

110TH CONGRESS
1ST SESSION

H. CON. RES. 277

Rejecting and condemning the Equal Employment Opportunity Commission's position that English-only employment rules violate title VII of the Civil Rights Act of 1964 as unjustified and unsupported by law, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 19, 2007

Mr. BROUN of Georgia (for himself, Mr. BISHOP of Utah, Mr. WESTMORELAND, Mr. FEENEY, Mr. CULBERSON, and Mr. BURGESS) submitted the following concurrent resolution; which was referred to the Committee on Education and Labor

CONCURRENT RESOLUTION

Rejecting and condemning the Equal Employment Opportunity Commission's position that English-only employment rules violate title VII of the Civil Rights Act of 1964 as unjustified and unsupported by law, and for other purposes.

Whereas the Equal Employment Opportunity Commission (EEOC) has filed suit against the Salvation Army claiming that the Salvation Army's requirement that its employees speak only English on the job is a violation of title VII of the Civil Rights Act of 1964;

Whereas the EEOC has filed similar suits against other employers on similar grounds, but has rarely prevailed in court;

Whereas Federal courts have held, with only a few exceptions, that the EEOC's position has no support in title VII of the Civil Rights Act of 1964;

Whereas Federal courts rejected the EEOC's position twice, immediately after the EEOC declared its position, by finding the EEOC's position to be "illegal", "ultra vires", and "wrong".

Whereas title VII of the Civil Rights Act of 1964 prohibits employment discrimination on the basis of national origin and not on the basis of language;

Whereas the fundamental error in the EEOC's position is equating the language a person speaks with the person's national origin;

Whereas there may be rare circumstances in which an English-only employment rule is a pretext for intentional national origin discrimination, but in most cases such an employment rule has little or nothing to do with a person's national origin;

Whereas there is no prohibition in title VII of the Civil Rights Act of 1964 against an employer's decisions based on language choices;

Whereas Federal courts have uniformly rejected equating language and national origin, noting that national origin is an immutable characteristic, while language is both mutable and not representative of a person's national origin;

Whereas the EEOC's unjustified policy of challenging employers' English-only employment rules causes significant

disruption in workplaces and denies an employer's legitimate right to control its workplace; and

Whereas the EEOC has rejected numerous informal attempts to control its behavior: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
 2 *concurring), That the Congress—*

3 (1) rejects and condemns the Equal Employ-
 4 ment Opportunity Commission's position that
 5 English-only employment rules violate title VII of
 6 the Civil Rights Act of 1964 as unjustified and un-
 7 supported by law; and

8 (2) calls on the Equal Employment Opportunity
 9 Commission to suspend further activities to enforce
 10 such position.

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