes, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 8, 2005

Mr. COBURN introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To provide that Executive Order 13166 shall have no force or effect, to prohibit the use of funds for certain purposes, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. FINDINGS.**

4       Congress makes the following findings:

5               (1) On June 3, 1998, a Federal court ruled, in  
6       the case of *Sandoval v. Hagan* (7 F. Supp. 2d  
7       1234), that the prohibition against discrimination on  
8       account of “national origin” in the Civil Rights Act  
9       of 1964 includes a prohibition against discrimination  
10      on the basis of language, and therefore States are

1 required to provide public services in any language  
2 of the recipient's choice.

3 (2) On August 11, 2000, relying on that erro-  
4 neous court opinion, President Clinton issued Execu-  
5 tive Order 13166 mandating that all Federal agen-  
6 cies provide services in the language of the eligible  
7 recipient.

8 (3) On April 24, 2001, the United States Su-  
9 preme Court reversed the lower court rulings in Al-  
10 exander v. Sandoval (532 U.S. 275), eliminating any  
11 legal basis for Executive Order 13166.

12 (4) The United States Constitution vests all  
13 lawmaking authority in the Congress of the United  
14 States, not in the executive or judicial branches.

15 (5) Executive Order 13166 imposes upon the  
16 Federal Government the open-ended and incalculably  
17 expensive burden of providing translation services  
18 into potentially every language known to the human  
19 race.

20 (6) Persons who are not proficient in English  
21 but who are entitled to access government services  
22 can often find more convenient and more reliable  
23 translation services from among their families, com-  
24 munities, and similar affinity groups than from pro-  
25 fessional translators.

1 **SEC. 2. NULLIFICATION OF EFFECT OF EXECUTIVE ORDER.**

2       Executive Order 13166, issued August 16, 2000 (65  
3 Fed. Reg. 50121) (relating to improving access to services  
4 for persons with limited English proficiency), is null and  
5 void and shall have no force or effect.

6 **SEC. 3. PROHIBITION AGAINST USE OF FUNDS FOR CER-**  
7 **TAIN PURPOSES.**

8       No funds appropriated pursuant to any provision of  
9 law may be used to promulgate or enforce any executive  
10 order that creates an entitlement to services provided in  
11 any language other than English.

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